# The Upper Canada Herald,

## A POLITICAL, AGRICULTURAL AND COMMERCIAL JOURNAL.

{PRINTED AND PUBLISHED BY THOMAS H. BENTLEY, AT HIS OFFICE, STORE STREET, NEARLY OPPOSITE THE MANSION HOUSE.}

{TERMS—FIFTEEN SHILLINGS PER ANNUM, PAYABLE IN ADVANCE—SEVENTEEN SHILLINGS AND SIX PENCE WHEN SENT BY MAIL.}

Old Series, Vol. XXII. } New Series, Vol. IV. } [John Waudby, Editor.] KINGSTON, UPPER CANADA, TUESDAY, MAY 5, 1840. [T. H. Bentley, Printer & Proprietor.] {Whole No. 1095. No of Vol. 3.


Adjutant General's Office,
*Toronto, 14th April, 1840.*

*MILITIA GENERAL ORDER.*

His Excellency the Lieutenant Governor is pleased to make the following appointments in the Militia Force of Upper Canada, viz.

*First Regiment Prince Edward.*

| | |
|---|---|
| | *Date of Rank.* |
| To be Major— | |
| Capt. Henry Dingman, | 2d April, 1840. |
| To be Captains— | |
| Lieut. Benjamin Richards, late 2d Regt. Prince Edward, | 26th Dec. '37. |
| Ens. Robert Taylor, v Dingman, promoted, | 2d April, 1840. |
| Ens. William Richards, late of the 2nd Regt. Prince Edward, v. Washburn, resigned, | do |
| Timothy Pringle, Esq. | do |
| John Allen, Jun'r. Esq. | do |
| Lieut. John McIntosh, | do |
| Ens. Jasper Dingman, | do |
| Ens. Hazelton Richards, | do |
| Henry Van Duzen, Esq. | do |
| John Lane, Esq. | do |
| To be Lieutenants— | |
| Philip Dulmage, Gent. v Young, transferred to 4th Regt. Prince Edward, | do |
| James Cavan, Gent. v. Wright, resigned, | do |
| Tobias Snyder, Gent. v. McIntosh promoted | do |
| Arch'd. Church, Gent. v. Young, transferred to 4th Regt. | do |
| Thomas Wellbanks, Gent. v. Richards, transferred to 4th Regt. | do |
| John J. Wright, Gent. v. Goldsmith, transferred to the Reserve Batt'n. of the 4th Regt. Prince Edward, | do |
| Conrad Bougard, v. Munro, transferred to the 3rd Regiment Prince Edward, | do |
| Lewis Hudgin, Gent. | do |
| William Y. Church, Gent. | do |
| Samuel Carson, Gent. | do |
| Daniel Armstrong, Gent. | do |
| To be Ensigns— | |
| John Taylor, Gent. v. Daverne, left District, | do |
| John Rose, Gent. v. Develin, left Province, | do |
| John Bougard, Gent. v. Dingman, promoted, | do |
| Andrew Dulmage, v. Richards, do | do |
| Peter Minaker, Gent. v Demorest, left Dist. | do |
| Elias Van Black, Gent. v. Taylor, prom. | do |
| Andrew Minaker, Jun'r. Gent. | do |
| Archibald Prinnie, Gent. | do |
| Henry David, Gent. | do |
| Edward D. Lalanne, Gent. | do |
| To be Adjutant— | |
| Lieut. Daniel Armstrong, v. Blakely, res'd. | do |

By Command.

RICHARD BULLOCK,
*Adjutant General, Militia.*


**MAGNETIC ODONTICA.**

THE TEETH! THE TEETH!

THE INCOMPARABLE TOOTH PREPARATION.

THE fact is proved, and the most incredulous are and doubting are fully convinced, as we have the evidence from the sale of about 20,000 boxes of the Odontica, within the past year, that the Utopian dreams of the alchymist are realized, and a remedy discovered for preserving those important and beautiful appendages of the human system, by the use of the Magnetic Odontica, which by its attractive, purifying and strengthening qualities, removes all extraneous substances from the teeth, and preserves them in their natural brilliancy, and the gums in soundness and beauty. It is ascertained from experience, that when used, the teeth will never decay, but remain till the latest age of man with their natural wear. When they are decayed, its progress will be arrested, and the teeth preserved and prevented from aching—all this has been done in a multitude of instances; and more than thousands of cases, nervous toothache, (that paroxsm of pain,) has at once been effectually cured by this, the most popular dentifrice in America.—And, in conclusion, where or who is the young lady or gentleman, aye, the individual that values a beautiful set of teeth, sound gums and a sweet breath more than fifty cents, that will be longer prostitute of a box of Dr. M. Hitchcocks incomparable Magnetic Odontica.

