

MAINE STATE LEGISLATURE

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RESOLVES

OF THE

SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON
THE EIGHTH DAY OF MARCH, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-SIX.



PUBLISHED AGREEABLY TO THE RESOLVE OF THE 20th JUNE, 1826.



Portland:

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1826.

STATE OF MAINE.

IN SENATE, January 17, 1826.

The joint standing Committee on State Lands, to whom was referred so much of the Governor's Message as relates to the North Eastern boundary of the State, have had the same under consideration, and REPORT :—That, notwithstanding more than forty years have elapsed since the boundary line of the United States, a part of which forms the North Eastern boundary of Maine, was agreed upon and defined in the Treaty of peace between the United States and his Britannic Majesty, and although that line is so described as would seem to present but few difficulties in ascertaining its true course and location, yet it has been and still is a subject of difference and disagreement between the two nations, where that line shall be made and established.—And notwithstanding the establishment of this line has been a subject of negotiation between the Governments of the United States and Great Britain, and arrangements for its final adjustment have been made, it is feared that it is not now less difficult, than heretofore, to bring the question to a just or speedy determination. When the government of the United States consented to adopt the source of the Schoodic, as and for the source of the St. Croix river, mentioned in the Treaty of 1783, it was to have been expected that no further difficulties or embarrassments, would have been interposed by the British Agents, in running a line from that point “directly North to the Northwest angle of Nova Scotia,” thence “along the highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean,” and establishing it as the true boundary between the Province of New Brunswick and the United States ; but so far from this reasonable expectation being realized, it is believed that the Agent and Surveyors of the British government, after ascertaining that such line would include within the United States a large portion of the St. Johns river, and the settlements at Madawaska, refused to continue it further North than Mars hill, which is about forty miles North of the Monument agreed to be at the source of the St. Croix :—this line has been extended under the authority of the United States to and across the St. Johns, but is very far short of the Northwest angle of Nova Scotia, as contended for by the United States, and the part thus run is not admitted by the British government to be the true boundary line. By the fifth article of the Treaty of Ghent, provision was made for ascertaining and determining this boundary, in pursuance of which Commissioners have been appointed by the respective Governments to agree upon and es-

establish the line, but they have wholly failed to effect the object, and their Reports of disagreement have been made to their respective Governments, by which the question would appear more difficult of decision and settlement than was before apprehended.

These Commissioners, after six years of meetings, examinations and surveys, have differed upon the point where the Northwest angle of Nova Scotia is—upon the meaning of the words “along the highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean”—and upon the admission of the maps presented by each Commissioner as indicating the boundary, and their reports upon these differences are elaborate, contradictory and voluminous, and probably contain much information on the points in controversy highly interesting to this State. The Treaty of Ghent also provides that in the event, which has happened, of the Commissioners differing upon *all* or *any* of the matters referred to them, they should make jointly or separately Report or Reports to the two Governments stating in detail the grounds on which they differ, and the grounds upon which their respective opinions have been formed, upon which the two Governments would refer the *Report* or *Reports* to some friendly sovereign who should be requested to decide on the differences which should be stated in such Report. It must be seen that such an appeal *under such statements* may be hazardous to the just rights of this State, and should be avoided if any other mode of settling the boundary more likely to develop the truth of the case, can be adopted.—It is presumed that for these, among other considerations, the government of the United States are attempting to settle the boundary by negotiation, and although the subject is entrusted to the care and management of those who will conduct it with ability and a due regard to the interests of this State, there is but little reason to expect a recognition on the part of the British government of our just rights, or an early adjustment of the difficulty.

The extent of territory affected by the different constructions contended for is very great, and its value and importance to Maine are far beyond what is generally apprehended, and the time has arrived when it behooves a wise Legislature to give its attention to the subject.—It is believed that the Agents of the British government and the leading men of the Provinces contiguous to Maine, have been for years and yet are vigilant, attentive and persevering in their efforts to obtain, arrange and preserve all such maps, documents, surveys and evidence, as tend to strengthen their claim and embarrass ours, while

we, relying upon the justice and clearness of our claim, have remained so inactive and inattentive to the subject, that few, if any, of our citizens can say with any confidence where, or within fifty miles of what place, we claim that the line should be fixed and established—and if any proposition of compromise should be made to the General Government and referred to this State for acceptance or rejection, who among us could say whether it ought to be submitted to or not ?

Your Committee, therefore, recommend the adoption of such measures as will ensure the procurement and deposit, within the State, of copies of all such maps, documents, publications, surveys and evidence, as may tend to indicate and establish the extent of our rights in the interesting subject of our North Eastern boundary, for which purpose they respectfully submit the accompanying Resolve.

R. WILLIAMS, *Per Order.*

CHAPTER II.

Resolve respecting the North Eastern boundary of the State.

Resolved, That the Governor, for the time being, be authorized and requested to take such measures as he may think expedient and effectual, to procure for the use of the State, copies of all such maps, documents, publications, papers and surveys, relating to the North Eastern boundary of the United States, described in the treaty of 1783, and such other information on that subject, as he may deem necessary and useful for this State to be possessed of ; and that the sum of five hundred dollars be appropriated to carry into effect the provisions of this Resolve ; and that the Governor be authorized to draw his warrants on the Treasury for the same, as occasion, from time to time, may require, he to be accountable for the same.

Resolved, That the Governor of this State, in conjunction with the Governor of the Commonwealth of Massachusetts, (provided said Commonwealth shall concur in the measure,) be authorized to cause the Eastern and Northern lines of the State of Maine to be explored, and the monuments, upon those lines, mentioned in the treaty of 1783, to be ascertained in such manner as may be deemed most expedient.

[*Approved by the Governor, January 26, 1826.*]