

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

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**Augusta:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

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**THIRTY-SECOND LEGISLATURE.**

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HOUSE.]

[No. 2.

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**DOCUMENTS**

IN RELATION TO THE DISPOSITION OF THE

**PUBLIC LANDS IN MAINE,**

HELD IN COMMON AND SEVERALTY BY THE

**COMMONWEALTH OF MASSACHUSETTS.**

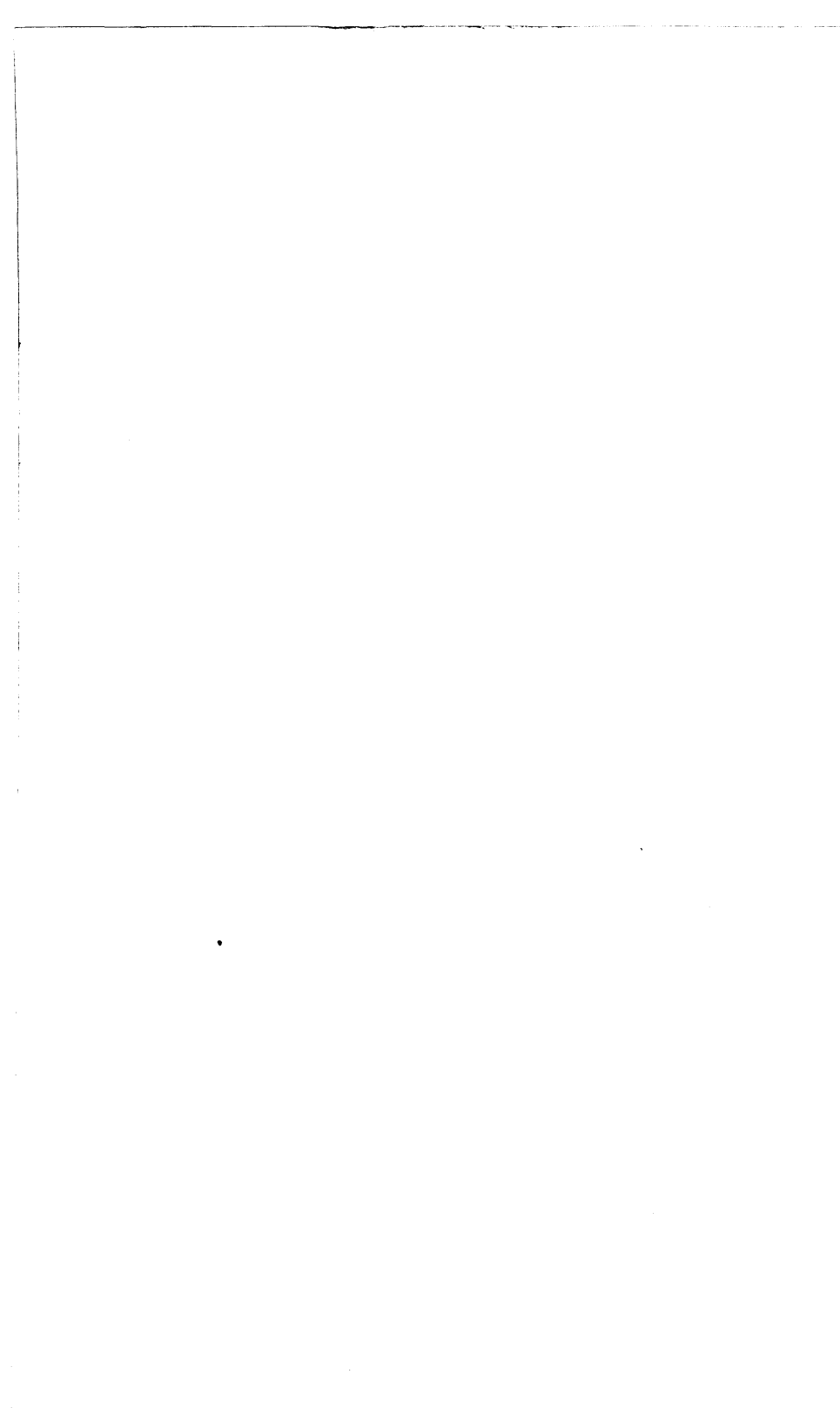
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**Augusta:**

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

**1853.**



# MESSAGE .

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*To the Senate and House of Representatives :*

A resolve of the legislature, approved April 3, 1852, authorized the governor to take such measures as he might deem expedient to lay before the authorities of Massachusetts the grievances of which Maine complains in regard to the management and disposition of the lands owned by that State in common and in severalty in this State, to ask such action as the interest of the state demands, and to report to the legislature the result of the negotiations.

