

further treaty. Regarding it in the same view, a just and prudent arbitrator perhaps, who could venture to apply to a political dispute, the reasoning of private conduct, had not found it so impossible to terminate the controversy under the existing treaty and reference. ‘Gentlemen,’ he might have said, ‘the points in this question which are undenied, may lead to an easy solution of the matters in debate. Produce your North line. Place me on that point of the Boundary where you are both agreed; for example, that part of the High Lands that separates the waters of the Chaudiere from those of the Penobscot or the Kennebec; and I shall thence follow *those High Lands* down, easterly, till I meet your North line, and mark out your Boundary; taking care, if I cannot always observe the precise letter, to pursue the strict principle, of the treaty, and adhere at least to its abstract description; that is, I shall include within the United States, the Heads of all those Rivers whose courses flow through their territories to the Atlantic ocean; the rest of the country belongs still to its ancient Sovereign.’

That this is the only just basis upon which these differences could be arranged by arbitration, and the only safe and honourable one to be

settled by treaty, may be further approved by examining the respective Lines, claimed by us, and the United States, and the probable consequences of accepting either.

In exploring this Boundary, the American Government seems to have assumed the principle, that if no such *High Lands* existed, or existed where they would not be intersected by the North line, or intersected, would not divide Rivers agreeably to the strict letter of the treaty, they were then to go up to the St. Lawrence, and fix the north-west angle of Nova Scotia on the very shore of that River. Accordingly they pass over a high and extensive range of elevated Land, which, compared with the other heights and features of the whole Tract, would readily be called and recognized as THE HIGH LANDS, but which they deny to be the HIGH LANDS *in the treaty*, because though these would indeed divide the Heads of Rivers, and give them the course and source of all that flow into and through the United States, and us of all that flow into and through our Territories, yet if the streams on this side empty into the Atlantic, those on the other do not join the St. Lawrence. They pass on, therefore, and meet the St. John's. And here it should be recalled to mind, that neither their Ministers in nego-

tiating the treaty, nor their Agents under the first Commission, had ever dreamed of extending the most extravagant of their pretensions beyond the *right bank* of this river, which they wished to be accepted as the *real St. Croix*, but which, in each instance, was resisted by us, and finally relinquished by them.* Indeed, both the language and the principle of the Treaty, are conclusive evidence, that its negotiators could never have entertained the intention, nor conceived the possibility, of touching, or intersecting, this River; or else in describing a Boundary, which was evidently to pursue the great natural Land-marks of the country, they had never, not only neglected so important a feature, but adopted a principle of separating Heads of Rivers, utterly inapplicable to the Tract to be divided. Now, however, the Americans have the courage to pass the stream, and on the left bank push on their north line. Having intersected the St. John's, leaving the lower half to us, and the upper to themselves, they proceed in their course to intersect its numerous Branches, the lower parts of which are to be theirs, and the upper for us. They pass on, over a beautiful and well wooded country, of gentle hills and valleys, till, instead of

* See Appendix, No. 1.

streams running westerly to the St. John's, they meet with waters that flow easterly to the Bay of Chaleur, a branch of the Gulph of St. Lawrence. These they intersect, taking the source and upper part to themselves, and leaving the rest of their course to us. They pass on, and when a few miles more would have carried them into the Gulph, or River, of St. Lawrence, by whatever name the arm of the sea at that point is to be called, and they meet a stream flowing into it, they have the conscience to stop. And here is the North-west Angle of Nova Scotia, and if there chance to be a hill in the neighbourhood, these are the *High Lands*. Here they turn upon their heel, and follow *these High Lands* down to the south-west and south, dividing, *first*, the streams that flow into the River St. Lawrence, from those that empty into a part of the Gulph, called the bay of Chaleur, both within our Territories; *next*, the waters that flow into the River St. Lawrence, from those that flow into the St. John's, both within, or falling into, our acknowledged Territories; keeping often in sight of, and never at any great distance from, the very bank of the former stream; until, at last, to get round the sources of the Chaudiere, they must turn almost to the

south-east, and making a considerable bend, join *the* HIGH LANDS upon which both parties are agreed.

And this, they would persuade us, is the execution of that treaty, which had proposed for its object "*the reciprocal advantages and mutual conveniences of both parties*": this the Boundary it contemplated and described: which is to sever the British provinces from each other, and the Canadas from Great Britain, "*upon principles of liberal equity and reciprocity*": which has stripped us of a natural and defensible frontier, "*to exclude all partial advantages*": intersected Waters in a manner to leave no question of navigation uninvolved, that "*the seeds of discord might be removed*": and planted, in fine, the American posts and people in the rear of the St. John's, and at the mouth of the St. Lawrence, "*to promote and secure to both countries perpetual peace*"!

But, say the Americans, if your Ministers have made an absurd division, see you to that; it is enough for us that we fulfil the Treaty. Here is the boundary agreeably to ~~its~~ express words, and literal meaning; for the waters on the one side of these *High Lands* flow into the St. Lawrence, on the other, into the Atlantic.

This argument is the chief foundation of their whole pretensions. It may be easily shewn to rest upon false assumptions, and fallacious reasoning. For first, a continuous *Chain of High Lands*, dividing waters in the manner they describe, or in any other similar manner, *does not exist* in the quarter and direction they would run their Boundary. On the contrary, *those High Lands* are repeatedly interrupted and intersected, by low and marshy ground, and by other High Land crossing their line, and what is conclusive, even by Rivers. *Next*, the streams on the one side do indeed flow into the St. Lawrence, (except, that at the point, where they fix the North-west Angle, that water would perhaps be rather described as a portion of the *Gulph*,) but the rivers on the other side *do not fall into the Atlantic ocean*. Ultimately, indeed, it is well known, that all rivers fall into the Ocean, of which all seas, gulphs, and bays, are in some sense a part; but in questions of geography, or hydrography, separate names are given and used for these several parts, and are applied *in contradistinction to each other, and to the whole*. Nor can it be said that the parties, or makers of the treaty, were ignorant of, or averse to, these distinctions, which the common sense and common usage of mankind has constantly recog-

nized, for they themselves have made use of them, and in this very Treaty, and more than once. In the sense therefore in which the treaty applies the words, these Streams do not fall into "*the Atlantic*." They fall into the St. John's, or they fall into "*the Bay of Fundy*," nay, they fall into "*the Gulph of St. Lawrence*," divisions of water, to which those names are given by the Treaty, in distinction from "*the Atlantic*," which, as it touched no part of a coast bounded by the St. Croix, so it could receive no Rivers that flowed through our Territories; and for that reason the Heads of all Rivers that reached it were assigned to the United States. In this understanding the object of the treaty, in describing the High Lands, appears obvious, its principle rational, and advantages reciprocal. If this sense be rejected, the apparent basis becomes not only inapplicable and absurd, but it is impossible to substitute any other theory for so unaccountable a Boundary, or conceive what purpose was had in view, what *motive* proposed, or what madness or folly possessed the negotiators, that they laid down a line, the very figure and appearance of which, on the Map, are as fantastic, as the difficulties it involves are obvious, and the consequences alarming.

