

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

No. 27.

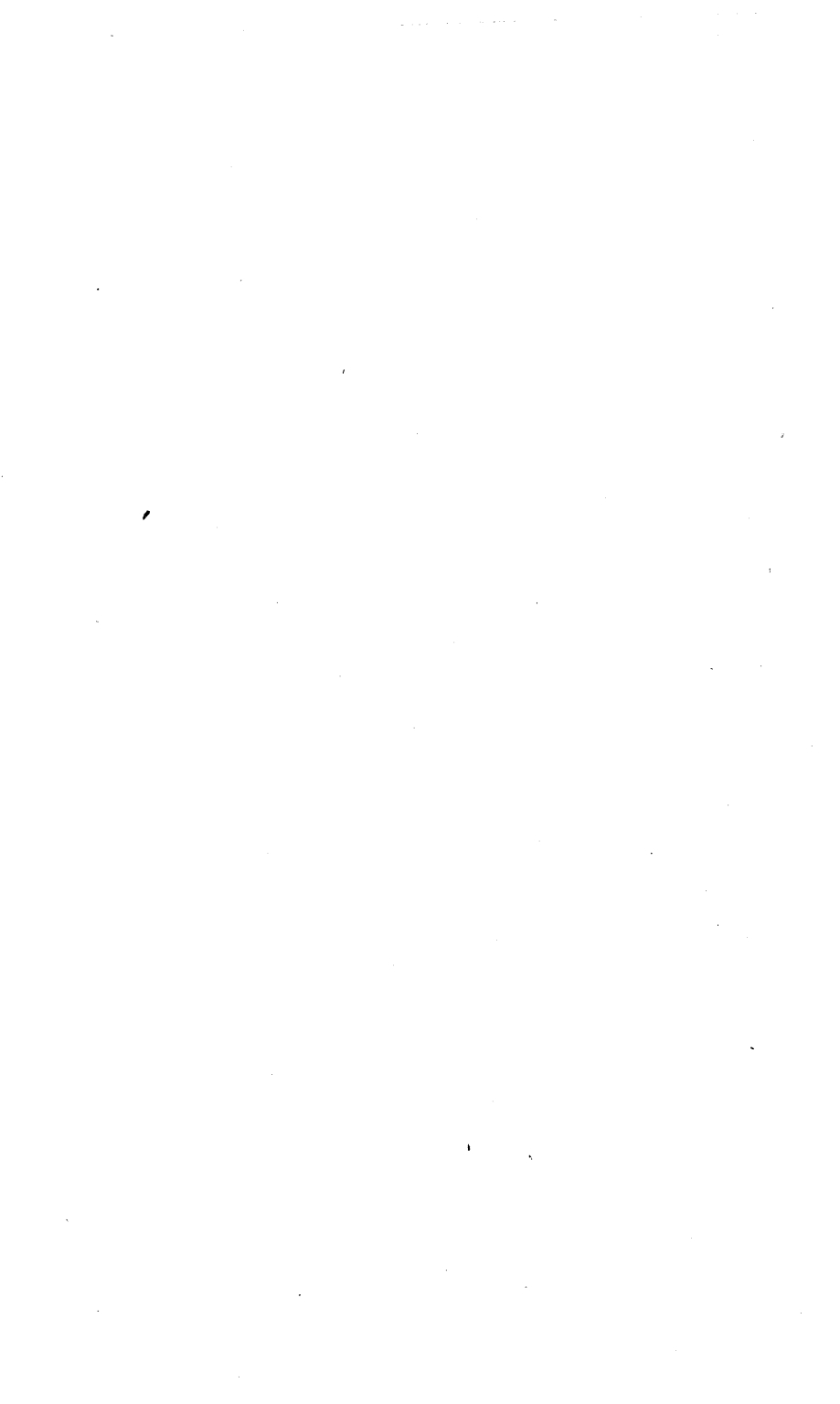
HOUSE.

To the Speaker of the House of Representatives.

In compliance with an Order of the House of Representatives, passed the 23d ult. I herewith communicate the "Report of the Commissioners who were appointed under a Resolve respecting the Territory lying North and East of the Rivers St. John and St. Francis, passed March 3, 1832."

EDWARD KENT.

COUNCIL CHAMBER, }
FEB. 27, 1838. }



REPORT.

(Copy.)

PORTLAND, January 14, 1833.

SIR—We have the honor to enclose copies of four letters bearing date July 4, July 10, July 25, and August 21, 1832, being all the letters relating to our North Eastern Boundary, which have passed between the Secretaries of State, of the Treasury, and of the Navy, on the one part, and ourselves on the other, since our return home at the close of June. The mail is also this day charged with a letter addressed to you, bearing even date with the present, and containing the provisional agreement referred to in the letter of July 25th to us, and ours of August 21st in reply. While the time and manner of laying that agreement, with the letter which accompanies and contains it, before the Legislature, rests wholly with yourself, we cannot forbear suggesting the inquiry, whether the adoption of a course, which should render the whole proceeding public, might or might not in the present stage of the negociation operate injuriously to the interests of the State. Having made the suggestion we respectfully submit the whole matter to the wisdom of the Executive and the Legislature.

It will be perceived on reference to the provisional agreement, that we have carefully abstained from entering into any stipulation whatever in regard to the rights or claims of Massachusetts. The reasons for adhering to this course are too obvious to require any allusion to them on our part. The whole territory north and east of the St. John and St. Francis, claimed as lying within the true exterior limits of the State of Maine, contains by calculation made by order of the government, according to the best data in its possession, 2,195,360 acres, mountains, lakes and rivers included. This fact we have thought it proper to state to you, in order that the Legislature may be the better enabled to form a satisfactory judgment in regard to the extent and value of the claim and jurisdiction, proposed to be ceded, on the one part, and

to the adequacy in any event of the indemnity, proposed to be pledged, on the other.

We are, Sir, very respectfully
Your obedient Servants,

WM. P. PREBLE.
REUEL WILLIAMS,
NICHOLAS EMERY.

His Excellency SAMUEL E. SMITH,
Governor of Maine.



(Copy.)

WASHINGTON, July 4, 1832.

To William Pitt Preble, R. Williams, and N. Emery, Esq'rs.

Gentlemen,

The Senate having finally acted upon the message of the President respecting the North Eastern Boundary, it is desirable to know, and we therefore have the honor to inquire, if the Commissioners on the part of the State of Maine are now prepared to resume the conferences which were suspended at their instance, for that event.

We have the honor to be, Gentlemen,
your obedient servants.

(Signed)

LOUIS McLANE,
LEVI WOODBURY.



(Copy.)

PORTLAND, July 10, 1832.

Gentlemen,

We have this day had the honor to receive your note of the 4th inst. In reply, we repeat to you, that we are ready on our part to execute the project we submitted to your consideration on the 6th ult. We shall also be ready to suggest to you, if wished, our views as to such modifications, &c. of the line as we think desirable in case it should be found wholly impracticable to have the true boundary run and marked, as well as to receive and con-

sider any suggestions you may please to make to us on the subject.