Under the foregoing resolve, a correspondence was had between the authorities of the two States, the result of which appears in a communication from my predecessor, Gov. Hubbard, which I herewith transmit with accompanying documents.

WM. G. CROSBY.

COUNCIL CHAMBER, }  
January 21, 1853. }

[*Ex-Governor Hubbard to Governor Crosby.*]

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HALLOWELL, January 19, 1853.

*His Excellency* WILLIAM G. CROSBY, *Governor of Maine* :

SIR:—Resolves of the Legislature of Maine, of April 3d, 1852, having made it the duty of the "Governor to lay before the authorities of Massachusetts the grievances of which Maine complains in regard to the management and disposition of the lands, which that State owns in common and in severalty in this State," and to procure action thereon by said authorities, a correspondence has, in consequence, been had between the authorities of the two States, and a negotiation entered upon, the results of which will be seen in certain documents in the department of the State Secretary.

Accompanying these documents will be found a paper drawn up by myself, presenting views and statements which I deem important to a thorough understanding of the subject, and to considerate action thereon. Will you be so good as to present to the legislature, at an early hour, the above documents, with the accompanying paper—it being in my judgment highly important that the legislature should take early action on this subject.

Respectfully, yours,

JOHN HUBBARD.

[*Ex-Governor Hubbard to the Legislature.*]

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*To the Senate and House of Representatives :*

It has been the misfortune of our State, from the earliest period of its history, to have been largely covered and overlapped with conflicting proprietary claims. A recurrence to historical records will show how disastrous have been the results to our peace and prosperity—both under our colonial condition and while we were a part of Massachusetts. The evils arising from this source had been measurably corrected by a wise and liberal course of legislation prior to the separation of the two States. Proprietary claims had become exhausted, or their oppressive influence overruled—the rights of settlers were respected—agriculture was fostered, and we were advancing apace in the sure elements of prosperity. This State was at that time becoming a point of attraction for agricultural emigrants. At the period of the separation there remained within the limits of this State a public domain, untouched by any previous grants or claims, which was assigned by constitutional compact in joint and equal ownership to Massachusetts and Maine. It embraced about one fourth part of our whole territory—was in its native forest growth, and mostly unexplored by the foot of civilized man. Its chief value was then supposed to consist in the inducements it held forth to farmers. These lands were managed in common, and the policy of the two States, as had been that of Massachusetts previous to the separation, was liberally directed to promote settlements and cherish the agricultural interest. With a fresh recollection of the evils (scarcely then ended,) inflicted by large proprietary grants, the States seem, for several years, to have resorted to

the practice of selling only in small tracts to actual settlers; adopting in this respect that policy of our general government which has been so fruitful in beneficial results to the Western States.

Soon, however, it was discovered, that there was value to a vast amount in the timber of this region, which could be made more immediately available to the treasury; and a change of policy in relation to the management of the *public* lands ensued. The settling and agricultural interest was thrown into the shade, by the desire of realizing the greatest amount of ready money. The result is that large tracts of these lands, and they of the most valuable description for farms, have been despoiled of their timber, to an extent that will, in many instances, deprive the settler of the supplies actually necessary for his establishment, but to a still greater extent, will impair the value of the immense water power, with which this whole region abounds, in its application to manufactories in wood, so necessary to the resources and well being of an incipient community, so inviting to enterprise.

Nor is this the worst feature of the case. About one third of our whole public domain has by this policy gone into the hands of speculators in large tracts, thus reviving the proprietary system in a more odious form; for, in its origin, this system, however it might conduce to the elevation of the individual, was, at least, intended to encourage settlements. The object of these men is to realize the greatest possible amount from the timber without regard to other considerations; and their interest, as shown in practice, is to discourage and even forbid farming operations. Stumpage is carried to the highest possible rate, consistent with such object, and the wages of the laborer reduced to the lowest practicable pittance. Capital or *credit* controls him that toils and imposes its own condition—the right of all to participate in the free gifts of the soil is monopolized by the few—the humble but enterprising are disheartened, and men of this class are fast leaving us for regions where greater inducements are presented. In justification of



such management as a State policy, (for avarice is a sufficient motive with individuals,) a grand distinction has been pretended between agricultural and timber lands. These two have been represented as being entirely distinct and remote from each other, the latter as comprising by far the greater portion, and being in present and all future time utterly worthless for agricultural purposes.

A most palpable misrepresentation! Like the rest of our State these two descriptions of land are so intermingled and arranged as to render their interest one and inseparable. They should have been managed accordingly. The indefeasible right of this State to have her population and wealth promoted in the disposition of these lands, has been seriously embarrassed. The lesser, but more immediate interest, has been preferred to the greater and permanent interest. How far Massachusetts is amenable to us for the injury thus inflicted upon us to her benefit, is for you and her to decide. Maine has joined her in these whole transactions, has been inconsiderately enticed or rather urged into them from being connected in a joint tenancy.