Let us now examine, and compare with this,

the **Boundary** as claimed by the **British Commissioners**. It commences from the same point, and runs in the same direction North. On approaching the western Bank of the St. John's, it intersects the range of **HIGH LANDS** already alluded to, rising from fifteen hundred to two thousand feet above the level of the sea, and extending in unbroken ridges in a western course. Here we find that feature of the Country, that elevation of Land, which, from its height and extent, would be easily recognized, and termed, in a geographical description of the tract, "**THE HIGH LANDS.**" Here, therefore, at **Mars Hill**, the name given to the height intersected, we terminate the North line, and fix the North-west Angle of Nova Scotia. Thence we follow these Heights of land, dividing the Heads of Rivers, leaving the St. John's, its source and branches, flowing to the northward and eastward into our Territories, on the right, the Penobscot, the Kennebec, and other intermediate streams, flowing south-westerly, into theirs, on the left, till we reach the fountains of the Chaudiere, where we are joined by the American Commissioners, and proceed together to the Connecticut. It is a fact of great importance, and which has been ascertained by actual survey, that the High Lands, at the point where we are joined by the

American Commissioners, and upon which both parties are agreed, are evidently the continuation of the heights from Mars Hill, and the whole together form one and the same Chain. By this Line we execute the principle of the Treaty, for we divide the Rivers, running in contrary directions into the respective territories of each, at their sources. We fulfil its object, of *equity, reciprocity, the exclusion of partial advantages, ("those seeds of discord,") and the foundation of perpetual peace*, for we establish such an *arcifinius Boundary*, as alone, without exposing their Provinces to attack, could possibly leave ours capable of defence. And, finally, we do no violence to the letter of the Treaty. For the objection to these *High Lands*, on this score, may be fairly reduced to this; the words of the treaty are, "Rivers that empty themselves into the river St. Lawrence:" there are waters, on the northern side of *these High Lands*, that flow into the river St. Lawrence; *but there are also*, that fall by the river St. John's into the Bay of Fundy. Now, if indeed we are to get over this difficulty by verbal subtilty, and the most venial equivocation is to prevail, it certainly appears less sophistical in the Americans to say, the Bay of Fundy is the Atlantic Ocean, than for us to pretend that the Bay of Fundy is the

river St. Lawrence; though, to an accurate reasoner, who consulted the distinctions in the Treaty, the prevarication on both sides would appear nearly equal: but if the principle and basis of the Line be kept in view, and we endeavour to reconcile to them any seeming discrepancy in the words, may we not say to this objection, that there is nevertheless nothing in the description of this Boundary by the treaty inconsistent with the facts of the Survey, though there are indeed other and more facts in the Survey than are mentioned in the description; still if these other geographical facts are of a similar nature, and included within the same reason, (viz. Rivers flowing into and through our actual Territories,) ought they not to be intended to fall within the same division? Besides, what is it to the Americans, where the rivers north of the High Lands discharge? It is enough for them that all on the South flow immediately to the Atlantic, or at least that all which flow immediately to the Atlantic are on the South side. Those are all the Treaty conceded to them, and all, which were not conceded, belong still to their ancient Sovereign, by title paramount, wherever they discharge. It is no objection to our claim therefore, that “*the Bay of Fundy*” is not “*the St. Lawrence*,” while it is conclusive

against theirs that "*the Bay of Fundy*" is not "*the Atlantic Ocean*." For granted, that as the Treaty gives them those Rivers only which flow into the Atlantic, so it assigns to us those only which fall into the St. Lawrence, and that the River St. John's, which empties into the Bay of Fundy, is *an omitted case*; still, to whom does it now belong? To the King, who owned and possessed it years before the Treaty? Or to the Republic, which neither owned, nor possessed, nor claimed it, till after? But the Boundary at and from the North-west Angle is marked and described by *two* facts, or circumstances, the *Elevation of land*, and the *Division of rivers*. The former, which, as it is *first*, and *separately*, mentioned in the treaty, merits perhaps at least an equal consideration, is strictly pursued by the Line we claim, for throughout the whole Survey north to the shore of the St. Lawrence, has no range of heights been intersected, more prominent in elevation, or unbroken in extent. The latter designation, the *Division of rivers*, in the strict and literal sense to which they would confine the Treaty, is found utterly inapplicable to the country intersected by the North line. Now if one part of the description be consistent, and one part at variance, with the geography of the Tract surveyed, and the part which is consistent

be a Land-mark sufficient for our direction, and the part which is at variance easily reconciled with the other, by recurring to the principle, and to what may be considered the *abstract delineation* of the Boundary, why should we not adopt so obvious a solution of the difficulty, and follow THE HIGH LANDS, and divide the waters that fall into the Atlantic from those that fall into the St. Lawrence, agreeably to the letter of the Treaty, where we can, and where we cannot, divide the waters that flow through their Territories, that is, into "*the Atlantic*," from those that flow into the St. John's, and "*Bay of Fundy*," that is, through our Territories, agreeably to the reason and basis of the division.