We have the honor to be respectfully,

Gentlemen,

Your obedient servants,

(Signed)

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

The Hon.

LOUIS McLANE,

Secretary of the Treasury.

LEVI WOODBURY,

Secretary of the Navy.



(Copy.)

25 July, 1832.

Gentlemen,

We have the honor to enclose, duly executed by us, a copy of the agreement which you had prepared, making a slight alteration rendered necessary by the Resolution of the Senate, advising a further negotiation. You will please to send a counterpart executed by you as soon as possible, together with information at what time it will probably be placed under the consideration of your Legislature, whose action on the subject would seem to be required before the matter can be submitted to Congress.

(Signed)

EDWARD LIVINGSTON,
LOUIS McLANE,
LEVI WOODBURY.

WM. P. PREBLE,

REUEL WILLIAMS, and

NICHOLAS EMERY, Esq'rs. *Commissioners, &c. &c.*



(Copy.)

PORTLAND, August 21, 1832.

Gentlemen,

We have had the honor to receive your note of the 25th ult.

with the document which it enclosed. Agreeably to your request we now transmit a counterpart executed by us.

The Legislature of Maine will not be in session prior to next January, and the subject cannot well come under their consideration until after the organization of the government shall have been completed. Should the state of the intended new negotiation in the opinion of the President render a postponement of the communication to our Legislature desirable, we would in that case suspend the communication on your suggestion until the first of February next.

With great respect we have the honor to be,
Gentlemen,

Your very obedient servants,

(Signed)

WM. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

EDWARD LIVINGSTON, Esq.

Secretary of State.

LOUIS McLANE, Esq.

Secretary of the Treasury.

LEVI WOODBURY, Esq.

Secretary of the Navy.



(Copy.)

PORTLAND, January 14, 1833.

SIR—We have the honor to transmit to you, to be laid before the Legislature, a provisional agreement relating to our North-eastern Boundary, entered into in August last, between the Secretaries of State, of the Treasury and of the Navy, in behalf of the United States on the one part, and ourselves as Commissioners in behalf of the State of Maine on the other.

After the solemn and formal establishment of the monument at the source of the river St. Croix in 1793, by the authority of the United States and Great Britain, nothing seemed to remain, but to survey and mark the line of boundary according to the plain, precise, and explicit language of the treaty of 1783. For at that day it was admitted by the official Agent of the British government, that the line *could* only be, where Maine now contends,

and has ever contended, it is. Had the State of Massachusetts, therefore, been then so disposed, she might without serious obstacle or difficulty have marked out her exterior boundary, and afterwards, and until Maine became a separate State, might without giving occasion for the slightest complaint to the adjoining British Colonies, have maintained uninterrupted and exclusive jurisdiction over the whole extent of her territory. Such a course would have saved our infant State much trouble and vexation, and would seem to have comported with the usual vigilance and sagacity of the parent Commonwealth.

When, however, in 1820, Maine became a separate State, she found her boundaries and territory still unsurveyed and unexplored; while far within her limits had been suffered to spring up, unnoticed by the authorities of the parent State, established and permanent settlements of several hundred souls, holding their lands under grants from New Brunswick of nearly thirty years standing, and yielding a reluctant, but unresisting obedience to British laws. Maine also found, that under color of those stipulations in the treaty of Ghent, which provide for surveying and marking certain boundaries, in conformity to the line of demarkation prescribed by the treaty of 1783, a claim for about eleven million acres of her territory had been set up in behalf of Great Britain, and that this claim, though a gross and palpable fraud upon the stipulations of the treaty of Ghent, and demonstrably in violation of the treaty of independence, had not been promptly, and at once repelled and rejected by the American government, but had become a subject of grave and solemn discussion before the Commissioners of the two governments. Again in 1827, Maine further learned that the United States and Great Britain had, by convention agreed to refer to an Arbiter, the questions which had arisen out of the claim made in behalf of Great Britain, and that the decision of the Arbiter on the questions submitted, was to be final between the parties. Under such an arrangement, every thing must depend upon the position and character of the person selected to decide between the parties. If the Arbiter to be selected should think himself at liberty to advert to his own condition, or to be governed in framing a decision by motives of State policy, or by any other considerations than those of the Justice of the case and the rights of the parties, it was evident one third of the territory of Maine was placed in imminent jeopardy. But fortunately for the

State, the Arbitrator actually selected, instead of sanctioning to their full extent, the pretensions of Great Britain, thought proper to restrain himself to a recommendation, advising the parties to adopt for boundary, a line described by him, leaving beyond the limits of Maine the extreme corner of her territory, containing by calculation about two millions two hundred thousand acres, and assigning to the British government about one fifth of the territory to which it had laid claim.

We have adverted in this place, to some few of the more prominent facts in the history of our boundary controversy, in order that, taken in connection with other facts within the recollection of all, they might enable us to perceive how forbearance has emboldened the spirit of encroachment,—how procrastination on our part, instead of contributing to remove the evil, of which we have so much reason to complain, has constantly been the occasion of aggravating it, and how, at every step since taken, the question has become more and more complicated and embarrassed. Meantime new causes of trouble have begun rapidly to develop themselves. There is danger lest our border difficulties assume a serious aspect. Under these circumstances the peace of the United States, the internal tranquility of the State itself—its growing importance, its general and commercial prosperity, would seem imperiously to require, that the subject matter of this protracted and irritating dispute should be amicably arranged without farther delay, if it can be done without too great a sacrifice. In fact, so grave and various were the considerations arising out of the actual state of the controversy a year since, that many who stand high in the confidence of the country, were of opinion, that it would be judicious on the part of Maine, as well as of the U. States, to acquiesce in the advice of the Arbitrator. Against the acceptance and ratification of the award by the government of the United States, the Legislature of Maine, on mature consideration of the subject, with great unanimity, solemnly protested; but, apprehensive lest the award should be ratified notwithstanding such protest, if the State persisted in rejecting all advances made towards an amicable adjustment, the Legislature, in a spirit of conciliation, agreed to receive and consider, by means of Commissioners, whatever might be proposed on behalf of the United States, with a view to bring the controversy to a speedy and final termination; with the express reservation, however, that the doings of such Commissioners

should, in no respect, be obligatory on the State, until ratified and confirmed by the Legislature itself.