For sale, wholesale and retail, by A. Hitchcock & Co., No. 117 Genesee st. Utica, N. Y., and by their agents throughout the United States.

For sale by CHARLES HEATH, Store street, Kingston.

**WORMS, WORMS.**

DR. M. HITCHCOCK'S unrivalled and unequalled WORM TEA, a sovereign remedy for Worms. Strange and incredible are the effects of those detestable vermin; few persons, and it is thought none, are free from them, particularly females and children. Many persons go through a distressing course of medicine, without any benefit, when they might be relieved by using the Worm Tea. This invaluable medicine has been tested by the experience of more than ten years, and administered to more than 16,000 persons of various ages, and not one solitary complaint; on the contrary, hundreds have called, and unsolicited given their decided preference to it, after trying the different articles sent forth to the public, and pronounced Dr. M. Hitchcock's Worm Tea the most safe, effectual, and convenient remedy that can be obtained; for in no one of the thousands of instances where it has been used agreeable to the printed directions has it ever failed.

N. B. Ask for Dr. M. Hitchcock's Worm Tea, as there are many nostrums abroad for the destruction of worms.

For sale, wholesale and retail, by A. Hitchcock & Co., sole proprietors, 117 Genesee st., Utica, and by their agents throughout the Union.

For sale by CHARLES HEATH, Store street, Kingston.

**SNUFF, ONLY TWENTY FIVE CTS.**

DR. M. HITCHCOCK'S newly invented SNUFF—the best article ever discovered by scientific men, in Europe or America, for the sure and absolute relief of Catarrh, Dizziness of the head, Weak Eyes, Nervous Headaches, Fallings sickness, Fits, and Infants troubled with snuffing, partial shocks of Palsy, &c.

For sale, wholesale and retail, by A. Hitchcock & Co., sole proprietors, No. 117 Genesee st., Utica, and by their agents throughout the United States.

For sale by CHARLES HEATH, store street, Kingston.

**FOR SALE BY THE SUBSCRIBER,**

A Select and choice assortment of DRY GOODS, GROCERIES, LIQUORS, WINES, &c. Also, a few Casks DRY WHITE LEAD, warranted of the best quality.

Kegs white and red Paints, 28 lbs each,
bbls. Bay Chaleur Herrings, No. 1.
cwt. best Table Cod Fish,
hhds. Linseed Oil,
Cooking, Single and Double Stoves,
Kegs Butter,
casks superior Whiskey,

Will receive at the opening of the navigation, a large supply from the best known Distilleries for fine old Whiskey in Upper Canada. Orders from town and country customers, will be duly attended to, at the lowest market price.

HUGH CALDER.

Commercial Wharf, Kingston, March, 1840.


**NEW BONNETS! NEW BONNETS!**

*Manufactured expressly for the Subscribers.*

NEARLY 1000 London made STRAW BONNETS of the best materials, and superior workmanship, which they can strongly recommend to their friends and the public in general, consisting, in part of the beautiful RICE STRAW, double and single Dunstable and Devons, with a great Variety of Fancy Coloured do., The same will be unpacked by SATURDAY the 21st March, when Ladies desirous of obtaining some choice Bonnets, will have the opportunity of making their selection.

G. H. HAINES & Co.

Store Street, March 13th, 1840.

N. B. A beautiful assortment of MOUSLINE DE LAINE Dresses, adapted to the approaching Season; Figured and plain Gros de Naples; Swiss and other Cambric Dresses; Spring Shawls and Handkerchiefs, quite new; Hosiery and Gloves, with a large and handsome assortment of Gentlemen's Silk Handkerchiefs, Stocks, Opera Tyes, Braces, &c.


**NEW HAT FACTORY.**

THE Subscriber begs leave to inform the Gentlemen of Kingston and its vicinity, that he has established himself in the Hatting business in this Town, and has for Sale at his Shop, in Brock Street, *nearly opposite Messrs. William & Joseph Wilson*, a general assortment of WELL FINISHED HATS, which he offers for Sale at low prices for Cash or short approved credit.

THOMAS SCANTLEBURY.

Kingston, 11th March, 1840.

**FRESH ARRIVALS.**

COLLINS & HAINES, *Lambton Buildings, Store Street*, beg to inform their friends and the public generally, that they have just received, and are now opening for inspection, "*Six Cases*" of Double DUNSTABLE STRAW BONNETS, of the newest and most fashionable shapes, suitable for the coming season.

Kingston, March 16, 1840.

