

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PRINTED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSIONS

**A. D. 1842.**

*AUGUSTA:*

SMITH & Co., PRINTERS TO THE STATE.

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1842.

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**TWENTY-SECOND LEGISLATURE.**

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**NO. 41.]**

**[HOUSE.**

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**R E P O R T**

**OF THE**

**C O M M I T T E E**

**ON THE**

**NORTHEASTERN BOUNDARY.**

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**[WM. R. SMITH & Co.....Printers to the State.]**



# STATE OF MAINE.

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THE joint select committee to whom was referred the subject of the North Eastern Boundary of this State, have had the same under consideration, and they ask leave to submit the following

## **REPORT:**

Our executive and legislative records bear honorable evidence of the zeal and distinguished ability with which all the departments of our State government have discharged their high and responsible duties, in regard to the subject of the above reference. The results of their patient and laborious investigations, have produced universal conviction of the right of this State to all the territory that we claim to possess, under the assignment of boundaries made by the treaty of 1783. This right has been explicitly acknowledged by all the several branches of the general government; and we have, also, received from the Legislature of sister States gratifying evidence of their readiness to concur in effectual measures to redress the wrong that a foreign nation, with a reckless pertinacity unsupported by even a decent appearance of rightful claim, is still endeavoring to consummate on the sovereignty and property of Maine. The annexed resolutions of the General Assembly of Vermont, lately received through the executive of that State, manifest the same determination.

Under these circumstances, your committee are of opinion, that nothing further is now required of them, under the above reference, than a general statement of the present condition of the question, so far as they have been able to gather information concerning it; and they have deemed it unnecessary to extend their inquiries beyond the period that has elapsed since the adjournment of the last Legislature.

At an early day of the present session (17th of January last,) resolutions were passed, by both Houses of this Legislature, instructing our Senators in Congress to make a call on the President of the United States for information on the state of the negotiation touching this matter, and for copies of the correspondence that had passed thereon between the government of the United States and that of Great Britain within the two last years.

Those resolutions were communicated, by our Senators, to the President, on the 22d of the same month; and, on the same day, an answer was received by them, through the department of State, in which the secretary says:

*“The President has received the letter which you addressed to him this morning, transmitting a copy of certain resolutions of the Legislature of Maine, calling for information, and copies of correspondence, respecting the pending negotiations with Great Britain in relation to the North Eastern Boundary of Maine; and directs me to say, in his behalf, in reply, that since the last communication to Congress, no correspondence on the subject of the Boundary question has taken place, which, in his judgment, can be made public without prejudice to the public interest. He desires it to be understood, nevertheless, that he does not remit in his most earnest efforts to hasten the important*

*“object of a final settlement of the boundary question to a conclusion.”*

We pass from this answer, without comment, and look back to the annual message, transmitted by the President to Congress, on the 7th of December last. In the formal array of topics regarding the foreign relations of the Union, there is to be found some notice of that concerning the boundary of Maine. As the message is a public document, open to the perusal of all, it is deemed quite unnecessary to quote the passage alluded to.

In this connection, we take leave to extract the following paragraph from the message transmitted by the Governor to this Legislature, on the 7th of January last.

*“It is with pain and mortification, that I find the boundary question still among the standing topics of the annual executive message. The President in his late communication to Congress, after referring to the progress that had been made by one of his predecessors towards ‘negotiating a convention with a view of the final settlement of the question,’ adds, that ‘he regrets to say that little further advancement of the object has been accomplished since last year.’ That is to say, as we have good grounds to believe, a fair and reasonable proposition on the part of our government, with a view to an amicable and final settlement of the question, has remained, another year, UNANSWERED, if not UNNOTICED. If from this circumstance, as well as from the whole history of the case, you can discover any indication, on the part of Great Britain, other than that of a settled determination never to peaceably yield a large portion of the territory in controversy, you will be more fortunate than I have been. The course which, under this view, the general government should pursue, to my mind*

*“admits neither of doubt nor hesitancy. National honor, as well as justice to Maine, clearly indicates it, and that is, to purge the soil of this State, effectually and without delay, of every vestige of British encroachment. And then, if there is to be further NEGOTIATION upon this subject, let it be on the part of Great Britain to OBTAIN, what, for more than a quarter of a century, she has refused to YIELD. When a reasonable expectation can no longer be entertained, that the general government will adopt this, or some equally efficacious course, if Maine is true to herself, she will take possession of the whole territory, and, if need be, use all the means which God and nature have placed in her hands to maintain it.”*

The sentiments and opinions, there expressed by the Governor, meet with a ready response and full approval on our part.