The result of the acts of the Legislature and of the doings of the Commissioners appointed by its authority, is the enclosed provisional agreement already mentioned, and to which we beg leave to refer. It will be perceived by that agreement, that the President of the United States proposes to "open new negotiations with Great Britain, for the purpose of having the line, designated by the treaty of 1783, run and marked according to that treaty;" and if that should be found impracticable, "for the establishment of such a new boundary between the dominions of the United States and Great Britain, as should be mutually convenient," and also "for making arrangements relative to the navigation of the river St. John and the adjustment of other points, that may be necessary for the convenience of the parties interested;" and, that he deems "a cession from the State of Maine of all her jurisdiction and right of soil over the territory" claimed by her, lying north and east of the rivers St. John and St. Francis, "as indispensable to the success of such negotiation." However direct the interest of the State in the question at issue on the one hand, as a foreign government is urging its pretensions on the other, the government of the U. States is the only constitutional and competent agent to take charge of the controversy. Still the power of that government over the subject is not unlimited. The State has its constitutional rights which she may invoke, and which must be respected. If, then, in the progress of the contemplated negotiation, it should be found, that what is demanded as her right by Maine, is now utterly unattainable, and if the State, insisting upon its extreme right, denies to the U. States all power under any circumstances, to make even a beneficial compromise; it is well to enquire at this stage of the proceeding, where is the controversy, and the well known state of things, and the onward course of events within the State, to lead us? Hence, in order that the President may be enabled to open such negotiation, unembarrassed by any questions of conflicting power and jurisdiction, and with a reasonable or possible prospect of bringing the controversy to an amicable close, the proposition, "That the Legislature of Maine should provisionally surrender to the U. States, all claim to jurisdiction and right of soil over the territory lying north of the river St. John and east of the river St. Francis as heretofore described," Maine in such

case, and in any event to be indemnified for any portion of the territory, thus provisionally surrendered to the U. States, if ultimately lost to the State, by adjoining territory to be acquired; and, so far as that should prove inadequate, at the rate of one million of acres of land in Michigan for the claim to and over the whole territory surrendered—said lands, thus to be appropriated, to be sold by the U. States at their expense, and the proceeds to be paid without deduction into the Treasury of the State.’ We deem it proper in connection with this subject to add, that the present minimum price of the public lands of the U. States, is one dollar twenty-five cents the acre; that those situated in the territory of Michigan are rapidly coming into the market, and that the demand for them, it is understood, is steady and increasing. We also take the liberty in this place to express the opinion, that should the agreement we have entered into in behalf of the State, be ratified by the Legislature, and should the proper authorities of the United States avail themselves of its provisions, and ratify it on their part, and should the Congress of the United States by any act of legislation, diminish the value of the lands, proposed to be appropriated and pledged as an indemnity to the State, the United States would be bound in good faith to further indemnify the State for such diminution in value caused by their own acts. It is with these general views of the subject, and in full and entire confidence in the good faith of the government of the United States, and in the several branches of its high constituted authorities, that we have been induced after the most mature consideration we have been able to give to the subject, to accede on our part to the provisional agreement, we now respectfully submit to the wisdom of the Legislature.

With great respect we have the honor

to be, Sir, your obedient servants.

(Signed)

Wm. P. PREBLE,
REUEL WILLIAMS,
NICHOLAS EMERY.

His Excellency, SAMUEL E. SMITH,

Governor of Maine.

(Copy.)

The King of the Netherlands, mutually selected as Arbiter by the King of the United Kingdom of Great Britain and Ireland, and the President of the United States, and invited to investigate and make a decision upon the points of difference which had arisen under the treaty of Ghent of 1814, in ascertaining that point of the Highlands lying due north from the source of the River St. Croix, designated by the Treaty of Peace of 1783 as the north west angle of Nova Scotia, and in surveying the boundary line between the dominions of the United States and Great Britain, from the source of the river St. Croix directly north to the above mentioned north-west angle of Nova Scotia, thence along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river, having officially communicated his opinion that it will be suitable to adopt for boundary between the two States (*qu'il conviendra d' adopter pour limite des Etats*) a line drawn due north from the source of the river St. Croix, to the point where it intersects the middle of the thalweg of the river St. John; thence the middle of the thalweg of that river, ascending to the point where the river St. Francis empties itself into the river St. John, thence the middle of the thalweg of the river St. Francis, ascending to the source of its south-westernmost branch designated on map A by the letter X, thence a line drawn due west to the Highlands, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those that fall into the Atlantic ocean to the north-westernmost head of Connecticut river: And the Legislature of the State of Maine having protested and continuing to protest against the adoption by the Government of the United States of the line of boundary thus described by the King of the Netherlands, as a dismemberment of her Territory, and a violation of her constitutional rights: And the President of the United States having appointed the undersigned Secretaries of the Departments of State, of the Treasury, and of the Navy, to meet with such persons as might be appointed by the State of Maine, for the purpose of entering into a provisional agreement as to the quantity and selection of lands of the United States, which the State of Maine might be willing to take, and the President would be willing to recommend to Congress to give for a release on her part of all claim of jurisdiction to and of her interest in the lands ly-

ing north and east of the line so designated as a boundary by the King of the Netherlands: And the Governor of Maine, by virtue of the authority vested in him, having appointed the undersigned, William Pitt Preble, Reuel Williams, and Nicholas Emery, Commissioners on the part of said State, to meet and confer with the said Secretaries of State, of the Treasury, and of the Navy, thus authorized as aforesaid, with a view to an amicable understanding and satisfactory arrangement and settlement of all disputes which had arisen, or might arise, in regard to the North Eastern Boundary of said State and of the United States: And several meetings and conferences having been had at Washington between the eighteenth day of May, and the second day of June, 1832, and the said Commissioners, on the part of the State of Maine, having distinctly declared, that said State did not withdraw her protest against the adoption of the line designated as a boundary by the King of the Netherlands, but would continue to protest against the same, and that it was the desire of the Legislature and Government of Maine, that new negotiations should be opened for the purpose of having the line designated by the Treaty of Peace of 1783, run and marked according to that treaty, and if that should be found impracticable, for the establishment of such a new boundary between the dominions of the United States and Great Britain, as should be mutually convenient, Maine in such case to be indemnified, so far as practicable, for jurisdiction and territory lost in consequence of any such new boundary, by jurisdictional and other rights to be acquired by the United States over adjacent territory, and transferred to said State. And for these purposes the undersigned Commissioners were ready to enter into a provisional agreement to release to the United States the right and claim of Maine to jurisdiction over the territory lying north and east of the line designated by the Arbitrator, and her interest in the same, the said State of Maine and the State of Massachusetts being owners of the land in equal shares; suggesting at the same time the propriety of suspending the conferences until the Senate of the United States, whose advice it had become the duty of the President to take, and before whom his message for that purpose was then under consideration, should finally act in the matter, in which suggestion the Secretaries of State, of the Treasury, and of the Navy concurred.

And the Senate of the United States did, on the twenty-third

day of June, 1832, pass a Resolution in the words following:

RESOLVED, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the Boundary between the possessions of the United States and those of Great Britain, on the north-east frontier of the United States, according to the treaty of Peace of 1783.