**FOR SALE BY THE SUBSCRIBER,**

*Cheap for Cash or approved Credit.*

200 KEGS superior Plug Tobacco, 16 hands,
100 half kegs " "
75 boxes " Cavendish,
50 bbl. Rosin,
5 hhds. Cod Oil,
14,000 superior Spanish Cigars,

Terms Cash.

JAMES LINTON.

THE subscriber wishes to inform the public, that, from his inability to procure a warehouse in a more public situation, he has fitted up one at his residence in Grave Street, nearly opposite the old English Burying Ground, where all orders will be thankfully received and punctually attended to.

THOMAS O. BUTLER.

Kingston, 21st Jan., 1840.

**SUPERIOR BEER.**

FOR Sale by the Subscriber a LARGE STOCK OF BEER warranted to keep during the summer, and equal to any brewed in the Province.

Apply at the Brewery, late Nickalls', at Stuart's Point, near Kingston.

THOMAS DAVIS.

Kingston, March 17, 1840.

**AN ENGINE FOR SALE.**

A SIX HORSE POWER low pressure Engine, with Boiler attached, for Sale, and will be Sold extremely low for Cash, or on short credit. The Engine is in good order, apply to

R. M. ROSE.

Kingston, March 17, 1840.

**TO LET.**

THAT DELIGHTFUL COUNTRY RESIDENCE, the House next to F. A. Harper, Esq., with orchard and garden; possession can be had on the 16th of April. Inquire of Mr.

R. M. ROSE.

Kingston, March 24, 1840.

**NOTICE.**

ALL persons indebted to the Subscriber whose accounts are past due, are respectfully requested to call at his Store and settle the same.

T. BRIGGS.

Store Street, Kingston, March 25, 1840.

FOR SALE BY THE SUBSCRIBERS at their Stores in Front Street,
120 brls. North Shore Herrings, No. 1

VASS, FRASER & Co.

Kingston, December, 1839.

FOR SALE, at the premises of H. & S JONES:

Liverpool Salt,
Potash Kettles,
Pig Iron,
Smith's Coal,

Apply to Messrs. Vass, Fraser & Co.

Kingston, December 28th, 1839.

**REMOVAL.**

VASS, FRASER & Co. beg to inform the Public, that they have removed their *Wholesale Grocery and Liquor Establishment* to the premises in Front Street, formerly occupied by Tho's Macnider, Esq., where they constantly keep on hand a select and general assortment of Goods in their line.

Kingston, 20th Nov. 1839.

FOR SALE BY THE SUBSCRIBERS at their Stores in Front Street,
20 Bales Grey Cotton, (American manufacture.)
20 North West Buffalo Robes.

VASS, FRASER & Co.

Kingston, Dec. 1839.

**CASSIMERES.**

JUST received a choice assortment of Double Milled, Wool Dyed, Black Cassimere, very superior. Also Stripe Doeskin Cassimeres, of the very latest styles for sale by N. J. COONS.

Kingston, 9th Dec. 1839.

**WANTED.**

AN APPRENTICE to the BLACKSMITH BUSINESS, a Boy about 15 or 16 years of age, who can come well recommended. Apply to

Wm. DAVEY, *Blacksmith.*

Rear Street, Kingston, March 10, 1840.

**SALT.**

FOR SALE, 200 bbls. in excellent condition Price 12s. per bbl.

JOHN H. GREER.

Kingston, March 3, 1840.

**LIVERPOOL SALT.**

100 BARRELS for Sale by the subscribers at 10s. per barrel.

VASS, FRASER, & Co.

Kingston, 9th Dec. 1839.


## Variety.

From the New York Observer.

TWO MISSIONARIES EATEN BY SAVAGES!!!

Through the kindness of a gentleman in this city we are permitted to publish an extract from a letter just received by him, containing the heart rending intelligence that two missionaries in New Zealand have shared the fate of Lyman and Munson!

*Sidney, N. S. Wales, Dec. 1st*, 1839.

"The missionary brig 'Camden' left Upolu the day before our ship sailed, and arrived here last evening, bringing news that two of the missionaries who sailed in her, during a visit to the island of Ewomango, one of the New Hebrides, were killed and eaten by the natives.

They were Messrs. Williams and Harris: I knew them both at Upolu—Mr. Williams quite intimately; he was a highly intelligent and gentlemanly man, one of the most indefatigable of all Christian missionaries. He is the author of a very valuable work on the South Sea Islands; a third gentleman, not a missionary, Mr. Cunningham, who was with them at the time, escaped by flight, and I have the painful intelligence from his own lips. Mr. Harris was in ill health, and could not make his escape, while Mr. Williams was rather advanced in life.

