EASTON GAZETTE.

WHERE THE PRESS IS FREE—"Literature well or ill-conducted, *is the* G[reat] E[ngine] by which all Popular States must ultimately be supported or overthrown—RELIGION purifies the Heart and teaches us our Duty—Morality refines the M[anners]—Agriculture makes us Rich, and Politics provides for the enjoyment of all.

VOL. XXII. EASTON, (MD.) SATURDAY MORNING, MARCH 9. 1839. No. 11.

PRINTED AND PUBLISHED EVERY
Saturday Morning,
BY
Alexander Graham,

TERMS.

TWO DOLLARS AND FIFTY CENTS Per annum, payable half yearly in advance

ADVERTISEMENTS

Not exceeding a square inserted three times for ONE DOLLAR; and TWENTY-FIVE CENTS for every subsequent insertion.

CONGRESS.

THE WAR IN MAINE.

The following message was communicated to Congress, on Tuesday.

MESSAGE FROM THE PRESIDENT

To the Senate of the United States:

I lay before Congress several despatches from his Excellency the Governor of Maine, with enclosures, communicating certain proceedings of the Legislature of that State, & a copy of the reply of the Secretary of the State, made by my direction, together with a note from H. S. Fox, Esq., Envoy Extraordinary and Minister Plenipotentiary of Great Britain, with the answer of the Secretary of State to the same.

It will appear from these documents that a numerous band of lawless and desperate men, chiefly from the adjoining British provinces, but without the authority or sanction of the British Government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the river Aroostook, and claimed to belong to the State of Maine; and that they had committed extensive depredations there by cutting and destroying a very large quantity of timber. It will further appear that the Government of Maine, having been officially apprised of the circumstance, had communicated it to the Legislature, with a recommendation of such provisions, in addition to those already existing by law, as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away: that in compliance with a resolve of the Legislature, passed in pursuance of his recommendation, his Excellency had despatched the land agent of the State, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers, at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting & consulting with the land agent of the province of New Brunswick, and conveyed as a prisoner to Fredericktown, in that province, together with two other citizens of the State, who were assisting him in the discharge of his duty.

It will also appear that the Governor and Legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at nought the authority of the magistrates, without the aid of a strong force, had authorized the sheriff, and the officer appointed in the place of the land agent, to employ, at the expense of the State, an armed posse, who had proceeded to the scene of these depredations, with a view to the entire dispersion or arrest of the trespassers and the protection of the public propety.

In the correspondence between the Governor of Maine and Sir John Harvey, Lieutenant Governor of the province of New Brunswick, which has grown out of these occurrences, and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request the Provincial Governor is informed of the determination of the State of Maine to support the land agent and his party, in the performance of their duty, and the same determination, for the execution of which provision is made by a resolution of the State Legislature, is communicated by the Governor, to the General Government.

The Lieutenant Governor of New Brunswick, in calling upon the Governor of Maine for the recall of the land agent and his party from the disputed territory, and the British Minister in making a similar demand upon the Government of the United States, proceed upon the assumption that an agreement exists between the two nations conceding to Great Britain, until the final settlement of the boundary question, exclusive possession of, and jurisdiction over, the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest to pass for a moment without correction.—The answer of the Secretary of State to Mr. Fox's note, will show the ground taken by the Government of the United States upon this point. It is believed that the correspondence which has passed between the two Governments upon this subject has already been communicated to Congress, and is now on their files. An abstract of it, however, hastily prepared, accompanies this communication. It is possible that in thus abridging a voluminous correspondence, commencing in 1825, and continuing to a very recent period, a portion may have been accidentally overlooked; but is believed that nothing has taken place which would materially change the aspect of the question as therein presented. Instead of sustaining the assumption of the British functionaries that correspondence disproves the existence of any such agreement. It shows that the two Governments have differed not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction, and the fact of the actual exercise of it in different portions thereof. Always aiming at an amicable adjustment of the dispute, both parties have entertained and repeatedly urged upon each other a desire, that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision, and allay, to the greatest practicable extent, the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands, and the General Government from the construction of a projected military road in a portion of the terntory of which they claimed to have enjoyed the exclusive possession: and that Great Britain, on her part, in deference to a similar remonstrance from the United States, suspended the issue of licences to cut timber in the territory in controversy, and also the survey and location of a rail road through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The State of Maine had a right to arrest the depredations, complained of it belonged to her to judge of the exigency of the occasion calling for her interference; and it is presumed that had the Lieutenant Governor of New Brunswick been correctly advised of the nature of the proceedings of the State of Maine, he would not have regarded the transaction as requiring, on his part, any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that, to prevent the destruction of the timber by trespasses, acting against the authority of both, and at the same time avoid forcible collision between the contigous Governments during the pendency of negotiations concerning the title, resort must be had to the mutual exercise of jurisdiction in such extreme cases, or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove so hereafter, if the parties on the frontier, directly interested in the question, are respectfully governed by a just spirit of conciliation and forbearance. If it shall be found as there is now reason to apprehend that there is in the modes of construing that understanding, by the two Governments, a difference not to be reconciled, I shall not hesitate to propose to her Britannic Majesty's Government a distinct arrangement for the temporary and mutual exercise of jurisdiction, by means of which similar difficulties may in future be prevented.