Whereupon the Secretaries of State, of the Treasury, and of the Navy, did renew their communications with the Commissioners on the part of the State of Maine, and state it to be the wish and intention of the President to open a negotiation with the government of Great Britain for the purposes mentioned by the said Commissioners, and also for making arrangements relative to the navigation of the river St. John, and the adjustment of other points that may be necessary for the convenience of the parties interested; but deeming a cession from the State of Maine, of all her jurisdiction and right of soil over the territory heretofore described, and in the manner heretofore stated as indispensable to the success of such negotiation, the Secretaries of State, of the Treasury and of the Navy, did declare and propose, that in consideration of such cession, the President will, as soon as the State of the negotiation with Great Britain may render it proper to do so, recommend to Congress to grant to the State of Maine an indemnity for the release on her part, of all right and claim to jurisdiction over, and her interest in, the territory beyond the line so designated by the King of the Netherlands. The said indemnity to consist of one million acres of land to be selected by the State of Maine, and located in a square form, as near as may be, out of the unappropriated lands of the United States within the territory of Michigan—the said lands to be surveyed and sold by the United States at their expense, in the same manner, and under the same regulations which apply to the public lands—and the whole proceeds without deduction, to be paid over to the State of Maine as they shall be received. But if, in the result of any negotiation as aforesaid with Great Britain, the State of Maine shall ultimately lose less of the territory claimed by her, north and east of the rivers St. John and St. Francis, than she would according to the line designated by the King of the Netherlands, the aforesaid indemnity shall be proportioned to the actual loss; and if any new territory contiguous to the State of Maine, not now within her limits, shall be acquired by such

negotiation from Great Britain, the same shall be annexed to and be made a part of said State. And a farther proportionate deduction shall be made from the indemnity above mentioned. But if such attempt on the part of the President to negotiate, should wholly fail, and in that case, and not otherwise, the proper authority of the United States should, on full consideration, determine to acquiesce in the line designated by the King of the Netherlands, and to establish the same as the north east boundary of the United States, the State of Maine shall be entitled to receive the proceeds of the said million of acres, without any abatement or deduction—which offer the undersigned Commissioners provisionally accede to, and on condition of the due performance of, all and singular, the things which by the declaration of the Secretaries of State, of the Treasury, and the Navy, and by the proposal aforementioned are to be performed, or intended to be performed, they agree to recommend to the Legislature of the State of Maine, to accept said indemnity, and to release and assign to the United States, all right and claim to jurisdiction, and all her interest in the territory north and east of the line designated by the King of the Netherlands. But it is distinctly understood, that until this agreement shall have been accepted and ratified by the Legislature of Maine, nothing herein shall, in any wise be construed, as derogating from the claims and pretensions of the said State to the whole extent of her territory, as asserted by her Legislature.

Nor shall any thing herein contained, be construed so as to express or imply, on the part of the President, any opinion whatever on the question of the validity of the decision of the King of the Netherlands, or of the obligation or expediency of carrying the same into effect.

(Signed)

EDW. LIVINGSTON,
 LOUIS McLANE,
 LEVI WOODBURY,
 WM. P. PREBLE,
 REUEL WILLIAMS,
 NICHOLAS EMERY.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 7, 1838. }

¶ Laid on the table and 5000 copies thereof, together with the correspondence of the Commissioners in relation thereto embraced in the Resolves of this State of 1832, ORDERED, to be printed for the use of the Legislature.

(Extract from the Journal.)

GEO. C. GETCHELL, Clerk.



DOCUMENTS

Published in the Resolves of 1832, from page 449 to 467, inclusive.

[CONFIDENTIAL.]

To the Senate and House of Representatives:

I herewith communicate confidentially for the consideration of the Legislature, copies of two letters from Mr. Preble, the Agent of this State at Washington, in relation to the question respecting our North Eastern Boundary, now pending before the Government of the United States. By these letters I am informed that it is expected the Award and recommendation of the Arbiter will eventually be adopted by the General Government, and that it has been proposed that Maine should cede to the United States her claim to the territory which lies Northward and Eastward of the line recommended by the Arbiter, for an ample indemnity, in order that the General Government may be enabled to make such an arrangement with Great Britain as shall comport with the interest and honor of the United States.

The expediency of authorizing the Agent of this State at Washington to make an arrangement with the General Government for the purposes contemplated, is now respectfully submitted to your consideration.

The decided and unanimous opinion of our Agent and the united delegation of this State in Congress cannot fail to be received with great deference, and under existing circumstances, it is believed that an arrangement of the kind proposed will not, in any respect, compromise the honor of the State, or operate injuriously to her interest. In a pecuniary point of view, she will be amply remunerated for the loss sustained, and the principle for which she has uniformly contended, that the United States have not constitutional power to alienate any portion of the territory of a State, without its consent, will not be abandoned. The adjustment of the controversy will also relieve the United States from much embarrassment in their relations with Great Britain, and terminate those collisions with the British Authorities, which if continued would inevitably prevent the settlement of the territory and endanger the peace of the nation.

I would further suggest the necessity of acting with promptness upon this subject after it shall have received that attentive consideration to which, by its importance to the honor and interests of the State, and the welfare of the United States, it is eminently entitled.

As the Government of Massachusetts has been invited to cooperate in the measures heretofore taken by this Legislature, it may also be proper that she should be requested to unite with us in the proposed arrangement, if upon consideration its adoption should be deemed expedient.

SAMUEL E. SMITH.

COUNCIL CHAMBER,
[Augusta, February 22, 1832.]



WASHINGTON, Feb. 3, 1832.

SIR—After one of the most fatiguing and uncomfortable journeys I have ever made, I succeeded in arriving at this place last evening. The business of our northeastern boundary is still before the Senate and in the hands of its committee of Foreign Relations. I called on the President of the United States this morning, and delivered to him an authentic copy of the Report and Resolutions, adopted by the Legislature. They will be communicated by the President to the Senate by special message immediately. The only additional fact I deem it necessary to lay before you at this moment is, that among the papers laid before the Senate is a letter from Mr. Bankhead, the British Charge-d’Affairs, to Mr. Livingston, Secretary of State, calling, by order of his government, on the government of the United States, to carry into effect the opinion and advice of the Arbitrator, insisting upon its being binding on the United States, and within the limits of the powers delegated to the Arbitrator by the treaty of Ghent and Convention of Sept. 29, 1827. I will also add that I am met as I apprehended, at the threshold, with those very difficulties which I suggested, before leaving Augusta, to yourself personally and to the members of the Legislature.

With great respect, I have the honor to be

Sir, your very obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

[CONFIDENTIAL.]

WASHINGTON, 15 Feb. 1832.