Mr. Cunningham, who heard the war cry raised, turned and saw Mr. Harris pursued by the savages; in an instant after, he saw him fall, pierced through with many spears. Mr. C. then urged Mr. Williams to run for the boat which was at some distance. The latter misunderstood him, and ran into the water to swim off to the brig, but was overtaken and murdered. Mr. C with difficulty reached the boat, and made his escape.

These unfortunate missionaries were sent out by the London Missionary Society, and the vessel spoken of in the letter was one employed in its service."

From the Natchies Free Trader.

IMPORTANT COTTON MOVEMENT.—Capt. Bayles, of the British Native Infantry in India, has recently visited this country, and made arrangements for engaging a corps of young gentlemen, of good education, genteel address, practically acquainted with the cultivation of Mississippi cotton, for the purpose of introducing the same, with all the improvements which have been made in its culture in this country, upon the plains of India. There has long been an impression that India was second to no portion of the globe in the capabilities of its soil for the production of cotton. The truth of that impression is now to be tested.

Capt. Bayles, through the agency of a young gentleman, who formerly resided in this city, and more recently in Vicksburg as a merchant—and since then has been connected in the management of a large cotton plantation in Jefferson county, obtained eight gentlemen from Adams and Jefferson counties in this State, and one from Louisiana to go to Surat on this grand crusade for cotton planting in India. These nine practical cotton planters, well acquainted with every item in the management and details of every part of the cotton growing and ginning process, will leave this city in a day or two for New York, whence they will embark for India, they carry with them nine gin stands, and models of a gin house, running gear and press; they are engaged at a salary each of three hundred pounds a year, with all expenses paid, and an additional annuity, in proportion to their success promised them. They will all proceed together to Surat, from whence they will disperse as they shall make their several selections of districts of country in which to commence the growing of cotton.

It may be as well to remark that cotton is now cultivated in Surat in the same awkward and artless manner that it was in the vicinity of Natchez before the introduction of the cotton gin, and the immense improvements both of culture and seed, and as native laborers, in countless thousands can be obtained in India at about two dollars per month, if the soil shall prove as productive as Mississippi land, India will soon prove a formidable rival to our noble State, and to the South at large in the culture of what we so emphatically term our *specie staple*.

The British Government to foster this movement, have made an appropriation of twelve thousand pounds, and have passed an act "that the duty on cotton goods, imported into England, *from* India and on British cotton goods, into India, should be the same instead of the disparity of three per cent and ten."

Retorts on Lawyers.—Serjeant Cockle, who was a rough, blustering fellow, once got from a witness more than he gave. In a trial of a right of fishery, he asked the witness, "Do'st thou love fish?" "Ay," replied the witness, with a grin, "but I donna like cockle sauce with it."—The roar of laughter which echoed through the Court rather disturbed the learned sergeant. There is an anecdote something similar of Sergeant Davy, a great lawyer of the last age. A gentleman once appeared in the Court of King's Bench to give bail in the sum of £3,000. Sergeant Davy, wanting to display his wit, said to him sternly, "And pray, sir, how do you make out that you are worth £3,000?" The gentleman stated the particulars of his property up to £2,940. "That's all very good," said the Sergeant, "but you want £60 more to be worth £3,000." "For that sum," replied the gentleman, in no wise disconcerted, "I have a note of hand of one Mr. Sergeant Davy, and I hope he will have the honesty soon to settle it." The laughter that this reply excited extended even to the bench; the Sergeant looked abashed, and Lord Mansfield observed, in his usual urbane tone, "Well, brother Davy, I think we may accept the bail." Dr. Brodum, a notorious quack, was once under examination by Mr. Abraham Moore. "Your name is Brodum, I believe?" inquired the counsel. The Doctor nodded assent.—"Pray how do you spell it—Bro-dum or Broadhum?" On this there was a loud laugh in the Court, which was not diminished when the quack replied with much admirable self-possession, "Why, sare, as I be but a doctor, I spell my name Brodum; but if I were a barrister, I should spell it Broad-hum!" Mr. Bearcroft, who was known as an eminent advocate of the last age, was quite disconcerted by an old woman that he was examining calling him "Mr. Beer-craft."—A messenger for the press, as that officer was formerly denominated, whose business it was to obtain information respecting seditious publications, was once giving evidence before the Court of King's Bench against a bookseller. Mr. Hungerford, a famous advocate of the time, but more esteemed for his wit and love of quibbling than for his law-learning, who was examining him, made some reflections on the meanness of the messenger's duties. The messenger replied with some quickness, "I consider the place of messenger to the press to be quite as reputable as that of merry Andrew to the bar." Dunning, while examining a witness, asked him if he did not live at the very verge of the Court. "Yes, I do," was the reply. "And pray why have you selected such a spot for your residence?" "In the vain hope of escaping the rascally impertinence of *dunning*," was the retort. A witness with a *Bardolphian* nose coming in Dunning's way, he said to him, "now, Mr. Copper-nose, you have been sworn, what do you say?" "Why, upon my oath," replied the witness, "I would not exchange my copper-nose for your brazen face!"