But between an effort on the part of Maine to preserve the property in dispute from destruction by intruders, and a military occupation by that State of the territory, with a view to hold it by force, while the settlement is a subject of negociation between the two Governments, there is an essential difference as well in respect to the position of the State, as to the duties of the General Government. In a letter addressed by the Secretary of State to the Governor of Maine, on the first of March last, giving a detailed statement of the steps which had been taken by the Federal Government to bring the controversy to a termination, and designed to apprise the Governor of that State of the views of the Federal Executive, in respect to the future, it was stated, that while the obligations of the Federal Government to do all in its power to effect the settlement of the boundary question were fully recognised, it had, in the event of being unable to do so specifically, by mutual consent, no other means to accomplish that object amicably, than by another arbitration or by a commission with an umpire in the nature of an arbitration; and that in the event of all other measures failing, the President would feel it his duty to submit another proposition to the Government of Great Britain, to refer the decision of the question to a third power. These are still my views upon the subject, and until this step shall have been taken, I cannot think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine, in any attempt to effect that object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part of the disputed territory, I shall feel myself bound to consider the contingency provided by the Constitution as having occurred, on the happening of which a State has the right to call for the aid of the Federal Government to repel invasion.

I have expressed to the British Minister near this Government a confident expectation that the agents of the State of Maine, who have been arrested under an obvious misapprehension of the object of their mission, will be promptly released; and to the Governor of Maine that a similar course will be pursued in regard to the agents of the Province of New Brunswick. I have also recommended that any militia that may have been brought together by the State of Maine, from an apprehension of a collision with the Government or people of the British Province, will be voluntarily and peaceably disbanded.

I cannot allow myself to doubt that the results anticipated from these representations will be seasonably realized. The parties more immediately interested cannot but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interests, but would postpone, if not defeat, the attainment of the main objects which they have in view. The very incidents which have recently occurred will necessarily awaken the Governments to the importance of promptly adjusting a dispute, by which it is now made manifest that the peace of the two nations is daily and imminently endangered. This expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the Government and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister States, of whose interest in her welfare she cannot be unconcious, and, in the solicitude felt by the country at large for the preservation or peace with our neighbors, we have a strong guarantee that she will not disregard the request that she will be made of her.

As, however, the session of Congress is about to terminate, and the agency of the Executive may become necessary during the recess, it is important that the attention of the Legislature should be drawn to the consideration of such measures as may be calculated to obviate the necessity of a call for an extra session.—With that view, I thought it my duty to lay the whole matter before you, and to invite such action thereon as you may think the occasion requires.

M. VAN BUREN.

WASHINGTON, Feb. 26th, 1839.

WASHINGTON, Wednesday night 11¼ o'clock.

THE BORDER TROUBLES—ANOTHER MESSAGE—A PROTOCOL.

The Senate was the scene of another most important and animated discussion, this evening, in reference to the Maine Border Difficulties. Mr. Webster made a speech which will be set down by all who heard it, among the most memorable they ever listened to. Mr. Preston, Mr. Davis, and Mr. Calhoun, all took part in the debate. It grew out of another important Executive communication.

At eight o'clock, the President transmitted to both Houses the following Message.