These considerations have not been mentioned so much with any view of setting forth the arguments, that support the claims of the British or American Governments, which are respectively assisted or impugned by many other collateral reasons, but rather to discover the aims and disposition of the United States, and introduce and explain the late extraordinary proceedings of that Republic. For such being the state of the question, and negotiations respecting this Boundary between the two Countries being now pending, and that possession and jurisdiction over the disputed Territory of

the Crown of Great Britain, which had commenced from the conquest or cession of Nova Scotia and Canada, years before the existence of an American republic, still continuing and uninterrupted, (and not merely the constructive possession of Public or Municipal law, but the actual exercise of sovereignty and jurisdiction, by Grants of land, Issuing of writs, Training militia, Licences to cut timber on the vacant forest, and all other the same duties and privileges of British subjects existing there, as are known at Halifax or Quebec); it seems to have been now thought in the United States, as inconsistent with the free and independent spirit of ‘*the American People*,’ to expect longer the result of those negotiations; and accordingly, during the last year, they resolved, “*that possessory acts on their part should be resorted to without delay.*” In compliance with their request, the King had just before discontinued and recalled his Licences, heretofore granted for cutting Timber on the vacant Forest; an act of courtesy, or concession, which, as it surprised and injured his subjects there, so it might have conciliated the Americans, but which, in the true spirit of friendship and reciprocity, was thus returned. Two of those free, sovereign, and independent Republics, which form the confederacy

of the United States, to whose general authority their obedience seems in a great measure voluntary and uncertain, the States of Massachusetts and Maine, whose territories adjoin this Boundary, agreed immediately in concurrence with each other in Resolutions to the following purport and words—

“Forthwith to take effectual measures to ascertain the extent of the depredations committed “on the lands of this Commonwealth,” (Massachusetts) “and the State of Maine, by whom “the same have been committed, and under “what Authority, if any, such depredations “have been made, and all other facts necessary “to bring the offenders to justice; also to make “and execute good and sufficient deeds, conveying to the settlers on the undivided public “lands on the St. John’s and Madawaska “Rivers in actual possession as aforesaid, their “heirs and assigns, 100 acres each of the land “by them possessed, to include their improvements on their respective lots, they paying “to the said Agents for the use of this Commonwealth five dollars each, and the expense “of surveying the same; and also to sell the “timber on such of the undivided public Lands “as lie contiguous to or near to the waters of “the river St. John’s, in all cases where

“ such sale will in the opinion of the Land
 “ Agents promote the interest of this Common-
 “ wealth.”

In the style and language of these Resolutions, it is interesting to observe that peculiar precision and energy of expression, in which this people has made such amazing progress, since they emancipated themselves from the thralldom of English Sovereignty and English Grammar, and established the Independence of ‘ the American people’ and ‘ American tongue.’ ‘ The depredations’ that are here mentioned are the acts of cultivation of British subjects, the King’s grantees. ‘ *The Authority under which the same have been made,*’ is the King’s Representative, who fixed His Great Seal to their grants; and these are *the offenders to be brought to justice*: ‘ the undivided public laws on the St. John’s and Madawaska rivers’ are the private estates of British subjects, held by such grants of the crown, of twenty or thirty years date, in lots of 500 to 2000 acres, ‘ 100 of which, to include the improvements,’ (the cultivated portion,) are to be confirmed to them each ‘ by good and sufficient deeds of conveyance,’ from this generous Republic : in consideration of which gracious benevolence, the said grantees are to pay a small fine of five dollars each, ‘ for the use of this

Commonwealth, and the expense of surveying the same' (not the Commonwealth, it is presumed, but the estates of the colonists :) and finally, the timber which is thus to be there sold is as much parcel of the King's Demesnes as the trees in Windsor Forest, and by title older than the birth of that Government, which so modestly questions the right, and so delicately anticipates the decision. Not Captain Rock, not Stafford Sutton Cooke, ever gave notice to their tenants, with more scrupulous deference to the pretensions of an usurping Landlord; no Hue and cry in the Police Gazette ever described trespasses partaking of felony, in terms more guarded and indulgent. Considering the nature of the offence, and the character of '*the offenders*,' this moderation can only be accounted for by the habitual respect, which it is so necessary to observe in the United States, towards that description of Inhabitants called *Squatters*.

'But if there was much in the words and expressions of these Resolutions that called loudly for the due acknowledgments of the British Government, care was taken that their execution should add to the obligation. The public Land-Agents of these two States are jointly commissioned, and dispatched, the following summer, (of 1825,) to enforce their rights to the Territory

in question, and reclaim the possession. With a party of men they arrive; "make domiciliary visits to many of the settlers," (the words of their own report,) "explain the object of their visit, and commence surveying the settlers' lots, of 100 acres each, to several of whom they make deeds," (for the consideration, we presume, above enjoined;) "post up notices of the disposition of the State towards the settlers at the Church and at the corn-mills," and appoint two Agents with power to grant permits for cutting timber. They speak, with praise, of the beauty and fertility of the country, and of the industry and hospitality of the Inhabitants, whom they represent to be "well deserving the fostering care of government, having grants from the Province of New Brunswick," in which "they have little confidence, and desirous of purchasing at a fair rate" a good title from their friendly visitors, who succeed in persuading some to make application to their Legislature for that purpose. This much is collected from their Report itself, and from the forwardness with which these facts are avowed, and the industry with which they are published and circulated, these Governments really appear to have been afraid lest their conduct in this respect should pass unknown or unobserved; and while we admire their fostering

attention to the king's subjects in that quarter, we cannot but wonder at the ostentation with which it is proclaimed. But from other sources it is discovered that the zeal of these Agents carried them so far, as to endeavour to persuade the Colonists no longer to muster at the Militia Trainings, which were about to take place under the King's Government of New Brunswick, offering to pay their fines, and omitting no means to seduce their affections; which seem not to have succeeded as was desired, since the Trainings were attended in the usual manner, and a company, it is said, set out in pursuit of the American emissaries, and had they been some hours later in their retreat, the Courts of Law in the Province, might have rendered those acknowledgements to the individuals employed, which their Employers can expect from the Imperial Government alone. On their return, the Report, already mentioned (*and hereto annexed**) is made by these Agents, to their respective Governments. It concludes by recommending, for the Country they have visited, "that two
 " *Justices of the Peace be commissioned*; that
 " *a Deputy Sheriff or Constable be appointed*;
 " and that *one or more Military Districts be*

“formed at Madawaska, and at a suitable time so organized that they may have a Representative in the Legislature of Maine.” Measures, which the same report assures us, have met with the entire approbation of the Executive of that Commonwealth.