Anecdote of Horne Tooke.—On the morning of the day when Mr. Tooke was tried for high treason, he was asked by Mr. Cline, his surgeon, when would be the best time to have a chance of hearing him speak. "When the court opens," said Mr. Tooke; "for the first foolish word that my old acquaintance Chief Justice Eyre utters, he or I shall remain master of the court." Accordingly, when Mr. Tooke said, "My lord, I demand to sit near my counsel," the Chief Justice puffed and blew, as was his manner, and after consulting with the other Judges, he was beginning, "Mr. Tooke, if you ask the indulgence of a chair,—" "My lord," said the other, "you don't sit there to grant indulgences, nor will I accept any indulgence at your hands. I demand it as my right; and, if your lordship doubts it, I am prepared to answer it as a point of law;" and he immediately pulled a bundle of papers out of his pocket, threw them down on the bar, and assumed the attitude of a lion in debate. This scene gave rise to a witticism of Edmund Burke's, who, upon being asked what he had seen, said, "He had seen a unique-Horne, who had turned the tables upon the old notion of the lion and the unicorn, and was driving the Judges and Court before him about the town."

The Law of Newspapers.—We learn from the *Boston Courier*, that Judge Williams, in a late case before the Court of Common Pleas, laid down the law in relation to a question interesting to editors of newspapers as follows:—

1. Where a subscriber to a newspaper orders it to be discontinued, and it continues to be left at his residence, the presumption is, in the absence of any evidence to the contrary, that it is left by the subscriber's orders, and upon a promise to pay for it.

2. If a newspaper is left from day to day for a person at his place of business, with his knowledge and consent, though without his express request, and if he has reason to believe that it is so left under the belief, though a mistaken one, that he is a subscriber, and under the expectation that he is to pay for it, in that case he will be bound to pay for it, unless he gives notice to discontinue it.

A Dentist's Sign.—A wag, from the North Parade, Penzance, has sent us the following lines from the French:—

"A dentist here makes teeth of bone
For those whom Fate has left without,
And finds provision for *his own*
By pulling *other people's* out!"

A Difficult Task.—The adjutant of a volunteer corps, doubtful whether he had distributed muskets to all his men, cried out, "All you that are without *arms*, will please to hold up your *hands*."

A young ensign of a regiment, stationed not far from Manchester, residing in lodgings, the sitting room of which was very small, was visited by one of his fashionable friends, who on taking leave, said—"Well, Charles, and how much longer do you mean to stop in this *nut shell?*" to which he wittily replied—"Until I become a *kernel*."

An old man and a dashing young one conversing, the youth, to show his penetration and discernment in the subject they were talking about, said he could *smell a rat* as far as any body. "So I should suppose," cried the old man, "by the length of *your whiskers*."

A lady who made pretensions to the most refined feelings went to her butcher to remonstrate with him on his cruel practices. "How," said she, "can you be so barbarous as to put innocent lambs to death?" "Why not, madam," said the butcher, "you would'nt eat them alive, would you?"

Nine per Cent.—A certain German usurer, who would only lend his money at 9 per cent. instead of 6, the rate of interest in that country, was asked if he ever thought of what God would say to his extortion? Oh, yes," replied he, "I have thought of that, but when God Almighty looks down from above, the 9 will appear like a 6.

From the Montreal Courier.

## THE BOUNDARY QUESTION AND ITS ELUCIDATORS.

TO THE EDITOR OF THE MORNING COURIER

Sir,—In the *Quebec Gazette* of the 15th instant is an article upon the Boundary line, between the British and the United States possessions on the side of Maine, and which, although professedly written to make clear the obscurities of that question, is calculated rather to increase the gloom in which it is enveloped, and is by no means written with the accuracy which usually marks the Editorials of that entertaining and often instructive paper. The writer launches an Editorial thunderbolt at the heads of persons who have been employed, or employed themselves, to "confuse the subject," and in so doing, has been rather severe, I apprehend, at his own expense,—at least so far as his present effort is concerned. It is material in the present state of this question, that we should not get deeper into the mire of confusion from which so much evil has already flowed. I will therefore ask your leave to correct one or two mistakes of your contemporary.