WASHINGTON, Feb. 27, 1839.

To the House of Representatives of the United States:

I transmit to Congress copies of various other documents received from the governor of Maine relating to the dispute between that State and the province of New Brunswick, which formed the subject of my Message of the 26th inst. and also a copy of a memorandum signed by the Secretary of State of the United States and her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary near the United States, of the terms upon which it is believed all collision can be avoided on the frontier, consistently with, and respecting the claims on either side. As the British Minister acts without specific authority from his government, it will be observed that this memorandum has but the force of recommendation on the Provincial authorities and on the Government of the State.

M. VAN BUREN.

MEMORANDUM.

Her Majesty's authorities consider it to have been understood and agreed upon by the two Governments that the territory in dispute between Great Britain and the United States, on the Northeastern frontier, should remain exclusively under British jurisdiction until the final settlement of the boundary question.

The United States Government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise, by Great Britain, of exclusive jurisdiction over the disputed territory, or any portion thereof, pending the negotiation, the jurisdiction then exercised by either party, over small portions of the territory in dispute, should not be enlarged, but be continued merely for the preservation of local tranquillity, and the public property, both forbearing as far as practicable to exert any authority, and, when any should be exerted by either, placing upon the conduct of each other the most favorable construction.

A complete understanding upon the question, thus placed at issue, of present jurisdiction, can only be arrived at by friendly discussion between the Governments of the United States and Great Britain; and, as it is confidently hoped that there will be an early settlement of the question, this subordinate point of difference can be of but little moment.

In the mean time the Governor of the Province of New Brunswick and the Government of the State of Maine will act as follows: Her Majesty's officers will not seek to expel by military force the armed party which has been sent by Maine into the district bordering on the Aroostook river; but the Government of Maine will voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and, if future necessity should arise for dispersing notorious trespassers, or protect public property from the depredation by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the Governments of Maine and New Brunswick.

The civil officers in the service, respectively, of New Brunswick & Maine, who have been taken into custody by the opposite parties, shall be released.

Nothing in this memorandum shall be construed to fortify or to weaken in any respect whatever the claim of either party to the ultimate possession of the disputed territory.

The Minister Plenipotentiary of her Britannic Majesty having no specific authority to make any arrangement on the subject, the undersigned can only recommend, as they now earnestly do, to the Governments of New Brunswick and Maine, acting according to the terms hereinbefore set forth, until the final settlement of the territorial dispute, or until the Governments of the United States and Great Britain shall come to some definitive conclusion on the subordinate point upon which they are now at issue.

JOHN FORSYTH, Secretary of State of the United States of North America.
H. S. FOX, H. B. M. Envoy Extraordinary and Minister Plenipotentiary.
WASHINGTON, *February* 27, 1839.

(From the N. Y. Express of Thursday.)

MAJOR DOWNING.

We believe the following concise Letter embraces the entire outline of the vexed question. We have every confidence in its correctness and disinterestness, for we have heard the Major say, that he has from boyhood understood the matter, and has ever since weighed it well. We congratulate the General Government, that if by the folly of the British Government, a serious matter is made of the Boundary question, the '*2nd Brigade*' will be to a man on the side of right. We dont know the exact number of the '2nd Brigade;' but we feel sure it will stand '2nd' to none for patriotism and noble daring.

To the Editors of the New York Express.

—the same paper my old friend Dwight printed a spell ago.

Washington, 25 Feb. 1839.

Mr. Editors,—I tell'd you in my last that I would say something in my next Letter about matters *Down East*. A short horse is soon curried—and as this matter is in a nut shell, I'll crack it for you after my fashion—and then if you dont understand it, you may look at the maps and read over treaties, letters and reports about it, and see if you can get any more light.