In a report, submitted by your committee, on the 27th of January last, we presented information of certain measures lately adopted by Great Britain to retain forcibly that portion of the State which she has deemed it quite convenient to possess, for the purpose of administering more effectually her colonial rule throughout her North American Provinces. On that report were based resolutions calling upon the general government to complete certain military roads for which provision had been already made by law.

As it appears from the printed journals of the House of Representatives, in Congress, that some action has been had on the subject of those resolutions, we annex a copy of the report of the secretary of war, communicating estimates of the costs of such roads; and we trust that their completion will no longer be delayed.

We have, also, had before us a copy of the reports made



to the secretary of State of the United States, by the commissioners appointed by the President for the purpose of exploring and surveying the boundary line between the States of Maine and New Hampshire and the conterminous British Provinces; and we regret to learn that, contrary to the ardent wish, and the reasonable expectation of every individual member of this community, another year is to be consumed in finishing that exploration and survey. However, the result of the examinations already made by those commissioners has, in the language of the Governor, "*added another confirmation of our title, which no ingenuity can avoid, nor effrontery deny.*"

It will be borne in mind, that the above proceedings have been had solely under the direction of our national government, without the participation of that of Great Britain, the latter having, hitherto, studiously avoided concurring in the establishment of a joint commission for that purpose. If a proposal so equitable, and so just, had been accepted, when made by the government of the United States, this vexed question would have, long since, been put at rest.

Maine, through her Legislature, has uniformly protested against an arbitration; and we hazard nothing in saying that the people of this State will never consent that the inheritance derived from their ancestors be committed to such a hazard.

In common with all others of our fellow citizens, we have seen public notice, coming in a form that can scarcely admit a doubt of its authenticity, that a special minister has been commissioned by Great Britain with full powers to discuss and adjust all questions of controversy with the United States, including that of our boundary; and that his arrival in this country may be expected at an early day. Assuming

this to be correct, it will remain with the Legislature to determine whether, in such a juncture, it would be deemed expedient to adopt any special measures for the purpose of securing the interests of the State against possible prejudice.

All which is respectfully submitted,

By order of the committee.

EDWARD KAVANAGH,

*Chairman.*

March 7th, 1842.

## STATE OF VERMONT.

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### *Report and resolutions on the Northeastern Boundary Question.*

The select committee to whom were referred certain resolutions from the State of New Hampshire, upon the subject of the northeastern boundary, have had the same under consideration, and beg leave respectfully to

### REPORT:

That we deem it unnecessary, at this day, with all the information there is on this subject before the people of Vermont, to enter into a history of the dispute between the government of the United States and Great Britain, concerning the north eastern boundary. In the opinion of your committee, there is no evidence that the government of Great Britain has the least shadow of a title to any part of the so called "disputed territory." Indeed, it is believed, that from 1783 to 1814—a period of more than thirty years—our title was unquestioned by the British government. During the conferences at Ghent at the latter period, they began to think, that, in case of a war with the United States, or a rebellion in their North American provinces, it would be very convenient for them to have a direct communication through this territory, for the march of their armies from Halifax to Quebec. Then it was that the first intimation of any claim to this territory was made known—a claim, in the opinion of your committee, as unprecedented as it is unjust. On this question, it is believed, the United States are plainly in the right, and the British government as plainly in the wrong.

Your committee, therefore, beg leave to recommend the adoption of the following resolutions :

1. Resolved, by the Senate and House of Representatives, That we heartily respond to the sentiments contained in the resolutions from the States of Maine and New Hampshire, above referred to.

2. Resolved, by the Senate and House of Representatives, That it is the duty of the general government to prosecute the settlement of the north eastern boundary question, without any unnecessary delay.

3. Resolved, by the Senate and House of Representatives, That while we deprecate a war with Great Britain as a great national evil, and to be resorted to only in case of stern necessity ; and while we recommend to the government of the United States a conciliatory, yet firm and decided course on the subject, yet, if such course fail, we pledge ourselves to sustain the authorities of the Union in maintaining their rights, with all the resources in our power.