In the first place, he very much exaggerates the American claim, (exorbitant enough without any aid from imagination,) where he describes it as "comprehending within the United States, the whole of the waters of the St. John and Madawaska, falling into the Bay of Fundy." One unacquainted with the locality would infer from this mode of stating the question, that the Madawaska was a River "falling into the Bay of Fundy," whereas it falls into the St. John's River, just *two hundred and thirty miles* above the mouth of the St. John, in the said Bay! Then, as to the whole of the "waters of the St. John," comprehended, as alleged, "within the United States." The line which the Americans run upon their maps crosses the St. John's River *above* the Great Falls, leaving upwards of two hundred miles of stream between the point of intersection and the mouth, *within* the British dominions, without any dispute or pretence of claim, whatsoever, on the part of the Americans. The St. Croix River is the admitted Eastern limit of the United States, as far as it goes, from the Bay of Fundy to its source. Every schoolboy knows this. From the source of the River St. Croix, according to the Treaty of 1783, a line is to be drawn "due north to the highlands." Upon the direction of such a Northerly line of boundary from the source of the River, there is no dispute. The only dispute between the two countries is, as to where that line shall stop. The British say, at Mar's Hill. The Americans insist upon its travelling 150 miles further north; and in the course of its further progress from Mar's Hill, this American line cuts the St. John's River, as already stated, just above the Great Falls, leaving, of course, the whole of the stream flowing Southerly, from that point, and the whole of the territory lying East from the banks of the St. Croix and the banks of the St. John, in some parts 80 miles in breadth, and (following the meanderings of the River) 200 miles long, within the undisputed limits of the British dominions. It will be seen by these facts how liberal a donation of British territory the Editor of the *Quebec Gazette* is disposed to make to the United States. The most wild and grasping of their enlightened citizens has never dreamed of claiming "the whole of the waters of the St John and Madawaska, falling into the Bay of Fundy," as the American share of territory, under the Treaty of 1783; but, "*les choses vont vite*," in this new world, and we know not how soon we may see this startling pretension put forth under the undoubtedly high authority of your Quebec contemporary.

In the second paragraph of the article to which I allude, is the following singularly erroneous statement: "The British writers, on the contrary, say that the North West angle of Nova Scotia is at the highlands due North of the St. Croix, which separate the waters that fall into that river from those that fall into the Atlantic Ocean. The plain grammatical construction, the only construction of the sentence, indeed, is, that the highlands claimed by the British, as the true highlands of the Treaty, separate the waters of the *St. Croix* from the waters that flow into the Atlantic;—but as the St. Croix and the Atlantic Rivers in question, flow in the *same direction*, that is, due South, the sentence is sheer nonsense. The writer either did not pen what has been here printed for him, or was not acquainted with the most elementary facts of the question upon which he wrote. In either case, the passage is calculated to "confuse the question," instead of relieving it from those errors which the writer professes to deplore, and for the removal of which he took up his pen.

Not a less consequential blunder of the writer in the *Gazette* is that, wherein he alleges that the St. Croix River "empties into the *Atlantic Ocean*." The St. Croix River, upon the testimony of every map and chart that was ever made of the country,—British or American,—empties into the *Bay of Fundy*. The Treaty of 1783, in the very Boundary Article, (the second,) upon the various interpretation of which the whole dispute between the two countries hinges, settles this point beyond the possibility of mistake or cavil; for, the Eastern Line is thus described:—"East, by a line to be drawn along the middle of the River St. Croix, *from its mouth, in the Bay of Fundy*, to its source," &c. Well may we exclaim with the writer against the number of persons "employed to confuse the subject," when we find an intelligent gentleman like himself, in his laudable efforts to elucidate, not only making more dubious what was before doubtful, but, rendering obscure and equivocal, the little that the Treaty has left clear and determinate.

The separate existence of the "Bay of Fundy," as geographically distinct from the "Atlantic Ocean," is the proposition which is, of all to which the question gives rise, the most obstinately contested. To obliterate the Bay of Fundy, by making it, as the complaisant writer in the *Quebec Gazette* has done, identical with the Atlantic Ocean, is a concession to the Americans of all they demand; and, it must be added, of all they *require* argumentatively, to make their claim good against the British.

To make this apparent, it is only necessary to call to mind, that the whole dispute between the two countries relates to two ranges of Highlands which divide waters, and the question is, which of these is the range contemplated by the Treaty. Reference to the words of the Treaty will enable the mind to entertain this question. The Highlands, along which the Boundary Line is to run, are there defined as "Highlands which divide those Rivers that empty themselves into the River St. Lawrence, from those which fall into the *Atlantic Ocean*."

