

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSIONS

A. D. 1842.

AUGUSTA:

SMITH & Co., PRINTERS TO THE STATE.

1842.

TWENTY-SECOND LEGISLATURE.

(EXTRA SESSION.)

NO. 3.]

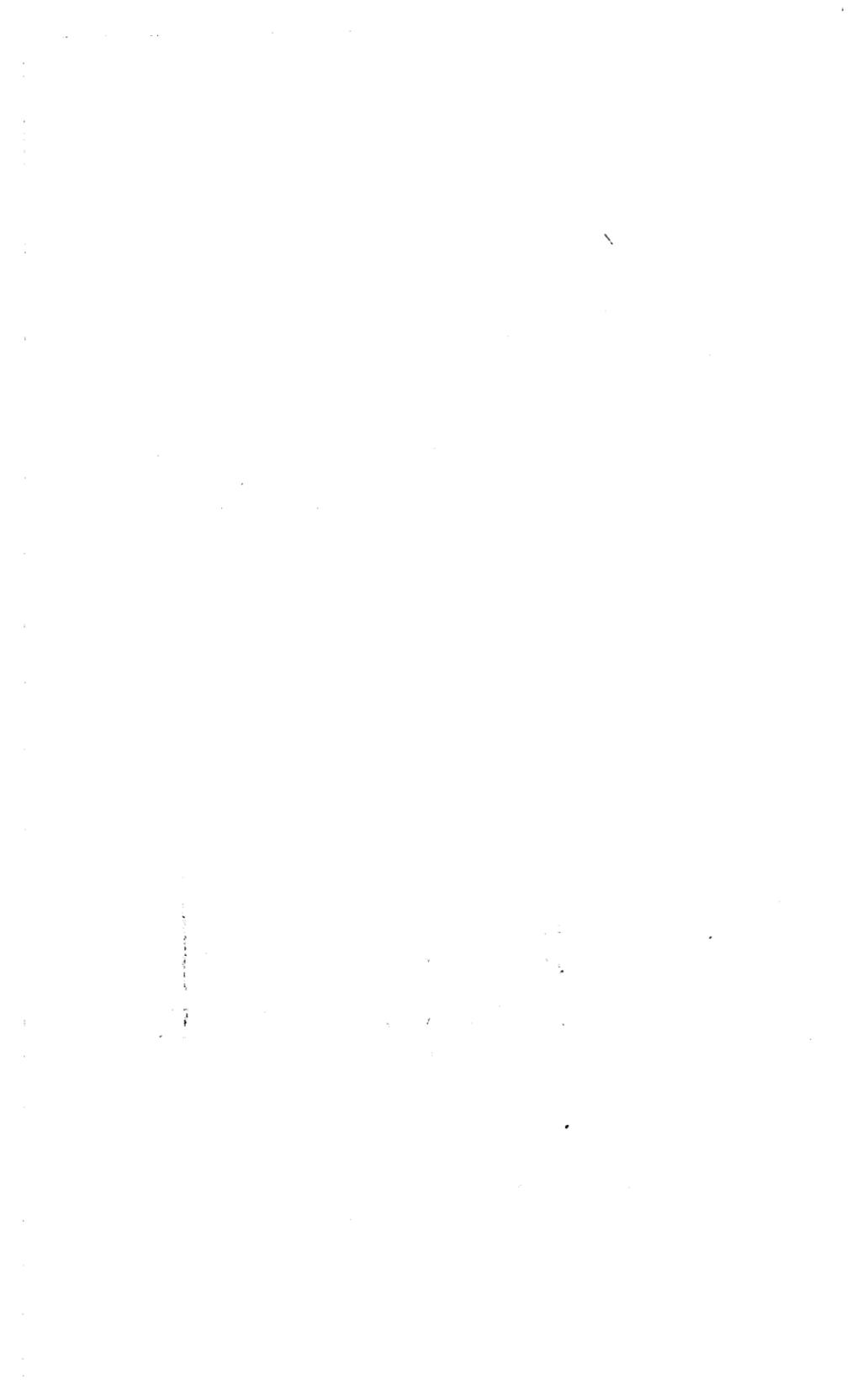
[HOUSE.

MR. FRYE'S REPORT

IN RELATION TO THE

NORTHEASTERN BOUNDARY.

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



STATE OF MAINE.