This "Disputed Territory," they talk about, is a considerable of a streak of Land kiver'd the most on't with everlasting big Trees, where our folks go a logging. We say it is our Land, and England says it ain't—the question is, who is right? We say we claim by a Treaty made in 1783, and England says that she agrees to the same treaty. Now that treaty marks the line as clear as a whistle—it says *north* to the '*high lands*' that divide the waters running one way and the waters running another way, and then away West and South West back to another pint. We then go North to that pint where the waters run as the Treaty says, that is where the streams on one side run to the St. Lawrence River, and where they run down to the Bay of Fundy on tother side, and there we stop. But England says there aint no *high lands* there at any rate, that there is *higher land* further South where we ought to stop—but at these *higher lands*—there is no stream running into the St. Lawrence, for the streams all run South there. We say the treaty dont say '*how high*' the lands are; but to the '*high lands*' that divide the streams running North and South; *that is the pint*—and that Land can't be *low land*, for then the waters wouldn't run nary way. And besides this, there is another explanation in the same treaty that marks out the spot we claim to, as true as a line; and if any man's farm was mark'd off by *a deed*—like this—any Court in creation would give it to him.

Now the hull nub of the business is this, England finds that if we claim by the old Treaty, we cut off all her roads between New Brunswick to Canada, and in winter time, when the river St. Lawrence is frozen up there is no sending across lots—from Nova Scotia and New Brunswick to Quebec, or any part of Canada. A few years back it was agreed to leave the matter to some old king—(a Dutchman, I believe)—to say where these highlands was. He considered a spell, and seeing what his brother king's notion was, he fixed on a line north where there warn't no highlands at all, but jist far enough north to allow this Passage across; jist as tho' the Treaty said, "the North Pint shan't be so far north as to cut off this Passage way." Now here the matter rested—all we ask is, to go by the Treaty and now that our folks have got riled up about it, and know what the treaty is, they'll make a spoon or spile a horn—and I dont see any other way of settling on't. If England sends troops there, it will be 'a Disputed Territory,' for I would jist a bout as soon think of going down in a Wolf Cave to coax out the wolves with bread and butter as attempt to drive out them long arm'd-hard fisted-woodchoppers from the forrests where they know they have got Law on their side. We found it pretty tuf work to rout out the Seminoles down South—but that is cream and custards to routing out the Down Easters, if they git their dander up. They are amazin civil folks if you dont attempt to drive or scrouge 'em, and considerable liberal in a bargain too if you dont try to pull eye teeth—for then it would be dog eat dog.

Now I dont see only one way of settling this matter, or at any rate quieting on't for a spell—for there is no other way of *settling on't* but by the Treaty or something worse; but I go for *quieting on't*. England, I suppose, dont care—and I suppose our folks dont bother, provided they aint losers by it.

Now for the sake of keeping the peace—let all the timber that is cut on this Disputed Territory be allowed to go to England as free of duty on one side as tother, no matter who cuts it, there is enuf on't for all creation to cut till the Queen gets to be a grandmother, and by that time folks will be chopping other matters—and as regards a Passage across we dont care much about that, for it is about as likely that as many folks will in time go one way as tother, and so long as they dont trouble us or likely to trouble us we wont complain. We like to see folks moving, especially in the way of Trade, it keeps matters brisk and spry, and as for sogering, except on 4th July or some such day, in ten years from this time folks will be ashamed on't.

Now my advice is to our folks to keep cool, and make no stir about the matter till they git orders from Washington.—The Gineral Government aint asleep about it—all are wide awake; Congress will put the matter as strait as a pine log, and England will see the advantage of doing right—but if these Governors on both sides for the sake of a flourish, lead their folks into hot blood, they may find they have begun to carve the meat before it is cook'd and have a poor dinner on't. This is an everlasting Country in a real fight, when all take hold—then we shall be sure to make clean work and to git what we fight for. But if any part on't undertakes a fight afore the other part knows what the quarrel is about, it may make a muss and dirty work only.

There is always two eends to a stick—we have in this matter got hold of the *clean* eend, and let us keep it and not in a hurry or untimely scuffle change eends, and perhaps hold the nasty one, and that's all for the prisent—

From your friend,
J. DOWNING, Major.
Downingville Malitia, 2 Brigade.

PROGRESS OF THE REIGN OF THE LOCO FOCO.

The bill to prevent and punish duelling in the District of Columbia, having passed both houses of Congress and been signed by the President, is now—or ought to be—the law of the land.