That Massachusetts has realized an amount she could not have received consistently with the rights and duties of joint and equal owners, is undeniable. The gross proceeds of sales have been equally divided between the States, while the net gains to each must have been widely different. The expenses of labor and care in protecting these lands, of roads and bridges and other improvements, of everything calculated to increase their value or to facilitate operations upon them, should also have been equally borne.

The following statements will show how this is: Massachusetts has received, in cash from the lands here from 1820 to 1852 \$2,075,880 04—in good securities \$335,636 55—besides large grants of lands for her own public uses, approaching in value to one million more—making a sum total up to the present time realized by her of \$2,411,516 59 apart from grants.

She has paid out during the same period for roads and bridges, for all improvements of the aforementioned description, \$70,676 04.

From 1831 to the present time, Massachusetts has received in cash \$1,927,719 54—in securities the whole of the above mentioned amount, (\$335,636 55,) as is supposed, and has been paid for improvements \$69,939 49.

Assuming that the receipts of Maine have been the same, and they cannot have been greater, my present object will be answered by stating, that Maine has paid out for improvements of the character above described since 1832, the sum of \$183,116 23—added to which, grants of land to a large extent have been made to her own citizens, for the same objects.

The ratio of expenditure for these purposes prior to 1832, must probably have been still more favorable to Massachusetts.

This division into periods of time has been made with a view to the fact, that in 1832 the two States in pursuance of the general obligations resting upon them as joint and equal owners, entered into a definite arrangement, through their Legislatures, for the management of this property,—and amongst other things, Massachusetts then stipulated to pay to the extent of ten per cent. of the proceeds to her, towards improvements in roads, bridges, &c. There is no pretence that the stipulations then entered into were ever abrogated or suspended prior to 1850, or that they should not have been in full force and operation; and it is believed, that when all the facts in the case are fully weighed, there is as little ground for pretence that they are not now entirely obligatory upon the parties. The foregoing statements will show you how far Massachusetts has complied with them, in whole. I would simply add, that since 1848 she has refused to contribute anything to these purposes, while she has been enjoying all the benefits,—that her whole policy from that time, and even for a longer period, has tended to retard and obstruct settlements. In pursuance of the resolves of our legislature, (April 3d, 1852,) Anson P. Morrill, Esq., Land Agent, was duly commissioned by me to communi-

cate with the authorities of Massachusetts, concerning certain complaints relating to the public lands held by her and Maine in common and in severalty.

For particulars of these complaints, I would respectfully refer you to my annual message of 1851, and to the several reports of the Land Agent. This commission was most faithfully and ably executed by Mr. Morrill. The result of his negotiation will be seen in his report herewith presented, (Doc. No. 1.) I have only to add, in this connection, that the Legislature of Massachusetts, whether from the facts which were made known to their committee by Mr. Morrill, not having by them been presented to the Legislature, or for other reasons unknown to me, did not think proper to meet us on the basis tendered in the resolves above referred to, or even to listen to our complaints; but passed resolves themselves providing for the sale of their lands. This committee, it is true, after having given to Mr. Morrill a full hearing, made a report to the Legislature, not very complimentary at least, to Maine. Whether they furnished the Legislature with such other facts, as were then surely in their possession, to guide the Legislature to correct and just action in the premises, is not certainly known to me. The commissioners empowed by resolves of Massachusetts to make sale of her lands, did on the 30th of November last, advertise for proposals; and were about to make sale to individuals. No tender for their purchase had been previously made by the proper authorities of Massachusetts, to the proper authorities of Maine. Believing that great injury would be inflicted upon Maine by a sale to speculators—that her best interests demanded that such sale should be defeated—that Maine should herself own the lands and thus be able to control the whole policy of their management, I assumed the responsibility, with the advice of such members of the Council as were assembled, of making a definite proposal to the commissioners for their purchase. At the same time a memorial was by me addressed to the Executive authorities of Massachusetts, requesting them to withhold their approval to any sale other than to

Maine. Messrs. Morrill, Land Agent, and John A Poor, Esq., were duly commissioned to present this memorial and to confer with them upon the subject. (See Dec. No. 2.) Our request has been complied with, the two States are now placed in a proper attitude, and the whole subject is respectfully submitted to your care and discretion.

Gentlemen and fellow citizens, I have assumed a responsibility in this matter not warranted by any power conferred upon me by you the representatives of the people. The crisis seemed to me, to demand it—the best interests of our constituents to require it. You are no further implicated in these acts of mine, than your sense of duty shall seem to you to demand.