SIR—I had a long conversation last week with Mr. Tazewell of the Senate, Chairman of their Committee of Foreign Relations. He went into a very full discussion of the subject of our boundary, not so much on the question of abstract right as on that of interest and sound policy. He endeavored to sustain and enforce the position that Maine, in resisting the advice of the Arbitrator, was jeopardizing her own interests—that by setting aside that advice, Maine would be more likely to fare worse than better—that the decision is far more favorable to her rights and pretensions than he had ever expected it would be—that if set aside, besides the irritating border difficulties, which endangered the peace of the country, the embarrassments arising out of the British possession and pretensions, with the disposition prevalent in New Brunswick, would subject Maine to constant inconvenience and vexation—if not ultimate loss. He was willing to fight if Maine said so; but it was best to pause and weigh the consequences:—and on one point he never felt clearer, viz. that on the score of policy and with an eye to her own peace and her own best interests, Maine had better acquiesce in the award, than contend farther. Prior to this, some members of our delegation, with myself, had waited on Mr. Calhoun, and subsequently I held a conversation with Mr. Clay. These two gentlemen assume the position that the Senate has nothing to do with the subject in the shape in which it is now before them. In fact they are evidently inclined to seize, with or without just foundation, according to my views, upon mere matters of form, as a justification or excuse for declining to act at all. In a word, the result of my experience so far is, that there is a general desire to get rid of the subject, and its inherent difficulties;—by right, if it can be done conveniently; by wrong, if no other mode presents itself. We are not however without our friends;—but to use once more the language of Mr. Tazewell;—notwithstanding all your delegation and you may urge in regard to the award, and however just your views may be—“with most people that award will still go for something.” While, continued he, I agree with you in most of your abstract propositions, and in some of them probably go still farther than you do, we must look at the thing as practical men—we must consider how other nations will regard us—and we can-

not get rid of the fact that the Arbiter, we agreed to, has pronounced against us. In connection with these remarks, as Mr. T. referred to our delegation, I will beg leave to say, that from all I can learn, I believe they have been faithful advocates of our rights, and are disposed to do every thing in their power to protect the interests of Maine. In regard to our Senators, as their proceedings are in secret session, I cannot have so good means of judging, and therefore at present neither form nor express an opinion. Our delegation meet at my rooms this evening. In the mean time I have received an invitation to call on the Secretary of State. I have been expecting it. If the object of the interview is connected with our business in any thing that is important, I shall not fail to make it known to you.

With great respect, I have the honor to be,
Sir, your obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



[CONFIDENTIAL.]

WASHINGTON, 16 Feb. 1832

SIR—It is now very late, or rather very early—but I cannot retire without first laying before you the results of the day and the evening. Our delegation has been together, as suggested in my letter No. 5—and the business of our boundary generally and of our prospects in regard to it, have been the subjects of consultation and consideration. The delegation agree in the views expressed in my letter, which I took occasion to lay before them, and all concur in the sentiment and apprehension that Maine will probably be ultimately compelled to acquiesce in the award, with a claim for indemnity. We do not despair altogether; yet such are our fears, and I deem it infidelity to the interests of the State for me to conceal them from you. I also laid before them the subjects of consideration between myself and the Secretary of State. I will proceed to lay them before you. I am justified in saying that the delegation are nearly, if not absolutely, unanimous in commending the propositions to the favorable consideration of the Legislature. The government of the United States feel themselves embarrassed by the posture of af-

fairs in relation to the Northeastern boundary. They are anxious to save the rights of Maine and preserve what is thought to be the honor of the country, and to prevent its peace being put in jeopardy. Without therefore undertaking to say whether Maine is right or is wrong in her doctrines, but believing that she is greatly injured as a matter of fact, it is proposed that Maine should cede to the United States her claim and jurisdiction over that portion of territory which lies northerly and easterly of the line, recommended by the Arbitrator, for an indemnity, in order that the United States may be enabled to make such an arrangement with Great Britain, as may best comport with the interests and honor of the United States. And for this purpose it is proposed, that the Agent of Maine should be authorized to enter into a negotiation with such person or persons, as may be designated by the President for the cession of jurisdiction on the one part, and the settlement of the indemnity on the other, the agreement, that may be thus entered into, to be subject to ratification, &c. It is proposed that the indemnity should be in land. On this proposition, after the most mature consideration, we agree, that it *saves the honor of the State: that it relieves the United States, and that so far as pecuniary interests are concerned, it will be immensely advantageous to Maine.* Also, if Maine is disposed to make a bargain, we all agree this is the favorable moment. Suffer it to pass unimproved and it is gone forever. I have stated the proposition just as made. Doubtless the government of the United States would negotiate as readily with any other person as with the person who at this moment holds the place of Maine's Agent. If he should be authorized, he ought of course, to consult with our delegation. These propositions are made confidentially, and to be laid before the Legislature of Maine confidentially, and their action thereon, and whatever relates to the subject, must be regarded as confidential. Let this business, I pray, be acted upon as speedily as possible, and the results be communicated without unnecessary delay. I repeat, in our deliberations, there was but one opinion among our delegation on this subject.

With great respect, I have the honor to be,
Sir, your obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

P. S. A more ample indemnity could be obtained in land than in money.

W. P. P.

[CONFIDENTIAL.]

To the Speaker of the House of Representatives:

Agreeably to the request of the House of Representatives, I herewith communicate confidentially for their consideration, copies of all the official letters of William P. Preble, the Agent of this State at Washington, in relation to the subject of the Northeastern Boundary, together with the documents accompanying the same, which were received before my last confidential communication, or have been received since, with the exception of those before communicated, and a letter dated February 20th, Number 2, and marked "private and confidential," communicating certain documents now before the General Government, which cannot, consistently with my public duty, and without a violation of confidence, be formally laid before the Legislature. But I have placed these papers in the hands of the Chairman of the Committee on this subject on the part of the House of Representatives, to be used as in his discretion shall appear proper and consistent with the public interest and the honor of the Government.

I also communicate a copy of a letter directed to Mr. Preble from John Anderson, Rufus McIntire, Leonard Jarvis, Cornelius Holland, James Bates and Edward Kavanagh, and a copy of a letter from George Evans, Representatives in Congress from this State in relation to this subject.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }
February 29, 1832. }



[CONFIDENTIAL.]

WASHINGTON, 17 Feb. 1832.

SIR—I did myself the honor in my letter No. 6, to lay before you, the result of a confidential consultation among the members of our delegation—also certain propositions, which had been made confidentially, with a view of being communicated to you, in order that they may be laid confidentially before the Legislature of Maine. These propositions, it is true, are, as is usual in the first instance, made informally, in order to see whether they would be met in a spirit of reciprocity and accommodation, and

were carried so far as to suggest the name of an individual to act on the part of the United States, * * * * an individual, whom I know to be personally well disposed. I am, therefore, a little surprised at the objection suggested in the letter of Mr. Evans in regard to form. And, as to the mode of conducting the business, if the Legislature should think favorably of entertaining the propositions at all, that suggested by Mr. Evans is only calculated to embarrass and not to bring matters to an amicable termination. If the Legislature reserve to itself, as proposed, the right of ratification, it reserves all that any government ever reserves. In regard to Massachusetts, her interests must be respected of course. No one could desire to have it otherwise.—She could be indemnified by other lands in Maine, or in such form as Maine and herself, may agree, but surely she cannot expect to be consulted on the question, whether Maine will enter upon a negotiation to cede her own jurisdiction to the United States. Referring you, however, to the letter of Mr. Evans, a copy of which is inclosed, I take the liberty to lay before you some of the views and modes of thinking which seem to be regarded here as deserving consideration.