Doubtless, persons were not wanting in the States, that adopted those Resolutions, (for there are in that country men of justice and honour, in all the offices of public, and private life, but who, from the nature of their Constitution, have too little influence upon the measures of the Government), who, we may believe, failed not to protest against so bold a defiance of national Law, and demonstrate the danger and impolicy of such an attempt: that by the clearest principle of natural equity, and the acknowledged usage of civilized Nations, the party in possession could never be disturbed before the decision of the controversy: that the idea of strengthening their claim by possessory acts at this hour was absurd in the extreme: that the endeavour either to steal possession, or usurp it by force, was an insult no Nation could be so weak as to dissemble, or so spiritless as to endure; still less that Power, which had often commenced hostilities for slighter provocation and less worthy cause; which, when formerly the Spaniards seized

the disputed Territory of Nootka Sound, a desolate, useless possession, on the other side of the Globe, flew instantly to arms; and which here, within our own memory, when France seemed to be encroaching, in fifty-five, from the frontiers of Canada, thought it not too much to light up war in the four quarters of the world, to vindicate her honour, and avenge her subjects. Do not imagine that such a Power is to be thus footed, like a stranger cur, from their possession, but expect rather the revival of that national policy, which their Indian Allies would gladly hail, as *the Dog who bites before he barks*; expect the Fleet and Garrison of Halifax again at the Penobscot. And, finally, that the measure proposed was of all others the most likely to defeat the object in view. Why provoke the attention of that Government to a subject, from whose indifference to which we have every thing to hope, and nothing from intimidation? Why teach her the value of the possession by our eagerness to seize it? Or what former question, either of commercial intercourse, or territorial right, had been so compromised, that we should repent or be weary of negotiating? Since there are two ways of acquiring Territory, by force, and by treaty, let us adhere to that in which we have

been most successful ; for though, if we meet resistance, we may retrace our steps, we cannot easily allay the irritation these Resolutions must produce, or explain their offensive terms.

There were others, on the contrary, who considered this the language of the inveterate Apologists of Great Britain, and suited rather to their former dependence, or the infancy of their freedom, than its present maturity of strength and wisdom : who refused to understand how the law of nations could be more violated by possessory acts on their part, than on hers : who denied that any apprehension or argument could be derived from ancient examples of British spirit and policy, for time, while it had developed and matured the resources of America, had been adding to the burthens of England ; and however high had been her courage, and successful her dictates, to the Slaves and Despots of Asia, and of Europe, nothing had yet been seen of it, on this side of the water, that seemed equal to her power, or worthy of her fame ; whether it was that history had exaggerated the prowess of her arms, or that her spirit cowered, and her destinies declined, before the ascendancy of American valour. It was not by such temporizing policy that the Floridas had been added to the Union,

but by boldly occupying with force, what Spain delayed to concede by treaty, and doing ourselves that justice, which, if we are to wait upon the pleasure of Courts in Europe, we may for ever expect. Nor could it be answered that a different measure of respect might be found expedient for the King of Spain, and the King of Great Britain; the acquisition of Moose Island had originated in no other means than these now to be adopted; that example was sufficient to prove, either that possession was not so sacred a thing as by some is imagined, or that Great Britain was accustomed to its violation, and knew how to bear it with better temper, than her admirers have supposed. Then cease to threaten us with what is due to the dignity of her Empire, but consult rather the character of our own, and if you can remember the war of 55, do not forget that of 76, unless perhaps we defied and vanquished that kingdom fifty years ago, to tremble now at her displeasure, or be less forward to assert our right at this day, and take possession of our own. The Territory in question belongs neither to Great Britain nor to the General Government of the United States, but to the Commonwealths of Massachusetts and Maine; why should we

expect the negotiation of two parties, to either of whom we deny the right?

Whatever may have been the language used, we feel assured it was on the balance of such motives and arguments, that these resolutions were approved and enforced. Upon which side the reason lay, remains to be decided by the event. Communications, it seems, have been made by the Lieutenant Governor of New Brunswick to the King's Minister at Washington, and in consequence of his remonstrance, the further execution of the measure has been for the present suspended. How soon it may be resumed, and to what extent carried, will depend upon the degree of patience with which the past shall be endured.

The Constitution of the United States, as the undoubted perfection of political economy, has many other claims to our admiration, and particularly this also, that the difficulties it presents with regard to foreign relations, however annoying to other Powers, are extremely convenient for themselves. A Treaty ratified by their Executive may, it seems, be rejected by the Senate; accepted by the Senate, the Representatives in Congress may refuse laws necessary for its execution; confirmed and sanctioned by

the Laws of Congress, the obedience of the several States is voluntary and uncertain, for the authority of the Federal Government appears to be sometimes unsettled and disputed in theory, and, in fact, always destitute of compulsory force. In the present instance also they can hardly fail to have recourse to such expedients. The General Government will probably disavow the measure, and deny the power of the two Commonwealths to usurp this Territory; the two Commonwealths will deny the power of the General Government to concede it. In either case Great Britain feels the inconvenience, and the United States the advantage. The House of Representatives in Congress, and still more the *State Legislatures*, are mostly composed of men, who seem to entertain no very accurate, or very scrupulous, ideas on the Law of Nations. The Puritans of the North find nothing about it in their Bibles, and the Free-thinkers of the South would not regard it if they did.