The whole subject matter is now at your disposal. The question of purchase by Maine is not one of mere dollars and cents, though it is believed that by prudent management she can realize from the lands, in ready cash, the amount offered by me, and at the time greatly promote the interests of her citizens in other respects. It is one which deeply involves the rights of our laboring men in the privileges of the soil, which concerns the application of their industry in lumbering operations; but more especially does it concern their right to own the soil and cultivate it, for their own benefit, without impediment or embarrassment. The increase of population, the wealth and power of this State, are deeply involved in the result of your action.

Our true policy in connection with the public domain has, heretofore, been overruled, and diverted to wrong purposes by the untoward influences of the claims of Massachusetts and those holding titles under her and us.

Do you believe, should the remaining claims of Massachusetts go into the hands of private speculators, that this evil will be mitigated? Do you believe that the persons who have offered to Massachusetts the enormous price proffered in these proposals, could have expected to realize their wishes and hopes by any fair business process? Is it not certain that they ex-

pected, and is it not equally certain that they would control the policy of this State in her own lands—appropriate them to their own emolument, or compel the State to sell out to them?

The very terms of sale, also, offered by Massachusetts in her advertisement for proposals, indicate an intention on her part, to secure to the purchaser the advantage of an exemption from taxation by us for twenty-one years to come.

JOHN HUBBARD.

## CORRESPONDENCE.

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### Document No. 1.

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AUGUSTA, April 16, 1852.

SIR:—I have the honor to inform your Excellency that I have laid before the authorities of Massachusetts the resolves of the Legislature of Maine, approved April 3, 1852, relative to the lands in this State owned jointly with that Commonwealth.

Immediately on my arrival in Boston, I obtained an interview with his Excellency Gov. Boutwell, to whom I presented your Excellency's letter, together with the resolves alluded to, and urged upon his Excellency's consideration the importance of immediate and favorable action upon the subject by the legislature of Massachusetts. And I also embraced the opportunity to present to his Excellency a succinct oral statement of the grievances of which Maine complains of Massachusetts in the management and disposition of her lands in this State. His Excellency was pleased to give a respectful hearing, but I regret to say, I received no satisfactory assurance that action, favorable to Maine, would be urged upon the legislature, but on the contrary, was distinctly informed by his Excellency, that the interest of the Commonwealth in these lands was that of dollars, and would be so received, however the interests of Maine might be affected by the policy of Massachusetts. His Excellency, however, at once transmitted the resolves to the legislature, and being immediately referred to the land committee, I was notified of the pleasure of that committee to have a hearing on the subject at an early day. Agreeably to this invitation, I appeared before the committee, and presented for

their consideration the ground of Maine's complaints, and the embarrassments and injurious effects on her interests the present policy of Massachusetts was producing.

I called the attention of the committee to the spirit and intent of the original compact that separated Maine from Massachusetts proper, and showed that that compact did not anticipate the holding of these lands from taxation after the Commonwealth had really parted with all interest in them, by lease or conditional deed; and I pointed to the various instances in which this was being done. I also directed their attention to the law of 1832, adopted and passed by the two States, especially that clause which authorizes the land agent to appropriate ten per cent. of the receipts from the sales of those lands to the construction and repairing of roads in Maine; and from the amount of expenditures by her Land Agent since the passage of that law or compact. I urged for the committee's consideration the fact, that less than three per cent. of those receipts had been appropriated as contemplated; and moreover, that for several years past, Massachusetts had thrown the whole expense of roads and bridges over the joint territory, on Maine, her co-tenant, and finally by her law of 1851 taking from the Land Agent all power to sell lands, she had annulled the compact of 1832, thereby compelling Maine to forego the sale of any of these lands held in common, or resort to separate sales by special enactments. With extended remarks on the foregoing grounds of complaint, I urged the importance of a return to the law of 1832 and the original compact, and redress of the injustice done to Maine by a departure therefrom.

The committee, I am happy to inform your excellency, honored me with an attentive hearing, and no justification was interposed for the course thus pursued by that Commonwealth; but I did understand the committee to admit that the claims presented on behalf of Maine were strong, and that favorable and satisfactory action might be expected.

It was suggested by the committee, that a sale of all her lands would be the best policy for Massachusetts, if a reasona-

ble price could be obtained of any company or corporation. To this proposition, I submitted the propriety, from various obvious considerations, growing out of Maine's position as a *co-tenant*, that in case of such sale she should be preferred above all other parties, should she choose to buy. To this suggestion I understood the committee to give a unanimous assent.

I trust, therefore, that the report of the committee, and the action of the legislature, will be such as will be satisfactory to your excellency, and honorable to the character of the Commonwealth.

I am very respectfully,  
Your obedient servant,

A. P. MORRILL.

His Excellency JOHN HUBBARD.