The prevailing opinion of nearly our whole delegation from the State has been, as I learn, that from the all-absorbing nature of the subjects of discussion and contest, which at this time agitate Congress—from a desire on the part of gentlemen generally to get rid of present and avoid future difficulties—from a mistaken view of what is required by national honor—from considerations such as those suggested by Mr. Tazewell, adverted to in my letter No. 5—from a prevalent belief that the subject matter of the controversy is not worth the hazard of disturbing the peace of the country and jeopardizing its national and commercial interests, and I will add, on my own responsibility, from the extreme remoteness of our situation—our infancy as a State, and the consequent very limited influence and consideration Maine enjoys, notwithstanding the acknowledged personal respectability and merit of our present delegation, Maine would probably ultimately be obliged to submit, however she may resist the idea, to a modification of her boundary line, and that afterwards her only practicable remedy would be an application or petition to Congress for indemnity. But to have our territory wrested from us would be too humiliating; and, after having been compelled to submit to the violation of our State rights, to prefer a petition for indemnity

would, in my apprehension, be at least a mortifying state of things. Besides, it is certain there are members of Congress even now, who say they would not allow to Maine one single cent. This covering, such as it is, for our wounded State pride and violated State rights, in the form of an indemnity, therefore might be withheld, or if any thing were offered it might be some miserable bagatelle in amount, more offensive than a total refusal. In a word, the injury being consummated upon us, I could not but consider, whatever may be urged to the contrary by Mr. Evans, that we should be wholly at the mercy of Congress, with nothing left us but a sense of our injury and the right of complaining. These views are not very flattering to our State pride, but let us not suffer our honorable feelings to mislead our judgment, or prevent us from seeing things as they exist. It is not a matter of private interest, in which we may indulge our personal feelings without being responsible to any one. It is the interests of the State which are committed to its functionaries. In the course suggested by the propositions communicated to you, it appears to me Maine is treated with courtesy and respect. She does not make the proposition—she is invited to negotiate. Her wrongs are in effect admitted—her nationality is appealed to. She is not asked to yield to foreign encroachment or usurpation. She is requested to consent, in consideration of existing embarrassments and difficulties, which have arisen out of unforeseen causes and providential events, to cede to the United States for a full equivalent and indemnity, to be mutually agreed upon, her claim and jurisdiction to that portion of her territory lying northerly and easterly of the line recommended as a boundary by the Arbiter; and she is requested to do this, in order that the government of the United States may then proceed to make such a definite arrangement, as shall relieve Maine herself from all farther annoyance and trouble, and promote the interests and consolidate the peace of the Union, of which Maine is a member. It is with a view to all these considerations, as I understand, enforced upon their minds by all the means of judging their position affords, that our delegation have united, with the exception of Mr. Evans, in recommending to the favorable attention of yourself and of the Legislature of Maine, the propositions I had the honor to lay before you. At the same time it is understood, all will unite, until otherwise instructed, in maintaining the rights of the State and enforcing the views expressed by the Legislature in their resolu-

tions of the 19th January last. In one sentiment I believe we all, Senators, delegation and myself, concur. It is, that though we all have our fears, we do not, any of us, wholly despair of the republic. Discussion and time are favorable to a just perception of our rights. The Resolves introduced into the Senate of Massachusetts come to our aid; but there are too many who perceive what are our rights; yet from motives of what they perhaps call national policy, are determined to do us wrong.

In laying this subject and these considerations before you, I feel called upon to submit one remark in regard to myself. If, after due deliberation; the Legislature of Maine should deem it for the interest of the State to enter into negotiation, I am not anxious that it should be committed to me. It is from no personal views that I resist the notions of Mr. Evans. What nation or State ever negotiated by the immediate action of its Legislature?

With great respect, I have the honor to be,

Sir, your obedient servant,

WILLIAM P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



[COPY.]

HOUSE OF REPRESENTATIVES, }
16 February, 1832.

HON. WILLIAM P. PREBLE,

DEAR SIR—The communication which you made to us last evening, of the informal proposition of the Executive of the United States, the object of which is to procure, by negotiation, from Maine a cession to the United States of the territory belonging to the State North and East of the Rivers St. John and St. Francis, for an adequate compensation, has received from us the most careful consideration.

It is not necessary for us to enlarge upon topics upon which all parties in Maine are agreed. The resolutions adopted by both branches of the Legislature of the State, and approved by the Governor on the 19th day of January last, are entitled to and have received our most respectful attention, and we

concur fully in all the opinions and sentiments they express. It is our settled conviction that Maine ought not to consent to any dismemberment of her territory, to be made merely by force of the late pretended award of the King of the Netherlands, and we do not believe that she will ever acquiesce in any violation of her constitutional rights as a Sovereign State, or as a member of this confederacy; and if, in the proposal now submitted to us, there were the possibility of a construction, which would yield even the smallest particle of those rights, we would at once and without hesitation repel the offer, however advantageous to her in a pecuniary view, and however desirable its acceptance might be to the General Government. But, considering as we do that the very proposition puts us upon high ground, that it may be considered as yielding the pretensions heretofore advanced that Maine could have no voice in the disporal of her territory; that it tacitly recognizes the rights of our State, and by implication acknowledges the justness of the view, which its constituted authorities have constantly taken, we are at liberty to turn our attention to its political bearing upon Maine and upon the relations of the United States with foreign countries.

From information we have gathered of the present situation of the correspondence between the Government of the United States and that of Great Britain, in relation to the doings of the late Arbiter, the conviction is forced upon us that the rejection of his pretended award will involve our country in difficulties which may lead to an interruption of that friendly intercourse which now subsists between the United States and Great Britain; a result which we presume no man in the Union can desire, and which every good citizen would deplore. If such a crisis were inevitable, it would be met with fortitude, but certainly it ought to be avoided if to be done with honor. It cannot at present answer any useful purpose to review the past history of a question which now presents itself for final action amidst so many embarrassments. If, therefore, the United States can, without infringing on the constitutional rights and prerogatives of Maine, continue to maintain with all foreign nations that friendly intercourse which is dictated both by duty

and good policy, we believe that our fellow citizens will feel satisfied with the result.

We are well convinced that few eras have existed since the establishment of our Government so inauspicious as the present to an unbiassed action of the Federal Authorities on the question now pending in behalf of our State. We know that it has been referred by the Executive to the Senate as a co-ordinate branch of the treaty-making power for their advice, and that it is yet pending before that body; but we cannot venture to predict the result of their deliberations thereon. In common with yourself we have what we believe to be well grounded fears that a decision may be made adverse to the rights and interests of Maine and productive of consequences which may for years place her, in relation to her Sister States, in a position which may detract from that harmony which our purest Patriots have ever sought to maintain between all the Members of this Confederacy. In such a result will Maine resist, or will she seek indemnity? Should she decline the first alternative, will she in the second place, invested as she is with the character and attributes of Sovereignty, choose to appear at the Bar of the Union in the attitude of a Petitioner! We believe not, so long as any other mode offers itself to secure perfect indemnity.

