

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

RESOLVES

OF THE

TWELFTH LEGISLATURE

OF THE

STATE OF MAINE,

PASSED AT THE SESSION

WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON
THE NINTH DAY OF MARCH, ONE THOUSAND EIGHT
HUNDRED AND THIRTY-TWO.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

RESOLVES.

JANUARY SESSION, 1832.

STATE OF MAINE.

IN SENATE, January 14, 1832.

The Committee of both branches of the Legislature, to which was referred so much of the Governor's Message as relates to the Northeastern Boundary of the State, have had the same under consideration, and report in part:—

That, by the treaty of Peace of 1783, between the United States and Great Britain, the North and East Boundary of the United States, is agreed and declared to be "from the Northwest angle of Nova-Scotia, viz: That angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands, 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 Northwesternmost head of Connecticut river: * * * * East by a line to be drawn along the middle of the river St. Croix from its mouth in the Bay of Fundy to its source, and from its source, directly North to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean, from those that fall into the river St. Lawrence."

By the Proclamations and other acts of the British Government, long prior to the treaty of Peace, the Southern boundary of the Province of Quebec, and consequently the Northern boundary of the Province of Nova-Scotia, was defined and described thus: "crossing the river St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands, which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea, and also along the North coast of the Bay des Chaleurs."

And the Western line of the Province of Nova-Scotia—and consequently, the Northwest angle thereof—was as early as 1763, defined and described by a public act of the King of Great Britain, in these words: "bounded by a line drawn from Cape Sable, across the entrance of the Bay of Fundy, to the

mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Colony of Quebec.”

The river St. Croix, mentioned in the treaty of 1783, has been ascertained and agreed upon by the respective Governments of the United States and Great Britain, and a monument was erected, at its source, by consent of both governments, as the point from which the due north line to the highlands, was to be run, and it only remains that the line from that monument to the Northwest angle of Nova-Scotia, or to the south line of the Province of Quebec, be run and marked, to designate upon the earth, the line between the United States and the British Province of Nova-Scotia, agreed upon and described in the treaty of 1783.

By surveys which have been made, partly by both governments, and partly by the American government alone, of the line running north from said monument, it is known and certainly ascertained, that the place of residence, as well as the place of meeting, of those of our citizens, who have been arrested and forcibly carried before a foreign tribunal, and there condemned and punished, was within the limits of this State.

The course which shall be adopted by the general government, as well as by this State, is pregnant with most important consequences, and while the people of Maine look to the wisdom and power of the Union for that protection which the Federal Constitution guaranties to each State, they also look to this Legislature for the adoption of all measures, which may tend to obtain that protection. and to secure to every citizen of Maine, the sacred rights of liberty, and protection of person and property, when acting under the constitutional laws of the State.

This State having protested against the right of the general government, to submit to arbitration a question, which might jeopardize our territorial rights, and having adopted sundry Resolutions and Reports of Legislative Committees, expressive of her views in relation to this subject, which have been communicated to the general government, and may be referred to, your Committee do not deem it necessary, at this time, to enter more into detail: but they recommend the adoption of the Resolutions, which are herewith respectfully submitted.

JOHN L. MEGQUIER,
T. BOUTELLE,
WILLIAM EMERSON,
REUEL WILLIAMS,
JEREMIAH O'BRIEN,
NATHAN CLIFFORD,
JOSEPH M. GERRISH,
JOHN D. McCRATE,
CHARLES DUMMER,
JAMES STEELE,
CHARLES JARVIS.

Chapter I.

Resolves respecting the North-Eastern Boundary.

Approved January 19, 1832.

Resolved, That the Constitution of the United States does not invest the General Government with unlimited and absolute powers, but confers only a special and modified sovereignty, without authority to cede to a foreign power any portion of territory belonging to a State, without its consent.

Resolved, "That if there is an attribute of State Sovereignty which is unqualified and undeniable, it is the right of jurisdiction to the utmost limits of State Territory; and if a single obligation under the Constitution rests upon the Confederacy, it is to guaranty the integrity of this territory to the quiet and undisturbed enjoyment of the States."

Resolved, That the doings of the King of Holland, on the subject of the boundary between the United States and Great Britain, are not a decision of the question submitted to the King of the Netherlands; and that his recommendation of a suitable or convenient line of boundary is not obligatory upon the parties to the submission.

Resolved, That this State protests against the adoption, by the Government of the United States, of the line of boundary recommended by the King of Holland as a suitable boundary between Great Britain and the United States; inasmuch as it will be a violation of the rights of Maine,—rights acknowledged and insisted upon by the General Government,—and will be a precedent, which endangers the integrity, as well as the independence, of every State in the Union.

Resolved, That while the people of this State are disposed to yield a ready obedience to the Constitution and laws of the United States, they will never consent to surrender any portion of their territory, on the recommendation of a Foreign Power.

Resolved, That the Governor, with advice of Council, be authorized to appoint a competent Agent, whose duty it shall be, as soon as may be, to repair to the City of Washington, and deliver to the President of the United States a copy of the preceding Report and these Resolutions, with a request that he will lay the same before the Senate of the United States; and also deliver a copy to the Vice President, to each of the Heads of Departments, and to each Member of the Senate, and to our Representatives in Congress.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to prevent our State from being dismembered, our territory alienated, and our just rights prostrated, by the adoption of a *new* line for our Northeastern Boundary, as recommended by the King of Holland.

Resolved, That the Agent to be appointed by the Governor and Council, be instructed to co-operate with our Senators and Representatives, in advocating and enforcing the principles advanced, and positions taken, in the foregoing Resolutions, and in supporting all such measures as shall be deemed best calculated to preserve the integrity of our State, and prevent any portion of our territory and citizens from being transferred to a Foreign Power.

Chapter 2.

An additional Resolve respecting the Northeastern Boundary.

Approved January 24, 1832.

Whereas it appears by the extraordinary recommendation of the King of Holland, acting as Arbiter on the North Eastern Boundary question, that a portion of our territory, of which the Commonwealth of Massachusetts and the State of Maine are joint owners, is sought to be ceded to Great Britain in violation of the rights of property of the former State, and of the rights of property, as well as sovereignty, of this State; and Whereas a crisis has arrived, which, it is believed, calls for the vigorous and united action of Massachusetts and Maine to save the former from the loss of property and the latter from being dismembered: and

Whereas the people of Maine, recently separated from the Parent State, feel that they will not appeal in vain to the high moral sense, as well as the sympathies, of the Commonwealth of Massachusetts to aid them, at this critical juncture, in preventing their ancient land marks from being removed, and a portion of their territory and citizens from being wrongfully transferred to a foreign Power: therefore,

Resolved, That the Legislature of the Commonwealth of Massachusetts be requested to co-operate with this State in such measures as shall be best calculated to prevent the