## Document No. 2.

## STATE OF MAINE.

COUNCIL CHAMBER, }  
 Augusta, Dec. 18, 1852. }

To SAMUEL WARNER, JR.,

*Land Agent of Massachusetts :*

The undersigned, Governor of Maine, by virtue of the power and authority in me vested by the constitution and laws of said State, hereby proposes to purchase, for and in behalf of said State, all of the lands of the Commonwealth of Massachusetts, lying within the limits of the State of Maine, owned and held under, and by virtue of the Act of Separation, passed on the nineteenth day of June, A. D. 1819, together with all the rights of the said Commonwealth to receive rents or stumpage dues for any and all lands heretofore leased, or upon which permission to cut lumber has been heretofore granted by the said Commonwealth, and for which the said Commonwealth holds a lien on the lumber to be taken therefrom ; the State of Maine to execute and fulfill all the obligations of the said Commonwealth of Massachusetts to the several lessees or parties holding permits, leases, or contracts of sale, for any of the lands to the said Commonwealth belonging ; said purchase to be on the terms and conditions following, viz :

The State of Maine to pay the Commonwealth of Massachusetts for her interest in all of said lands, the sum of four hundred thousand dollars (\$400,000) in cash, or by an issue of bonds or certificates of debt, in the name and behalf of the said State of Maine, for the total sum of four hundred thousand dollars, in the form following, to wit :

The said debt shall bear an interest of five per cent. per an-

num, payable semi-annually at the office of the Treasurer of said Commonwealth, on the first days of January and July in each year; the principal shall be redeemable at the same place at the expiration of twenty years; the scrip or certificate shall be of inscribed stock, or payable to bearer, with warrants or coupons for interest, signed by the Treasurer of the State of Maine attached thereto, and in such sums each as the Governor of the said Commonwealth may direct; and the said certificates shall be countersigned by the Governor of Maine, and be deemed a pledge of the faith and credit of the State for the redemption thereof.

This offer is made subject to the approval of the Legislature of Maine at its next session commencing on the fifth of January next.

JOHN HUBBARD.

—  
IN COUNCIL, December 18, 1852.

The undersigned, being all the members of the Executive Council of the State of Maine present at the capitol, hereby signify our approval of the foregoing offer.

( LEANDER VALENTINE,  
SIMEON STROUT,  
DARIUS HOWARD.

—  
STATE OF MAINE.

EXECUTIVE DEPARTMENT, }  
Augusta, Dec. 18, 1852. }

*To the HON. GEORGE S. BOUTWELL, Governor,*

*and to the Hon. Council of Massachusetts :*

GENTLEMEN :—I would respectfully, but earnestly, direct your attention to the injury which will be inflicted upon Maine by the proposed sale of the public lands of Massachusetts lying within this State, if that sale be made to individuals.

At the time of the separation of the two States, very little importance was attached to timber lands. Settling lands were then supposed to constitute the principal value, and agriculture to be the main interest. Massachusetts had for a long time previous manifested a liberal policy and exercised a fostering care over this interest; and the joint action of the two States was, for some time after, of a similar character. It was, however, soon discovered that the immediate cash value was in the timber upon these lands, and forthwith the whole policy of the two States was changed, with the view to realize the greatest amount of money; that too, without much regard to other and future consequences.

The blame, if any, of such policy, is not chargeable to Massachusetts alone. Maine consented and joined in it, or perhaps I might say, was urged into it from being connected in a joint tenancy.

It is not necessary to particularize this policy in detail. Results are all we have now to deal with. These are, that the lands, to a very large extent, now owned by the States, are so far stripped of their timber as to impair greatly, and in many instances destroy their present value for settling purposes. And these, too, are the most valuable agricultural soils in the State, surpassed indeed by none elsewhere in natural productiveness. Other portions, constituting about one-third of the whole public domain of the State, have been sold, and are now owned in large tracts by individual proprietors. These have been in like manner stripped, or are now undergoing a process of spoliation which will impair their value and inducements for settlers for half a century at least to come.

If this course of procedure is to be perpetuated, and extended, as it will be, if your lands are sold to individuals, gloomy indeed is our prospect for future growth in population. So long as the general government shall own an acre of land to be disposed of under her present liberal policy and fostering care, Maine may despair of hers being occupied by farmers;

for the proprietary interests in lumber are well known in practice to be adverse to settlers; and if perchance, when the timber is removed, there should be any value left, any inducement offered for farming purposes, that value will be used for the benefit of the proprietor, and to the oppression of the cultivator of the soil. Again: this sale effected, two-thirds at least of all these lands will be the property of large proprietors; and as individuals are always more vigilant in protecting their property, and more expert in making the most of it than States can be, theirs being the paramount and controlling interest, will absorb that of the public, or compel the State to sell out to them. Thus will the policy of this government, in relation to her public domain, be overruled and directed to the emolument of a few of her citizens.