We have enumerated some of the reasons which have influenced us in forming an opinion on the question which you have submitted. There are many others which either necessarily result from the general ones stated above, or will readily suggest themselves to all who, with a knowledge of the facts and circumstances disclosed, will give their attention to the subject.

We are therefore of opinion that the proposition of the Executive of the United States ought to be met by the State of Maine in the same friendly and conciliatory spirit in which it has been made, and we are satisfied that in so doing all the interests of Maine will be materially promoted.

(Signed)

JOHN ANDERSON,
RUFUS McINTIRE,
LEO. JARVIS,
CORNELIUS HOLLAND,
JAMES BATES,
EDWARD KAVANAGH.

HON. WILLIAM P. PREBLE,

SIR—Understanding from yourself, that an informal proposition has been made to you by the General Government, through its proper officers, the object of which is to procure from the State of Maine, its assent to the adoption of the line of Boundary, recommended by the King of Holland, upon full indemnity to be made by the U. S. to the State of Maine, or for a cession of the territory north and east of the St. John's river, to the U. S. for ample consideration to be made, and my opinion having been requested as to the course proper to be pursued in the present juncture, I beg leave to submit it in writing.

The State of Maine has protested earnestly against the adoption of the line recommenced by the Umpire, and has requested the exertions of its Representatives to prevent any transfer of the territory in question. As to the question of right, I trust there can be no diversity of opinion, certainly none in our State:—nor as it seems to me, can there be any doubt that the *opinion* of the Umpire, is by no means whatever obligatory upon this Government. I concur in the resolutions adopted by the Legislature of Maine upon these topics. Maine has therefore nothing more to do, than to insist, as it has insisted, upon its rights; and to protest earnestly and constantly, against any infringement upon them. Her course is plain, and I trust all the Representatives from that State are prepared to vindicate her rights. If the General Government finds itself embarrassed in its proceedings upon this subject, and desires the assent of Maine to enable it to act freely, its course is also plain—and it seems to me, the proper step to be taken is, that the General Government should signify formally and officially to the Government of Maine its wishes, accompanied perhaps by propositions on its part which the Legislature of that State may deliberate upon, for the accommodation of this embarrassing question. The decided measures which Maine has already adopted, seem to me to preclude any advances or propositions coming from that quarter. She stands upon her rights, and

as no concessions to make. They who wish them should take the first steps to procure them.

As the subject is now before the Senate in Executive Session, we, of course, are wholly ignorant of its present posture, and have scarcely any means of forming an opinion as to the final disposition of the subject. I cannot however for a single moment, entertain the opinion that the recommendation of the Umpire will be adopted as a decision, without full indemnity being made to Maine, and I have reason to believe that the administration of the General Government, have been entirely willing to do this. It is quite clear to me therefore, that we hazard nothing, so far as indemnity to us is concerned, by omitting to make advances for a compromise with the General Government. I can have not the remotest objection to any negotiation between the Legislature of Maine and the General Government, which the parties may choose to institute—but upon a consideration of the whole subject, I cannot recommend that the State of Maine propose to the General Government a cession of territory, or assent to the line, for an indemnity to be received, until the government of the U. S. have recognized the rights of Maine, and requested that assent as the basis of its action. When that is done, the Legislature of Maine is abundantly competent to decide whether it will yield its assent, and upon what terms and conditions. While therefore I agree that Maine should be always ready to receive propositions upon this subject, I cannot advise that she should volunteer terms of compromise, more especially, until her rights are admitted. If it may be considered a favorable time to push a good bargain in a pecuniary point of view, and should therefore be embraced, I can only say, that in the worst possible result, I have no fear that full indemnity will be refused us; and indeed, if the line be adopted against our protestations, the claim for compensation will be stronger, than if adopted by our consent. It seems to me, that as a member of the House, I have nothing more to do in discharging my duties to Maine, than to maintain the principles contained in the resolutions of the Legislature until a different course is prescribed by themselves, or a change of circumstances requires a different course of action.

The preceding has been written in much haste, and amid the noise of business in the House; and may be imperfectly expressed—I hope however it is intelligible.

I have the honor to be, Sir, very respectfully.

Your obedient servant,

GEO. EVANS.

P. S. Since writing the preceding letter, I have seen the proceedings of the Legislature of Massachusetts, upon the subject of the Boundary—adopted in pursuance of the request of Maine; and fully sustaining all the claims, rights and principles of Maine. As we have invited the co-operation of that State, which has been yielded in pursuance of our request, I think it will well admit of serious doubt whether we ought to take any step without her concurrence, or at least without advising her of our intended proceedings.

G. E.



[CONFIDENTIAL.]

WASHINGTON, 20 Feb. 1832.

SIR—On the suggestion of our Senators the Committee of Foreign Relations will, it is said, postpone their report for a short time, the object being, it is presumed, to afford time to hear from you. I beg leave, therefore, to press upon your consideration, the desirableness of an early answer in relation to the propositions which have been made to you.

In listening to the various suggestions which have been made and continue to be so, the following views, thrown out in casual conversation, have arrested my attention.

1. That a great portion of the territory of Maine, claimed by the British government, northerly and easterly of the St. John and St. Francis, is a barren, mountainous region, wholly unfit for settlement and cultivation, particularly the region northerly and easterly of the St. John and Madawaska, and conse-

quently never will sustain a population sufficient to add much to our relative weight and influence in the Union.

2. That, if the British government were to make a military road by the river St. John through the territory; on account of the highlands and mountainous region between the waters of the St. John and Restigouche on the one hand, and between the St. John and St. Lawrence on the other, it could only be sustained in time of war at an enormous expense, provided the United States should lay a road cutting it in a proper manner, as it is supposed they would do; and that in time of peace such a road would be useful to Maine rather than injurious, especially on the hypothesis that the United States laid out and made their road.

In regard to these two propositions I think I understand their intended bearing. Of course we repel every suggestion that goes to undervalue our territory, and in our turn maintain that these highlands and inhospitable regions are our natural barrier, which Maine prefers to any other.

And now, Sir, I will take occasion to say to you that I regard the tour of duty, prescribed by the resolves of the Legislature of Maine, as nearly completed. I might perhaps be of some service if I were to remain until the business of the award was disposed of by the Senate and by the House also, if it should be laid before that body. But the subject may hang along yet for weeks; and the care of the interests of the State before Congress, may be safely left where our constitution and laws have placed it. The propositions I have had the honor to lay before you, I regard as too interesting to the State to be lightly rejected, believing as I do, that as faithful servants of Maine and good citizens of the United States, we are bound to look at the risks to be run as well as the advantages to be gained; and the certainty, *to my mind the moral certainty*, that Maine never will hereafter be able to negotiate under circumstances so favorable to her as the present. In laying these propositions before you and the state of things as we apprehended it to exist here, I have done my duty to the Legislature. It is now for the Legislature to take the subject into consideration and dispose of it as in their wisdom the best

interests of the State and of the United States seem to require.