Certainly a more barefaced aggression, so solemnly resolved, so boldly executed, and so openly proclaimed, has been seldom suffered, or suffered with impunity, between two Nations. Not that the United States have never before sent emissaries to seduce the subjects, or usurp

the dominions of a friendly Power, but always with some pretexts to excuse, or in a manner to palliate the intrusion, or, at least, with secrecy to conceal it. But here no circumstance of injustice and contumely appears to be wanting. A People, with whom we are on terms of the most confident amity, with whom the King has been long endeavouring to settle, by reference and negotiation, questions of Boundary, and every other difference, are not afraid, nor ashamed, by the deliberate acts of two of their Legislatures, to declare an extensive Territory, (of which, to say nothing of the right, we are in possession, a possession too, older than their existence), to be their own public undivided Lands; to affect to consider and treat its Inhabitants and Authorities as trespassers and criminals; order them to be dispossessed, and brought to justice; send thither their public Agents to cut and seize the King's Timber, to resume and sell the land he had granted, intrigue with and seduce his subjects, supersede his Government, establish the civil jurisdiction and military organization of their Republic; and, in short, completely transfer to themselves, without further ceremony, the full sovereignty and propriety of the whole Country. The attention of the Public in England is so constantly engaged

by objects of more immediate, or more alluring interest, that it can hardly for a moment be directed to a matter so remote and so imperfectly understood; but in that quarter of the Empire, this event has been beheld with astonishment and indignation by all classes of the King's Subjects. In the most solemn manner their situation and constitution admit, they have hastened to send home their humble Representation,* of the injury done and threatened, to their properties, and their Sovereign's rights, and lay at the foot of the Throne, their earnest prayers for protection; and are now looking with anxious eyes to the conduct of the Imperial Government, to learn whether they will still suffer their facility or indifference to be cajoled by the fair professions of that Republic, or will, at last, be awakened to its real character of turbulence and aggression, and convinced of the necessity of never yielding an inch to a Nation, whose demands rise upon every concession, and whose strength is increasing with every demand. For it is indeed a melancholy thing, particularly for British Subjects in those Colonies, to see Great Britain, their Mother Country, that once possessed the whole Continent of North Ame-

* *Appendix*, No. 4.

rica, driven in this manner, from the Kennebec to the Penobscot, from the Penobscot to the St. Croix, from the St. Croix to the St. John's, and now, finally, from the St. John's up to the very verge and shore of the St. Lawrence, not by conquest or the decline of her power and Empire, but through the mere address and cunning of a People, who seem ashamed of no means in advancing a pretext, and regard neither the rights, nor the common courtesies of Nations, in asserting their claims. Still more humiliating must it be, if Great Britain has now to endure from that Republic, on the eastern extremity of their dominions, the same violation of Territory, which they inflicted with so much insult and triumph, on the King of Spain, in the South. "*The Americans have no conscience, Father,*" said the Indian Chief, in his *talk* to Sir George Provost, "*they have no heart; they will drive us beyond the setting Sun:*"—and *they will push you into the Sea*, he might have added; for unless a stand be now made to prevent it, they eventually will.

The decision of the present question may be found to involve no less a consequence. For there appear to be four principal objects to be secured, or compromised, by the settlement of this Boundary.

First. A Tract of Land, highly valuable for its extent, quality, and situation. It comprises upwards of 10,000 square miles; is covered with a thick and lofty growth of the finest timber; (the native beauty of the Country has not escaped the observation and praise of the American Agents); it is watered by frequent lakes and rivers, the St. John's, and its numerous branches, communicating with the sea, by safe and uninterrupted navigation, (with the single exception of the Grand Falls, which may be easily overcome,) and flowing into and through our actual Territories, of which they are naturally, and almost necessarily, a portion. This Tract is at present very partially cultivated, and thinly peopled: but the pretensions of the United States once removed, it would immediately be occupied. No part of our foreign Possessions offers more encouragement to the emigrant than this district, and if Government will at last be ever persuaded to take up and conduct the business of Emigration, in a manner worthy its results to the Empire and mankind, there is no place where it should sooner be our care to establish a body of loyal and industrious Settlers, who, ceasing to be a burthen here, would there add strength to our dominions, and in a very critical point

Secondly. An object of higher importance is *a defensible line of Frontier*. To establish an *arcifinius* Boundary between the two Countries in this quarter, was as clearly the intention of the Treaty, as it is indispensably necessary for our security. If the present claims of the United States are conceded, and they pass the River St. John's, or even if they reach and possess its western Bank, the whole Province of New Brunswick lies at their mercy. Occupying the upper part of such a stream, the country below could never be protected, from contraband trade, in time of peace, nor from invasion in time of war. All the difficulties of preparation and transport, for attack, will then be overcome with security within their own Territory, and their descent into ours will only offer increased facilities in proportion as they advance. The only Line of division, which can distinctly separate the two Countries, and secure the weaker, as in this quarter Great Britain must be considered to be, against the aggression of the other, is to divide the Heads of Rivers, agreeably to the principle of the Treaty, by the High Lands from Mars Hill. Indeed, it is not too much to affirm, that this is the only practicable Frontier, which the relations of the two Powers, and the geography of the Country, can admit. The

Boundary must be either Mars Hill, or the Isthmus of Cumberland, or the Penobscot. A meridian Line over such an extent of territory, intersecting Rivers in such a manner, can never exist. A division, full of inconvenience for two Parishes, and almost impracticable for Counties in the same Kingdom, can hardly answer between two Nations. Between two Nations, having a common language, opposite maxims of government, incessant intercourse, conflicting interests, and a mutual and undisguised jealousy and rivalry of each other, such a Frontier can only produce continued collision and endless disputes, and must sooner or later end in a struggle, which, if there be no other recourse, Great Britain had better anticipate than defer.

It will be in vain that the possession of Grand Manan has confirmed to us the controul of the Bay of Fundy, or that by again seizing the mouth of the Penobscot, that controul may be secured, and extended along the adjacent American Coasts, if the United States are thus to acquire in our rear the command of a River, which flows through the midst of New Brunswick, and whose various branches communicate by an easy navigation, with almost every quarter of the Province. The immediate consequence to

be apprehended, must be, the case of a rupture with that Power, the attack and conquest of this Colony, and it may not be without use to anticipate the remoter, but no less important, and no less probable, consequences. The neighbouring Province of Nova Scotia becomes exposed at almost every point to attack from the mouth of the same Stream. The St. John's, by one of the greatest curiosities of nature, presents difficulties at its entrance, which might be easily so strengthened, that no force from Sea could penetrate it. Here then the enemy would have every convenience and security for preparing their Flotilla, and would expect in safety their opportunity for crossing, by a few hours course, to the opposite shore. Nor could any naval superiority prevent the occurrence, or repair the effects, of such opportunities. The nature of the Bay of Fundy renders the assistance of ships of war uncertain in summer, and in winter their very presence impracticable. Thus the natural defences of the Isthmus of Cumberland would be turned, taken in the rear, or become useless, and instead of a long, difficult, and circuitous march to the strongest, and perhaps an impregnable, entrance of that Province, the enemy gain the choice, and access, of the weakest, and in five days, an