It is the principle of all joint estates, that the ownership is equal and extends alike to every thing that is valuable attached to the property—that one of the owners cannot use it for his own benefit in a manner that shall impair any interest or right which the other may have in it.

Massachusetts has derived profits from the timber to the injury of the indefeasible right of this State in the agricultural value and prospects of these lands. The amount received by her has been vastly greater than could have arisen from the same source without inflicting such injury. We feel that we are at least entitled to a hearing in the premises.

Maine has endeavored faithfully to discharge her duty under the constitutional compact touching this subject. She has protected your lands from trespassers—she has shielded your rights in all respects by the panoply of her laws—she has done greatly more than her share in constructing roads and bridges, in clearing streams and in other works to facilitate lumbering operations and make yours and her timber valuable. She has, for a long time, submitted to have your lands held exempt from taxation for these purposes, contrary to the spirit if not the letter of the compact. And now the terms of your proposed sale, if effected to individuals, may, and probably will, under

similar unjust procedures, hold them exempt from taxation for twenty-one years longer.

In this connection it may not perhaps be improper for me to say, that under an arrangement entered into by the two States in 1832, Massachusetts, amongst other things, stipulated to apply ten per cent. of the net proceeds of her sales here, to the making of roads and bridges, the clearing of streams, &c. She has in point of fact, as the records will show, applied but about three per cent., and for several years past has utterly refused any aid for such purposes.

We would then, with a view to this state of facts, respectfully request your honorable body to suspend your approval to any sale of these lands, till Maine, through her legislature, which convenes next month, can have a hearing. She is we believe sincerely and strongly desirous of buying your lands, and she can afford to give as much as any private company.

With the advice of the Council I have sent proposals to this effect to your land commissioners. We have no legislative authority for this step, but deem the exigency of the case to be such as to demand of us this course.

The amount proposed is our opinion of right and justice, subject of course to the approval of our legislature. We know not what may be their estimate of value. Having received two million seventy-five thousand eight hundred eighty dollars and four cents (\$2,075,880 04) in cash, and three hundred thirty-five thousand six hundred thirty-six dollars and fifty-five cents (\$335,636 55) in good securities, besides near a million more in grants of land for her public uses, Massachusetts will, we trust, deem it due to Maine, at this stage of our affairs, to take a just and magnanimous course, to adopt such measures as shall secure that harmony and good feeling which should ever exist between sister States, such as shall secure that intimate fellowship which has heretofore existed between us, and will promote those commercial and industrial interests which our relative position should render mutual and inseparable.

Respectfully yours,

JOHN HUBBARD.

AUGUSTA, Maine, Dec. 18, 1852.

*His Excellency* GEORGE S. BOUTWELL,  
*Governor of Massachusetts :*

SIR :—Messrs. Morrill our land agent, and John A. Poor, Esq., of Portland, will present you herewith a communication from me upon our land concerns.

They are authorized and instructed by me to communicate any additional facts within our knowledge, or views entertained by us upon this subject, which you or your honorable council desire.

I am with high respect, yours,

JOHN HUBBARD.

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TREMONT HOUSE, BOSTON, }  
December, 20, 1852. }

*To His Excellency* GEORGE S. BOUTWELL,  
*Governor of Massachusetts :*

SIR :—We have the honor to present your Excellency with the enclosed communications from His Excellency the Governor of Maine, in reference to the sale of the public lands of the Commonwealth of Massachusetts, lying within the State of Maine.

We shall hold ourselves in readiness and wait the pleasure of your Excellency, as to the time and place for any conference to which you may please to invite us.

We have the honor to be,  
your Excellency's most obedient servants,

A. P. MORRILL,  
JOHN A. POOR.

COUNCIL CHAMBER, BOSTON, }  
 December 21, 1852. }

GENTLEMEN:—I am in receipt of your note of the 20th inst., communicating a communication from His Excellency Governor Hubbard, in relation to the public lands in Maine.

I shall be happy to see you at any time convenient to you, but will name to-morrow at eight and a half o'clock, A. M., at the Adams House, as a time convenient to me.

I have the honor to be, gentlemen,  
 Your obedient servant,

GEO. S. BOUTWELL.

To Messrs. ANSON P. MORRILL, JOHN A. POOR.

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*To His Excellency* GEORGE S. BOUTWELL,  
*Governor of Massachusetts,*  
*and to the Hon. Executive Council :*

The undersigned, acting at the request and under the instructions of the Executive of Maine, respectfully request that the public lands in Maine, owned by Massachusetts, may not be sold until after the Legislature of Maine shall have an opportunity to make a proposal for their purchase.