Now, both ranges divide Rivers which empty into the St Lawrence, from Rivers flowing in another and opposite direction, and, so far as the St Lawrence is concerned, each, therefore, complies with the requisites of the Treaty. But, from the Midland Range, crossing the territory in dispute from Mar's Hill, in a westerly direction, to the head of the Connecticut River, the important Rivers, Penobscot, Kennebec, and Androscoggin, flow southernly into the "Atlantic Ocean;" so that here we have a range of Highlands which fulfil both the letter and the spirit of the Treaty, "dividing Rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean,"—and this is the range to which the British claim of right, and in reason attaches.

On the other hand, the range which the Americans insist upon, divides St. Lawrence streamlets like the Metis, Riviere Verte, du Loup, &c. (locally dignified with the name of Rivers,) from tributaries of the St. John's River, and from the Restigouche. This latter River, the Restigouche, falls into the Bay of Chaleurs, and as the said Bay falls into the Gulf of St. Lawrence, and the Gulf of the St. Lawrence into the Atlantic Ocean, there are in the United States some fainthearted, and some conscientious, politicians, who think these three removes, rather opposed to the doctrine of the Restigouche falling into the Atlantic Ocean and are willing to yield that point accordingly. But, the identity of the Bay of Fundy with the Atlantic Ocean is more needful to the American claim.—The Bay, it is contended, is an inseparable part of the Ocean, and to treat them as two, is to attempt a distinction without a difference,—a disreputable quibble for the sole purpose of driving back the lawful limits of Maine 100 miles south of her true position.—Great Britain treats as absurd and futile, the dogma that the Bay of Fundy is, for all the purposes of the Treaty, the Atlantic Ocean; seeing that quite independently of all the arguments to the contrary to be deduced from geographical science, the common usage, and the common sense of mankind, the Treaty itself, *twice* within the brief limits of the Boundary Article, employs the appellative,—"Bay of Fundy,"—in express contradiction to the "Atlantic Ocean,"—the distinction drawn being a substantive as well as a merely nominal one, with reference to Treaty objects. The Americans, however, persevere with a kind of Bloodhound instinct, in a wrong path. Incapable either of the ordinary discriminations of reason where their interests are concerned, or animated by a less excusable motive, they answer every refutation that reason and justice present, to a claim wholly untenable, by a well dogged reiteration of its terms.

The moment, therefore, that a British advocate upon this subject, like the *Quebec Gazette*, talks with such looseness and inaccuracy as allows him to describe the St. Croix as "emptying into the Atlantic Ocean," he makes an admission which almost puts his client out of Court, and seriously damages the cause which he is seeking to sustain.

In the same article, is a mis-description of the Treaty definition of the highlands. It is as follows;—"The pretensions of neither party are conformable to the precise words of the Treaty of 1783, which asserts that the North West angle of Nova Scotia is at a point due North of the source of the Saint Croix, *where* the highlands divide the waters falling into the River St. Lawrence and the Atlantic Ocean." Now, the "precise words" of the Treaty are not as here described. The Treaty location of the North West angle of Nova Scotia, is the point at which the due North line strikes *the* Highlands,—and, what the Highlands are, the Treaty goes on to determine, by adding that the line is to run from that point, "along the said Highlands, which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean."—It is, altogether, a gratuitous construction, to affirm that the unascertained, and, perhaps unascertainable "North West angle of Nova Scotia," is, by the "precise words of the Treaty of 1783," at a point "*where* the Highlands divide the waters," &c. The angle, according to the Treaty, is *where* the due North line strikes "the Highlands;" and if these Highlands, in any part of their course, or in different parts before reaching the head of Connecticut River, without any reference whatsoever to this angle, should be found to divide waters as prescribed, then they would fulfil all the requisites of the Treaty, and be the Highlands required.—If this be so, the assertion of the *Gazette*, that "the pretensions of neither party are conformable to the Treaty," will not be true upon the reasoning by which the writer has attempted to substantiate that assertion.

The British claim, I believe, to be based in justice, and so far, strictly conformable to the Treaty; but, I believe, it is *far within* the rights of Great Britain under the provisions of that Treaty. In the selection of the St. Croix, in 1794, a departure from the intention of the Treaty was made of a character highly prejudicial to Great Britain in its immediate effect, but in its consequence, if made the rule by which the remaininning points in question are to be determined, utterly destructive of every right reserved to the British Crown and people by that instrument. If we should consent not to disturb the *illegal* "compromise" of 1794, in this respect, we must, at least, take care that our submission to that wrong, which ought to gain us liberal terms in the adjustment of the remaining points in dispute, be not turned into precedent, and made the pretext for still heavier spoliations upon our rights.