With great respect, I have the honor to be,

Sir, your obedient servant,

WM. P. PREBLE.

HIS EXCELLENCY SAMUEL E. SMITH, GOVERNOR OF MAINE.



[CONFIDENTIAL.]

WASHINGTON, 23 Feb. 1832.

SIR—I am now well satisfied that the Senate, as a branch of the treaty-making power, will not give their advice and consent to the ratification of the *quasi* award of the Arbiter; but the subject is before them, and what will they do with it? I think they will avoid the question by throwing the whole subject back upon the President. What course will the President then adopt? That I think, is not yet finally settled. One course suggested is, to lay the award before Congress in such a manner, as to lead to a discussion in regard to an appropriation to carry it, the award, into effect. At all events back before Congress it will come in some form or other. If then we assume the hypothesis that, as many believe, Maine will be ultimately driven to ask for a redress of her wrongs under the form of an indemnity, what course best comports with her honor and her interests? Is it best for Maine to comply with the request and accept the invitation to negotiate in the present stage of the business; or to wait the movement and decision of the Senate? If we postpone negotiating until after the Senate shall have acted, is it best then to enter upon a negotiation, or to wait the final decision of Congress? In a word, is it best for Maine to negotiate at all, or while she stands insisting on her rights, to wait the issue of events? These are grave questions, and Maine cannot avoid answering them. If she declines to answer, that fact of itself is an answer. It declares her intention to be, to wait the issue of events. Our cause is gaining strength, that is certain; but it must gain a good deal yet, to insure our success. Grant us all the success we can

ask, and there still remains an uncertain state of things before us. Were it [not for this last consideration, success would, I think, be certain.

I transmitted to you accompanying my letter No. 7, a copy of a letter addressed to me by Mr. Evans. I now enclose a letter from the rest of our delegation, to which I beg leave to refer you; and at the same time I take occasion to say, this is probably the last communication I shall address to you, until I hear from you.

With great respect, I have the honor to be,
Sir, your very obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



[CONFIDENTIAL.]

WASHINGTON, 10 March, 1832.

SIR—I deem it proper to communicate to you the enclosed copy of the minutes of a conference between the Secretary of State and myself, and at the same time to take occasion to say to you that I read to Mr. Livingston that passage of my letter in which I communicated to you his proposition, and he expressed himself as fully satisfied with it. And in connection with this subject, I will also add, that in all my conferences with the Secretary of State, the other members of the Cabinet and the President, I have insisted that Maine's sole wish and desire was to abide by her ancient boundaries; that if, under the present circumstances, or any which might arise, it should be necessary, in order to preserve the peace of the country, for the government of the United States to consent to modify the line of 1783, such modification ought to be one which would accommodate the people of our State in that quarter, and the State itself, as well as Great Britain and her subjects—a modification which would partially indemnify Maine for the position and territory lost;—and further, that in my opinion, Great Britain, in a case in which she must know that

she is in the wrong, would be glad to get rid of the subject by such a modification.

Accept, Sir, the assurances of my respectful consideration.

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



[CONFIDENTIAL.]

WASHINGTON, 13 March, 1832.

SIR—A member of the Committee of Foreign Relations in the Senate, had intimated that the Committee were ready to report, and postponed doing so only at the request of our Senators. Having also heard intimations of what that report was probably to be, I expressed to our Senators the opinion that, under these circumstances, it was desirable the Committee should report without further delay. To this both assented, and a suggestion to that effect, was, as I understood, made to the Chairman. No report, however, has yet been made. I regret this the more, as I wish to see it before I leave, or at least know its precise contents, so that I may give what aid I can preparatory to meeting its positions, so far as they may be adverse to the rights of Maine. I could wish also to hear from you before I leave; but I have long been impatient to return home. Already I have been absent nearly six weeks, and I hope I shall not be thought unreasonable, when I add, that I could not consent to remain but a few days longer.

With great respect, I have the honor to be,

Sir, your very obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



To the Senate and House of Representatives:

The order of the two branches of the Legislature authorizing the Governor, with advice of Council, to remove the injunction of secrecy, when in their opinion, it may be done in

safety to the interest of the State, has been under the consideration of this department, and for the reasons stated in the report of the Council herewith communicated, and in pursuance of said order, I hereby with the advice of Council, remove the injunction of secrecy on the proceedings of the Legislature, from and after this day.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }
March 9, 1832. }



STATE OF MAINE.

In the year of our Lord one thousand eight hundred and thirty-two.

Resolve respecting the territory lying North and East of the Rivers St. Johns and St. Francis.

Approved March 3, 1832.

WHEREAS information has been communicated by the Agent of this State at Washington, that it is proposed that Maine should cede to the United States her claim and jurisdiction over that portion of territory which lies Northerly and Easterly of the line recommended by the Arbitrator, for an ample indemnity, in order that the United States may be enabled to make such an arrangement with Great Britain as may best comport with the interests and honor of the United States:

And whereas the Government of Maine has repeatedly declared, and now declares, that the right of soil and jurisdiction in said territory, according to the provisions of the treaty of 1783, is in the State of Maine, as a sovereign and independent State, and has denied, and continues to deny, the right of the General Government to cede the same to any foreign power without the consent of Maine; and has communicated Resolutions to that effect to the General Government, and has claimed of that Government the protection guaranteed to every State by the Constitution of the United States:

And whereas the Legislature of Maine is disposed to regard the proposition aforesaid as emanating from a disposition on the part of the General Government, to promote the interests, and to preserve the peace, of the nation, without violating the rights of Maine, or disregarding the obligation resting upon the whole Union to protect each State in the full enjoyment of all its territory and right of jurisdiction, and willing to meet the proposition in a like spirit in which it is believed to have been made:

Therefore Resolved, That upon the appointment by the President of the United States, of a person or persons to enter into negotiation with this State for the relinquishment, by this State to the United States, of her claim to said territory and for the cession of the jurisdiction thereof, on the one part; and for an ample indemnity therefor, on the other part, and notice thereof being communicated to the Governor, the Governor, with advice of Council, be and he is hereby authorized and requested to appoint three Commissioners on the part and in behalf of this State, to treat with such person or persons, so appointed by the President, on the subjects aforesaid; and any agreement or treaty, to be made in pursuance of this Resolve, is to be submitted to the Legislature of Maine for approval or rejection; and until such agreement or treaty be so submitted to, and approved by, the Legislature of Maine, nothing herein contained shall be construed, in any way, as implying the assent of this State to the line of boundary recommended by the Arbitrator, or to the right of the General Government to adopt or sanction that line instead of the line described in the treaty of 1783.

Resolved, That the Governor be requested forthwith to communicate the foregoing Preamble and Resolution, confidentially, to the Agent of this State, at Washington, and also to the Executive of the Commonwealth of Massachusetts, to afford to that Commonwealth the opportunity of adopting such measures as she may consider expedient in relation to her interest in said territory.