The resolve of Massachusetts, passed 20th of May, 1852, evidently looked to the interest of Maine, in providing that a sale, if made, might be made to that State. Since that resolve, the Legislature of Maine has not been in session, but will be during the coming month.

Wishing to do all our duty to the State of Maine, we have taken the opinion of C. B. Goodrich, Esq., a copy of which is herein enclosed.

If agreeable to your Excellency and to the Council, we

should be glad to be heard upon the subject at such time as may be suggested.

We have the honor to be

Your Excellency's

Most ob't serv'ts,

A. P. MORRILL,  
JOHN A. POOR.

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[Copy of the opinion of C. B. Goodrich, Esq.]

BOSTON, December 21, 1852.

GENTLEMEN:—I have examined the resolve of Massachusetts, under which its Land Agent proposes to sell the public lands in Maine, and also the letter of 22d of September, 1852, from the Executive of Massachusetts to the Executive of Maine, giving notice that this Commonwealth had appointed Hon. Philo Leach and Adam W. Thaxter, Esqs., commissioners in behalf of this State, under the law of 1819. The Executive of Maine, after that notice, has six months, not yet expired, within which to choose its two commissioners; the four thus chosen, are authorized, if they can agree, to complete the joint commission by appointing two additional commissioners. If they disagree, the Executives of the two States choose one each.

If Maine after six months notice does not unite in filling the commission, Massachusetts can fill it alone.

From this you will perceive, that the commission in behalf of Massachusetts, under the law of 1819, must consist of three members; and as it now consists only of two members, and cannot be completed for some months, Messrs. Leach and Thaxter cannot act.

It follows, that the Land Agent of Massachusetts cannot sell, because he cannot obtain the legal consent of the Massachu-



setts commissioners under the law of 1819, which the resolve of May, 1852, requires him to have before he can sell.

The Land Agent has a right to take the opinion of the Attorney General, and in a matter of this magnitude would no doubt do so, for his protection.

Respectfully,

C. B. GOODRICH.

*To Messrs. MORRILL and POOR,*

*Agents of the Governor of Maine.*

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BOSTON, December 21, 1852.

DEAR SIR:—In behalf of the State of Maine, under instructions of His Excellency Governor Hubbard, we object that you have no power to sell the public lands in Maine, owned by Maine and Massachusetts in common. We also transmit to you a copy of an opinion which we have obtained from Mr. Goodrich, of this city, on this subject.

Respectfully, your ob't serv'ts,

ANSON P. MORRILL,  
JOHN A. POOR.

HON. S. WARNER, *Land Agent, Massachusetts.*

NOTE.—Copy of opinion of Mr. Goodrich sent, same as sent to Gov. Boutwell.

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BOSTON, December 22, 1852.

*To His Excellency* GEORGE S. BOUTWELL,

*Governor of Massachusetts:*

SIR:—At the interview with which we were honored by your Excellency this morning, you were pleased to express the opinion that the true policy of Maine and Massachusetts would be found, in the sale by the Commonwealth to the State of Maine, of all her interest in the public lands lying in Maine.

We were also gratified at the opinion given by your Excellency, that upon principles of comity between sister States, and a proper respect to the State of Maine for her previous guardianship of these lands, under the Act of Separation, that you would feel at liberty to give to Maine the first offer therefor.

After these assurances the undersigned will cheerfully wait the action of your Excellency in this matter.

It seems proper, however, to say, that the objections to a sale, for the reasons contained in our note yesterday, were made with a view of placing all the information, touching upon this point, at your Excellency's disposal, lest future misunderstandings might arise to endanger the interests of both States.

Our desire is that the authorities of the two States at once arrange the terms of a contract, subject only to the necessary legislative approval. Entertaining the belief that the State of Maine can afford to pay the full value of these lands, if the State of Massachusetts is looking only to the question of dollars and cents in the transaction, we are instructed by his Excellency Governor Hubbard to communicate with you upon any point that may arise; and we hold ourselves in readiness to give due attention to such offer as you may think proper to submit to us, as indicated in the conversation of this morning.

We have the honor to be,

Your Excellency's

Most ob't serv'ts,

A. P. MORRILL,  
JOHN A. POOR.

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GOVERNOR BOUTWELL Presents his compliments to Messrs. Morrill and Poor, and will be happy to see them at the Adams House this day at half past six o'clock, P. M.

Friday morning, Dec. 24, 1852.

TREMONT HOUSE, BOSTON, }  
 December 25, 1852. }

*To His Excellency* GEO. S. BOUTWELL,  
*Governor of the Commonwealth of Massachusetts :*

SIR:—At the interview with which we were honored last evening by your Excellency, you were pleased to tender to the Governor of Maine, whom we represent, an offer for the sale to said State of all the interest of the Commonwealth of Massachusetts, in and to the lands lying within the State of Maine.