American army from the mouth of the St. John's, might be cannonading the forts and ships of Halifax Harbour. But it is hardly necessary to inquire how long Nova Scotia could be retained, were New Brunswick lost, or how long Halifax or any other Place defended, were Nova Scotia overrun, or how the American Coast could be blockaded, or even a superior Fleet maintained in those waters, with no Harbour for shelter, or repair, to the northward of Bermuda, and westward of Ireland; (though perhaps one might reasonably extend the consideration of these consequences so far, as to question the safety of our West India commerce, or even the possession of those Islands, and still more the security of Newfoundland, and the Fishery on its banks): it is sufficient, that, without any pretension to military science, it must be obvious to any one, who either has any acquaintance with the country, or even considers its situation on the Map, that the acquisition of such an advantage by an enemy, and its loss on our part, must greatly increase their chances of conquest, and the cost and difficulty of our defence.

3rd. The third consequence involved in the settlement of this Boundary, is the Connexion together of the British Colonies, and their Com-

munication with each other. That **Wedge** of territory, which the United States are endeavouring to drive up between Canada and New Brunswick, will most effectually separate the upper and lower Divisions of our possessions in America, and expose the Frontier of the former Province, no less, than it commands the occupation of the latter. A long and narrow strip of land, scarce thirteen miles in width, along the shore, at the entrance of the St. Lawrence, (which is all they would here leave us, in this quarter, on the right bank,) cannot be considered a very tenable possession. The navigation of the river becomes endangered, and the very passage of the Mails extremely circuitous, and extremely precarious. The situation of New Brunswick renders it the centre of our Empire on that Continent, and the Territory in question is the very point of union; and as a prudent Commander would reserve his chief force and vigilance, for the protection of that position which secures the connexion and support of each extreme, no less anxiety should be shewn by a wary Government, along the Line of its dominions, more especially if so critical a part has already attracted the desires, and even the attempts, of our Adversary. In a commercial as

well as political view, this Connexion has now become of consequence, and the course of future events may prove it far more important. For if the Union of all those Colonies under one General Government, as is sometimes suggested, should ever take place; or if, by any unforeseen exigency, the ties between them and the Mother Country should ever become less intimate, or less effectual, such a Communication and Connexion would become to them an important bond of Union, and would create and secure a community of feeling and interest, and prevent their falling separately into the hands of that neighbouring Republic, whose power and commerce already threaten to rival Great Britain, and to whose increase, except in the present instance, we do not know what other opportunity will be ever found to prescribe a limit.

4th. But if these considerations appear of remoter interest, there are others more immediate, and perhaps more important. For it is not merely the communication between the Colonies themselves that is at stake, but the communication, between the Canadas and the Sea, between the *Canadas* and *Great Britain*. During eight months of the year, from the first of September to May, not even an answer from

England to any intelligence from Quebec, can be there received, except through the United States, or through the Province of New Brunswick. Supposing the latter communication interrupted, (as it will be most effectually, if any other Boundary is accepted, but that claimed by His Majesty's Commissioners,) it may easily be conceived what advantages an enemy in that country would possess, who should commence hostilities a little before that period, in the month of August or July, and thus have nearly a twelve-month to overrun those Colonies, before they could receive the assistance of a single man, or a single musquet, from the Mother Country; whose armament, on arriving, the next June, might possibly find the enemy encamped on the Heights of Abram, or their very flag on the Walls of Quebec. Or if the Nation, with whom we have to contend, were such, as would probably overlook this advantage, still should any disaster occur in the course of the war, how injurious must be so long a delay, and how frequently must succour arrive too late. In short, is it possible for Great Britain to retain and defend a country, from which she would not only be so perfectly severed, by distance and climate, but of the very occurrences in which she must

remain in utter ignorance, during the greater part of the year.

It is not merely a Route to convey the Mails that is wanted, (which the Americans would very speciously offer, by a proposed exchange of territory, leaving us the left side of the Madawaska, for an equivalent on the right of the St. John's, and which even then would continue at their mercy,) but a Military Line of communication, the means of transporting troops and stores, from St. John's, or Halifax, to Quebec, with convenience and security. The advantages, of this Line have been already in some measure perceived. During the late War, regiments were marched through, and sailors transported, in the depth of winter, with perfect safety, to the Upper Provinces, where their arrival was very seasonable: and similar, and far more extensive, services, cannot fail to be received, or regretted, in case of future conflict. Such is the importance of preserving this communication, that the present question of Boundary can hardly be considered in any other light, than as involving the question of the expediency, of retaining, or relinquishing, the whole of the British Colonies in North America.

It would really appear to be faintly perceived, or seldom considered, among us, how formidable

a rival we must one day have to contend with in the United States, how rapidly that day is approaching, and how momentous must be the issue. At so great a distance, and comparatively of minor interest, little is here observed of the intriguing, ambitious, and imperious character, of a People and Government, who consider every thing they can claim and reach, as already their own, and every thing they cannot, as an injury to be borne only till they have acquired further strength. In the very terms of a previous concession they can find subject for fresh demands. With reciprocity for ever in their mouths, they can induce us to relax our system of Navigation, and yield them commercial advantages, which they then refuse or delay to return, and seem to think conduct, which in private life would be thought little consistent with good faith, to be the proof of policy on their part, or of weakness upon ours. Yet to whatever subtilty they may descend on some occasions, the boldness of their measures on others, bears no proportion to the imbecility of their present power, but seems to assume all the importance of their future expectations; and as if the vast Countries of the West were now too little for their increase, or were already but the means of acquiring more, we see them grasping, with one

hand, the shores of the Gulph of Mexico, and reaching, with the other, at the Gulph of St. Lawrence ; fortifying the mouth of the Columbia, on that side the Globe, intriguing and threatening for a Port in the Mediterranean, upon this ; at one time, forbidding any Nation to colonize the coasts of the Pacific, and dictating, at another, to the new Republics of the South, not to touch the Havannah ; and now, at last, publicly proclaiming, by the Message of their President, that their former submission to Belligerent rights can only be remembered with the resolution of never enduring it again. (What is this but to say, that if any Nation will go to war with Great Britain, they stand ready to join them ?) Their attempt to seize, their unwillingness to relinquish, their very demand of, the Territory in question, is a striking indication of their present aims, and future measures. For why do they thus covet the possession of so angular and insulated a tract, as if they had not already more vacant land than they can people for centuries ? Why, but for the injury, and insult, it must inflict upon Great Britain ? For surely the injury to the security of the Empire will not be greater, than the insult upon its policy, if they have any argument, by which we can be persuaded, that the