This law is no sooner published, than Dr. Duncan, of Ohio, who has figured so conspicuously as the bully and champion of the party in Congress, as well as in his own State, issued a publication in the *Globe*, of so indecent, inflammatory and scurulous a character, that Mr. Prentiss, of Mississippi, immediately on the House convening, rose to a question of privilege, and offered the following resolution—

Resolved, That this House proceed forthwith to inquire:

1. Whether Alexander Duncan, a member of this House from the State of Ohio, be the author of a certain publication or publications under his name, in relation to the proceedings of this House, and certain members thereof, published in the Globe newspaper of the 19th inst.

2. Whether, by said publication or publications the said Alexander Duncan has not been guilty of a violation of the privileges of this House, of an offence against its peace, dignity and good order, and of such grossly indecent, ungentlemanly, disgraceful and dishonorable misconduct, as renders him unworthy of his seat in this House, and justly liable to expulsion from the same.

The Speaker said that this being a question of privilege, would take precedence of all other business.

After some formal proceeding to obtain a full house, and the reading of the publication,

Mr. Prentiss, after some appropriate remarks on the necessity of preserving pure the institutions of the country and the dignity of the house, which was the thermometer of manners, alluded to the Duelling Law which was recently passed. He said at the time of its passage, he had predicted it would open the door for insult and blackguardism, and give an opportunity for one member to insult and abuse another with impunity. He defended the established system of the code of honor, which, in his opinion, was, after all, the best preservative of good order. He alluded to the article in the Globe as a beautiful illustration of the new system established by the passage of the recent act.

Mr. Duncan rose and avowed himself to be the author of the publication in the Globe.

Mr. Prentiss proceeded, and read several extracts from the communication alluded to, with a view of showing their peculiar beauty, such 'base liar,' 'scoundrel,' 'mean paltroon,' 'bigger dog' 'puppy" and many such other epithets.

Mr. Prentiss then proceeded to comment upon the letter. He said that the publication in the Globe was a wilful violation of the spirit of the law passed but two or three days since—for the publication was either made to make the members attacked, violate the law by chellenging the member who makes the assault, or it was made with the assurance that the member was to be screened by the law. The author of the publication was unworthy of a seat in the American Congress—unworthy to associate with the members of this body, man. He had poured forth in the columns of the Globe an outrageous and beastly attack upon two of its members.

Mr. Prentiss appealed to the members of the body to protect their dignity and the honor of its members. The house was bound to repeal the law which made personal protection criminal offence, or it was bound to protect its members from insult. But should the house refuse to take any action thereon, he would tell them that this would be but the beginning of the evil.

He concluded by drawing a glowing picture of the probable consequences of suffering such attacks to go unnoticed and unpunished. He also made some very pointed remarks on the fact, that the debate alluded to took place five weeks ago, and that the publication did not appear till yesterday.

Mr. Jenifer followed Mr. P. and commented upon the publication. The fact was, he said, that one of the members of this House had charged two members of the body, with being 'scoundrels,' and 'cowards.' The charge was either true or false. The member from North Carolina—Mr. Stanley—was either a 'scoundrel' and a 'liar,' or the member making the charge had told a falsehood; so with the member from Kentucky—Mr. Southgate—against whom the same charges were made. If the North Carolina and Kentucky members were liars, I, said Mr. Jenifer, will vote to expel them from the House, and if the member making the charge has spoken falsely, I will vote to expel him. Mr. Jenifer concluded with some examinations of Mr Duncan's letter.

Judging by the report which is given of the subsequent scene we judge it must have been more fitting for a Cock pit than a legislative hall.

Mr. Parris of Maine obtained the floor, and moved the Previous Question, but withdrew it at the request of Mr. Duncan.

Mr. Duncan then entered upon a vindication of his publication in the Globe. It was, he said, in answer to the remarks of Mr. Stanley, of N. C. and Mr. Southgate, made in the House of Representatives. He had written his letter, and used the epithets complained of as a compromise to the terms used towards him. He did publish his letter after the passage of the Duelling Bill for the purpose of self-protection. He held himself accountable—and in a few days could be found out of the boundaries of the District. His letter was written deliberately, and he was proud to have written it.

Mr. Grey next figured and then

Mr. Menifee took the floor and must have given Dr. D. the most unmerciful pumbling.

The Dr. repeatedly interrupted him and was as often rebuked by the keenest sarcasm—at which even the galleries were induced to cheer—and were about to be cleared for the offence.

©Maryland State Archives, msa_sc2940_scm11031-0529.jpg