I am, Sir,
Your obedient servant,
Corrector.

Montreal, April 20, 1840.

## IMPERIAL PARLIAMENT.

HOUSE OF COMMONS.

March 23, 1840.

CANADA.

Lord J. Russell rose and said: Sir, I have been anxious to take the earliest possible opportunity, after the arrival of the proposals of the Governor General of Canada, to bring under the consideration of the house the important subjects to which those proposals relate. I cannot but feel that the importance of the subject will of itself induce the house to pay the utmost attention to it.—The subjects of her Majesty residing in Upper and Lower Canada, amount to more than 1,000,000; some calculate them at 1,100,000; and some at 1,200,000. They form one of the great families of the American provinces. They reside partly in one of the great valleys of the American continent, near the great outlets which communicate with the interior of America, and partly near that series of magnificent lakes which are on the borders of Upper Canada. To provide for the interests of such a population, and to establish the species of government which is best suited to that population, which is likely to increase, not only by birth, but by emigration, must, I am quite convinced, be to the house a matter of great interest. But, sir, beyond this I am anxious to bring forward a measure which may, if possible, put a stop, except on very rare occasions, to that interference of parliament which has been rendered necessary of late years. It is now nearly twelve years since Mr. Huskisson, holding the office which I have now the honor to hold, stated the grievances which, as he conceived, affected the people of Canada, and especially the people of Lower Canada, and he proposed a committee of this house on the subject. Since that time there have been various measures, various inquiries, and events of very deep importance connected with this subject. There was the report of the committee of the House of Commons; there have been inquiries by several commissions, voluminous documents produced, going into almost every detail connected with the state of Canada, with their laws, with their institutions, with the peculiar state of some of those institutions, and stating certain grievances which ought to be remedied. There have likewise occurred, in the course of that time, in two successive years, attempts to separate those provinces from their allegiance to her Majesty, both by open insurrection in the provinces, and by the inroads of armed banditti from without. These, sir, are events enough in themselves to require the attention of parliament to be directed to the subject, when a measure is introduced with a view, if possible, of effecting a settlement of these important matters. But after all the reports that have been received, after the different missions that have taken place to Canada, and after hearing the objections made to the general views of the legislation of the government last year, it was thought best by her Majesty's ministers that some one having the entire confidence of the government, who had taken a share in it, and in the various measures that had been adopted in the course of the events to which I have alluded, should proceed to Canada, and endeavor to ascertain upon the spot, combining a knowledge of the proceedings of the parliament of this country, with the evidence and sentiments of the best informed persons in Upper and Lower Canada, it was thought right that such a person should go out to Canada, in order to give such a report to her Majesty's government as would enable them to bring forward a measure fortified upon such authorities, and, as far as possible, consistent with the wishes of the inhabitants of Canada. But although I conceive this step to have been not only expedient but to have become, by the course of events, necessary in order to enable us to form such a measure and go through all its details, I confess that I could not adopt the measure which I am about to ask leave of the house to bring in, unless I were able, as one of the advisers of the Crown, to recommend that some great mark of approbation be conferred upon that distinguished and gallant officer who, being kept on two occasions in a position of great difficulty and danger, manfully made head against the danger which threatened the government then reposing in his hands, against insurrection from within and the danger of invasion from without; and who, by his knowledge of that art which he had practised under the great master of modern days, the Duke of Wellington, and by his great firmness, resisted the progress of disaffection within those provinces, and drove back those hordes which invaded her Majesty's dominions from without,—(Cheers). It was, therefore, with great satisfaction that I brought down the message from the Crown, which you, sir, read to the house this day. But in proceeding to state the grounds of the measure which I am now about to detail, I must first say that I am ready to agree that the measure of an union would not have been expedient if it had been found, as was foreseen by some, on enquiry from those interested in the settlement of those matters, that the people of Canada would regard them with an absolute repugnance.

Sir, the present Governor General of Canada has ascertained, by the most accurate means, the sentiments of the people of Canada with regard to it. I should say that he could not obtain, by constitutional means, the general sentiments of the people of Lower Canada; but he called together the Council, which was not formed by himself but by his predecessor, and received from it certain resolutions agreeing to the principle of the union as regarded its general heads, but leaving the details to the Imperial Parliament. On proceeding to Upper Canada, the proposition was much discussed and debated in the Assembly, and in the Legislative Council. Some who were in favour of it, wished to affix certain terms to it, but upon a full


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