North-west Angle of Nova Scotia, which France once had at the source of the Kennebec, England at the Penobscot, and the Americans themselves, in 83, agreed was on the south of the St. John's, is, in point of fact, at the mouth of the St. Lawrence. The secret is, that the United States have long found the British American Provinces to lie heavily on their flank and rear, and overhang and command their coast. To throw off so effectual a curb, and still more, by the acquisition of these possessions, to rid themselves of the superiority, or even of the presence, of the British fleets, in those waters ; to get at their mines, to monopolize the fish and timber of America, force themselves into the West Indies, and force Great Britain out ; these have been their constant objects, since their first struggle for independence, to the present hour. Their efforts have as yet been unavailing ; nor have they for the future, by arms at least, any prospect of better success. In a few years, these Colonies will not contain less than two millions of inhabitants, who, in such a country as America, are not to be conquered : and in the mean time, experience has shewn, that with the protection of Great Britain, they may be defended ; except indeed their natural Barriers are conceded by negotia-

tion, and their connexion, and communication, with each other, separated, and lost.

The future destinies of the British Colonies in America, as far as from situation and circumstances can be probably conjectured, seem to promise a permanent continuance of their Connexion with the Mother Country. Or even if at any distant period that Connexion may be variously modified, according to the changes of time and events, yet, under the names of dependence, protection, or alliance, it can hardly fail to be almost equally intimate, and mutually advantageous. The commerce, the wants, the situation and fears, and above all, the moral feelings, of the Inhabitants, afford the surest earnest of this expectation. The liberal and parental policy of the Mother Country, particularly of late years, has added the ties of interest to those of affection, and left them nothing to gain, by any change that could be offered. Least of all can any desire, either exist at present, or arise hereafter, to exchange their dependence on Great Britain, for dependence on the American Congress, and submit their commerce to be taxed, and regulated, by the slave-holders of the South, or Planters beyond the Alleganies, who have never seen the Sea. There does not exist among them, either in name or thought, such a thing as a

Party, or even a feeling, in favour of the United States. The avowal of such a sentiment, or the suspicion of entertaining it, would immediately destroy a man's place and character in society. Their warm and frequent expressions of attachment to England, and aversion to American principles, would surprise a stranger, and seem perhaps unnecessary to a Philosopher. We do not allude either to the antipathy of the Canadian, or the fanaticism of the Loyalist, or the longing of the Emigrant for his native home; but to that rational preference of men of sense and education, who having a near and constant opportunity of comparing a mixed Government with a pure Democracy, see little reason to prefer the latter; and if the King's prerogative appear to be sometimes exercised with less justice or judgment, know how to distinguish between the principle and the abuse, and derive abundant consolation in finding the Democracy of their neighbours, more capricious in the favour she bestows, more servile in the homage she exacts, more unreasonable in preference, more oppressive in displeasure, and absolute in all. Nor should the disputes which sometimes arise with the Colonial Assemblies, be considered as at all involving the question of loyalty or disaffection, but as the natural results

of a Legislature, composed of several orders, or of persons representing their powers, whose constitution has not yet become settled by precedent and usage, and to which the practice of the Mother Country is not always analogous, or the analogy not always conclusive. If however, in process of time hereafter, as they increase in wealth and population, the consciousness of importance should, as is wont, give rise to feelings of a more national description, Great Britain will probably see it for her interest, to anticipate and direct these, to a separate confederacy among themselves, rather than suffer them to swell the overgrown Empire of their neighbours. Of the present policy of friendly relations with the United States, there cannot exist a doubt, nor a wish for their interruption. But the best pledge for their continuance perhaps, is to hold in our hands the means of blockading and attacking their whole Coast, which is secured by the Ports of Nova Scotia and New Brunswick, and an inroad into the heart of their Country, which is offered by Lake Champlain, and Lower Canada, and the annoyance of its rear, by the Upper Province, and Lakes. These Colonies, though they may have been one of the secret objects, have never been the only causes, of war with the Americans, nor have they been ever even men-

tioned, among its avowed pretexts. If indeed, by the price of their relinquishment, perpetual amity could be purchased with the United States, the present question of Boundary might with more safety be neglected : but if the estimate of relative strength and security is often the real inducement to hostilities, and if commercial jealousies, which are not yet removed, and the old dispute of neutral rights, which may at any time revive, have already furnished the pretext ; the question is never likely to arise, whether we shall go to war for the sake of these Colonies, but whether it is better to fight the Americans, with, if we must not say the assistance, yet at least with the opportunities and advantages, which these Provinces afford, or without them.

Of all the North American Colonies, the youngest, but the most fortunate in natural advantages, and perhaps the most rapid in increase, is New Brunswick, whose interests are more immediately concerned in the present question of the Boundary Line. With the Gulf of St. Lawrence on the one hand, and the Bay of Fundy on the other, this Colony possesses a valuable fishery on her own shores, and lies not far from those of Newfoundland and Labrador. Its coasts are indented with numerous bays and harbours, and the whole country is intersected

with large Rivers and Lakes, and numerous smaller Streams, to such a degree, that there is, it is said, no point in the Province eight miles distance from navigable water. In fertility of soil it yields to no part of America; the climate is severe but healthy; the face of the country level, and covered with apparently inexhaustible Forests of large and lofty timber; beneath, are Mines of coal, lime, gypsum, and others, the source of some present, and the promise of much future, advantage. Forty-three years ago this country was one vast wilderness; uninhabited, except by a few families of Acadian French, and the thin and wandering tribes of native Savages. At present, it contains and supports 80,000 inhabitants; its exports exceed the value of £600,000, which are almost all exchanged for British manufactures; and what is of far more importance, give employment to above 200,000 tons of British shipping, and 10,000 seamen. A progress so rapid, which has perhaps never been surpassed in America, says much for the natural advantages of the Country, the enterprise and industry of the inhabitants, and the value of such a possession.