Resolved, by the Senate and House of Representatives, That His Excellency the Governor be, and hereby is, requested to transmit a copy of the foregoing report and resolutions to the executives of the States of Maine and New Hampshire, and to each of our Senators and Representatives in Congress.

A true copy.

*Attest :*

C. L. KNAPP,  
*Acting Secretary of State.*

27th CONGRESS,  
2d Session.

HO. OF REPS.  
War Dept.

## MILITARY ROAD IN MAINE.

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LETTER FROM THE SECRETARY OF WAR,

*Transmitting the information required by a resolution of the House of Representatives of the 8th instant, respecting estimates of the cost of a military road in the State of Maine, &c.*

—◆—  
FEBRUARY 15, 1842.

Referred to the Committee on Military Affairs.

—◆—

DEPARTMENT OF WAR, February 12, 1842.

SIR: In answer to the resolution of the 8th instant, requesting the Secretary of War to communicate to the House of Representatives any and all estimates which may have been made of the cost of a military road to Forts Fairfield and Kent, in the State of Maine, and of the sums needed for the purpose of erecting such road during the current year, I have the honor to transmit, herewith, a report and estimate of the Colonel of the Corps of Topographical Engineers, which have been prepared under the orders of this Department.

Very respectfully, your obedient servant,

J. C. SPENCER.

HON. JOHN WHITE,

*Speaker of the House of Representatives.*

BUREAU OF TOPOGRAPHICAL ENGINEERS, }  
 Washington, February 12, 1842. }

SIR: In compliance with a resolution of the House of Representatives of the 8th instant, I have the honor to submit the following estimates in reference to the "cost of a military road to Fort Fairfield and Fort Kent":

The estimate for the road to Fort Kent was submitted in a communication from this bureau of the 31st of January, amounting to	\$99,600
The road from the mouth of Little Machias, (the present State road,) by Fairbanks's, to Fort Fairfield, is about 34 1-2 miles long, and will require about 160 feet of bridge work. Using these elements of distance and those of cost in the report of 31st of January, the expense of the road to Fort Fairfield will be, 34 1-2 miles of road, at \$1,200 per mile	\$41,400
160 feet of bridge work, at \$20 per foot	3,200
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Total for the two roads	\$144,200
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The amount which will be required for the present year depends upon the time when the appropriation will be made, and is therefore difficult to state. As a probability, it may be stated at 60,000.

Very respectfully, sir, your obedient servant,

J. J. ABERT,

*Colonel Corps Topographical Engineers.*

HON. J. C. SPENCER,

*Secretary of War.*

BUREAU OF TOPOGRAPHICAL ENGINEERS, }  
 Washington, January 31, 1842. }

SIR: In conformity with your direction, I have examined into the estimates for the road from Fort Kent to the Aroostook, and from thence to the State road in the township of Masardis. Correcting the distances by the more exact measurements lately made under Major Graham, the following revised estimate is submitted:

From Fort Kent to the Aroostook	45 1-2 miles.
From the Aroostook to the State road in Masardis, near the junction of the Masardis, or St. Croix, with the Aroostook	12       “
	<hr/>
Total distance	57 1-2   “
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Say 58 miles, at an average rate of \$1,200 per mile	\$69,600
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In this distance there is about 1,000 feet of water course, over which bridges will have to be made—1,000 feet of bridge-work, at an average of \$20 per foot	20,000
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For repairs of the road from the State road to Houlton,	10,000
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Total	99,600
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Fort Kent, as a military position, cannot be considered of much consequence, but its moral and police influences are very great. There is a tacit understanding between the civil authorities of Maine and New Brunswick, that, under existing circumstances, the tax collector of the former will not go north of the St. John's, nor the collector of the latter

go south, in the execution of their several duties. This understanding adopts the St. John's, above the "due north line" as a temporary boundary, which gives to the position of Fort Kent, at the junction of Fish river and the St. John's, an important bearing upon the police and quiet of the country. These considerations make Fort Kent a position deserving of being maintained; and, if maintained, the road is essential.

Very respectfully, sir, your obedient servant,

J. J. ABERT,

*Colonel Corps Topographical Engineers.*

Hon. J. C. SPENCER,

*Secretary of War.*





STATE OF MAINE.

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IN SENATE, March 8, 1842.

ORDERED, That 1,000 copies of the foregoing Report and accompanying Documents, be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST :                      JERE HASKELL, *Secretary.*