This proceeding on the part of your Excellency, we may justly regard, as the great step toward an adjustment of all matters pending between the two States, thereby securing the most amicable relations between Maine and Massachusetts forever.

We beg leave to assure your Excellency, that the liberal and dignified policy pursued by the Executive of Massachusetts, will be fully appreciated and recognized by his Excellency the Governor of Maine.

The mode of carrying into effect the understanding of the parties, involves questions of so much delicacy, that we are now inclined, on mature reflection, to favor the course indicated by your Excellency, rather than the adoption of the plan suggested by us, drawing up of a memorandum of agreement, in which the Executives of each State should unite, subject to the necessary legislative approval.

We, therefore, fully concur in the expediency of that policy suggested by your Excellency, viz:—an adjournment of the question of sale, by the Executive of Massachusetts, without prejudice to the rights of other parties, to a period sufficiently remote, to give full time for the Legislature of Maine to act in the premises. In this way you can accomplish everything that either party can desire.

Any equitable claims or considerations which may be supposed to exist between the two States, can, in the meantime,

be fully considered and adjusted by the respective authorities of each.

We have the honor to be,

Your Excellency's

Most ob't serv'ts,

A. P. MORRILL,  
JOHN A. POOR.

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TREMONT HOUSE, BOSTON, }  
December 25, 1852. }

DEAR SIR:—We have the honor to lay before you a copy of a communication addressed by us, this day, to Governor Hubbard, and a note to your Excellency, conveying our understanding of the matters in hand.

Should any further communication on the subject be required, we hold ourselves in readiness and wait your Excellency's pleasure.

Your ob't serv'ts,

A. P. MORRILL,  
JOHN A. POOR.

*To His Excellency* GEO. S. BOUTWELL,  
*Governor of Massachusetts :*

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[Copy of note to Gov. Hubbard, sent Gov. Boutwell.]

BOSTON, Dec. 25th, 1852.

*To His Excellency* JOHN HUBBARD, *Governor of Maine :*

SIR:—The undersigned, appointed under the resolve of April 3d, 1852, and instructed by your Excellency to lay before the authorities of Massachusetts the grievances of Maine in relation to her management of the public lands of the Commonwealth lying within the State of Maine, have the honor to lay before you, a copy of the correspondence between Governor Boutwell

and ourselves, showing our proceedings in reference thereto, with the offer of the Governor of Massachusetts tendering to the State of Maine a sale of all her interest in lands in Maine.

It gives us sincere pleasure to assure your Excellency, that in all our intercourse with the authorities of Massachusetts, in relation to this matter, we have been met by his Excellency Governor Boutwell, with all the frankness and liberality which the previous intimate relations of the two States, and the magnitude of the interests involved, were calculated to inspire, in the Executive of the parent Commonwealth.

We have the honor to be,

Your Excellency's

Most ob't serv'ts,

A. P. MORRILL,  
JOHN A. POOR.

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STATE OF MAINE.

EXECUTIVE DEPARTMENT, COUNCIL CHAMBER, }  
Augusta, January 3d, 1853. }

To His Excellency GEORGE S. BOUTWELL,

*Governor of Massachusetts :*

SIR :—I have received the report of Messrs. Morrill and Poor, agents appointed by me, under resolves of the Legislature of Maine of April 3d, 1852, to present to the authorities of Massachusetts the claims of Maine in reference to the public lands lying in this State—with the correspondence between them and your Excellency in relation thereto.

Their proceedings meet my approbation. From the information thus conveyed, I am assured that your Excellency regards Maine as being entitled to the first offer for the purchase of said lands.

Similar assurances were conveyed to Maine, from the author-

ities of Massachusetts, through Mr. Morrill, our Land Agent, who was duly authorized by me to communicate with them upon the subject last spring, under the aforesaid resolves.

I therefore regard the recent proceedings of your Excellency as giving to Maine the offer before referred to, claiming from Maine a corresponding offer to buy.

This offer on your part—being the first and only tender therefor made by the proper authorities of Massachusetts to the proper authorities of Maine—I desire to meet with equal distinctness; and I accordingly submit this an offer on the part of Maine to purchase said lands.

Referring your Excellency to my proposals for purchase, communicated by me, under date of December 18th, 1852, to the Land Agent of Massachusetts, for the terms and conditions of purchase, without regard to the price therein fixed, I now propose to purchase said lands at such price as may be agreed upon by the executive authorities of the two States—deeming the value of said lands to Maine far greater than it can be to Massachusetts or to any private speculators.

With high consideration,

I am yours,

JOHN HUBBARD.

# STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 19, 1853. }

ORDERED, That 1,000 copies of the foregoing Message, with accompanying documents, be printed for the use of the Legislature.

A. B. FARWELL, *Clerk.*