THE undersigned, one of the members of the Joint Select Committee of both Houses of the Legislature to which was referred the Governor's Message, of the 18th instant, with the accompanying Communication from the Secretary of State of the United States, asks leave to

REPORT:

That not having been able, upon a full and deliberate consideration of the subject, in all its bearings and principles, to arrive to the same conclusions and result, in all respects, with the majority of your Committee, he deems it an act of justice to himself to briefly state some of the reasons of his disagreement.

1. He entertains doubts of the constitutional power of this Legislature to create and invest a commission, or agency, under any name, with authority to invest, in the name and on behalf of the State of Maine, the President of the United States with the right and power of ceding the territory, and with it the sovereignty of a portion of the State,

to a foreign Government. These doubts are suggested from a consideration that no specific delegation of such power is embraced in the Constitution of the State, and that the Legislature must resort to implication and construction to find it.

2. Because he considers that the necessity of conferring *unlimited* powers by the Legislature, if it possesses the right so to do, upon the Commissioners to be appointed pursuant to the resolves, reported by the majority of your Committee, does not at present exist—that the Legislature should be always reluctant, and never ready, except in cases of extraordinary and unavoidable necessity, to exercise a power of so delicate and high a character as that of selling, to a foreign Government, the soil of a part of the State, of abrogating its sovereignty or denationalizing its citizens—the General Government does not require, nor the Governor, in his Message, request, that the Legislature should entrust the Commissioners with full power and authority to bargain, sell and convey, to the British Government, the soil and sovereignty, and the citizenship of the people of the whole State of Maine, or to empower the President and the Senate of the United States to do it—that all that can be fairly considered as required or requested, by the letter of the Secretary of State and the Governor's Message, is the appointment of a Commissioner or Commissioners with plenary powers, to confer with the General Government, upon

the subject of, and to assent to, a conventional line between this State and the adjoining British Provinces—that plenary powers, in the broadest sense of the term, may be given to the Commissioners, without committing to their power the positive and uncontrolable right of absolute disposal, and unconditional cession, of the whole territory, and the free population, of the State, to become the fair fields and the liege subjects of Queen Victoria—and that a passage of the Resolves would be a species of legislation extremely improvident and dangerous in view of the establishment of a precedent for future legislative action, and the possibility of the abuse of power or its exercise beyond the imaginary scope, which the Legislature, in its unbounded confidence, may assign to it.

3. Because he believes, that the investiture of the Commissioners with unlimited powers, even considered as a matter of diplomacy, would present strong features of questionable policy. It might tend to give to the world a false view or notion of the tenure, and of the right of disposal, abrogation or relinquishment, of the sovereignty of the States, and especially that part of it, which relates to the right and immunities of citizenship—believing as the undersigned does, that it is not within the scope of the *constitutional* powers of any State, in the Union, and of the United States, even by concurrent action, to disrobe a single American citizen of

the habiliments, nor to divest him of the rights and privileges, of American citizenship, without his individual assent. This is the "pearl of great price" among the blessings of American Liberty. It is a guarantee of nationality and a surety of protection to every American. The principle is so peculiarly our own, that it should be declared to the world, on all occasions,—for its intrinsic excellence,—from a sense of respect to the nature of our political institutions; and for the information of kings and subjects, that an American citizen can never be deprived, without his assent, by the act of his government, of the right of saying, I AM AN AMERICAN CITIZEN.

And the argument that the possession of these extraordinary powers is necessary to perfect the plenitude of the diplomatic powers on the part of the United States, required by the British Minister, before he will consent to enter upon the proposed negotiation, strikes the mind of the undersigned as quite fallacious, or as proving that it is a part of the necessary chicanery of American diplomacy, that our diplomatic agents should have, at least, a *certificated* power to make, unmake and dismember States and to expatriate citizens. This is a state of humiliation, to which Americans should never yield. The courts of Europe should be made to know that when they treat with this country, the Sovereign Power, with which they treat, is the PEOPLE.

And that the principles of our political institutions are to be fully and scrupulously respected and enforced, in all matters of contract and of etiquette.

4. Because he is satisfied that his constituents do not expect, and will never approve of, the creation, by this Legislature, of so extraordinary a commission, as is contemplated by the Resolves, and he has no conclusive evidence that a majority of the State would approve it.

All which is respectfully submitted.

WILLIAM FRYE.

House of Representatives, }
May 21, 1842. }

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
May 23, 1842. }

The foregoing Report was laid on the table, and 1,000
copies ordered to be printed for the use of the Legislature.

ATTEST :

W. T. JOHNSON, Clerk.