But there are politicians, for whom, neither the welfare of these Colonies has any interest,

nor the loss any alarm. Who, forgetting by what means, or under what circumstances, the present power of their Country has accrued, and preferring to the lessons of successful experience, the experiment of theories, which however specious in principle, may prove inapplicable to our condition, or produce unexpected results, would persuade us, that these Countries are an unprofitable burthen, that our naval superiority might be preserved without Seamen, or Seamen supplied without Commerce, or Commerce secured without Colonies: and have published a defiance to shew what one advantage the North American Provinces have ever rendered to the Parent State. And were they so utterly useless and burthensome, as is asserted, one would still perhaps be rather inclined, in this instance, to approve the example of that old English Gentleman, who wishing to reduce the expenditure of his household, when his Steward presented him separate lists of his dependants, distinguishing the useful from the superfluous, said, upon reflection, he would retain them all, “ *Those*, for I have need of them, “ and *these*, for they have need of me.” For these Colonies, we think, were not planted and maintained, upon merely a mercantile specu-

lation, but a more generous motive, to do good to mankind, ‘to replenish the earth and subdue it,’ and still more, to fulfil that higher obligation of every Government, to provide and secure the welfare and happiness of all its subjects, and to ‘multiply and increase them.’ For however early or late may have been the period, and far or near the seat, of their emigration, they are nevertheless our fellow Subjects, members of the same community, and as they have never failed in any duty of allegiance, they have not forfeited any rights to protection. It may be said, indeed, that this cannot apply to the whole population of those Provinces, and it is true that their inhabitants are of two descriptions, and that nearly an equal portion are descendants of France. But so covetous were we once of their Territory, that we forcibly separated them from their own Country, we adopted them into our common family, and having imparted to them the privileges, have ever received from them the loyalty and support of British Subjects. However agreeable to our future interest, it would at least be little consistent with our former policy, to cast them off now; it would reflect no honour upon the constancy of the Nation; more especially as that cannot be done, without betraying

also another description of settlers, whom perhaps it would be almost a shame to abandon. For formerly, when the injustice, or impolicy, of the Imperial Government, had excited a rebellion in the old Colonies of America, there were certain of the Inhabitants, and if inferior in number, they comprised a fair proportion of the wealth, talent, and character, of the whole, who either agreeing with the measures of Administration, or thinking that no oppression, or none yet experienced, could justify an insurrection, continued firm and zealous in loyalty to their Sovereign, and attachment to their Mother Country, and exposed themselves to proscription, exile, and death, in her defence; and when the King became unable, or the Kingdom unwilling, to protect them in their own Land, with a singular spirit of fidelity, as if they had transferred to politics, that obstinacy and enthusiasm, which in religion had led their Forefathers to exchange their native soil for a distant wilderness, again came out and abandoned the seats of their birth and hopes; and, as no other asylum could be afforded, they removed, with desperate hearts, and ruined fortunes, covered with defeat and insult from their enemies, and regarded too much as a burthen by their friends,

and took refuge in these Colonies of Nova Scotia and Canada. Such were the Refugees, or American Loyalists; an unfortunate race of men! for the cause, in which they had staked all, was unsuccessful; and they exchanged home for exile, the comforts of a cultivated country for the inconveniencies of a wild and inclement forest, literally beginning, not life alone, but the world, anew; and such has since been the change in the opinions of mankind, that the principles, to which they offered so rare an example of devotion, have become irrational, or inglorious, and their descendants must scarcely know, when in England at least, whether to avow their conduct as an honour, or excuse it as delusion. And yet, so far were they from being ashamed of their own fortune, or envying that of their Neighbours, (though they had sometimes seen that preference shewn to the new Republic, which, could loyalty merit commercial advantages, seemed rather due to our own Colonists), that lately when an opportunity was offered for repentance, and the Mother Country was almost sinking in the struggle with Europe, and the United States would gladly have communicated, and proffered, and endeavoured to force on them the privileges of Independence, there appeared no symptoms of diminished affection, but

those who were attacked, armed and fought, and all were alike zealous and ready, had they proved less able to defend, again to abandon, their properties, and a second time seek an asylum in some country, if any could be found, within the protection of Great Britain, or beyond the reach of the Americans, where the latter would cease to covet, and the former to despise, their possessions.

It cannot appear a very gracious, or even a very reasonable thing, to complain of the incumbrance of such a portion of our subjects, and demand of them, so soon, an account of the expenditure and advantages, they have occasioned to the Empire. For had the reciprocal duties of allegiance and protection been as diligently performed on our part as on theirs, they had never been a burthen to the revenue. (But to insinuate an opinion of their disaffection, and talk of the probability of their union with the American Republic, must appear, to them at least, a conjecture of little reason, or a suspicion they have not deserved. If such an account however is now to be rendered, it may perhaps be found on a fair consideration of their means and resources, not so utterly deficient, as is asserted, either in political or commercial advantages. For

For they certainly have retained and added to the Empire, 1,200,000 subjects, and 150,000 fighting men, who are posted in that quarter, in which we have most to apprehend, and stand in most need of support. They occupy, and preserve to us, a Country, of such extent and situation, that it is scarcely of more consequence that we should possess it, than that another should not acquire. That an insular, commercial, and manufacturing Nation, with a surplus and fast increasing population, had better remove some of the supernumeraries by emigration, than suffer them to starve at home, or subsist by crime or donatives, is a position which reason must immediately acknowledge, and which necessity seems likely to enforce. That it is better to plant the Emigrants within our Territories, and add to the power and wealth of the Common Empire, than dismiss them to a foreign State, to be numbered with our enemies, appears no less evident. Now we do not possess, nor does the world afford, another country, so near and inviting as this; so inviting, that the voluntary and unassisted emigration thither is already considerable and successful, and so near, that the political connexion must probably continue longer, and the commercial return be more profitable and immediate, than with any other Plantation. But there are other