

# MAINE STATE LEGISLATURE

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# 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.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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AUGUSTA:

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

1832.

[CONFIDENTIAL.]

*To the Senate and House of Representatives:*

I herewith communicate confidentially for the consideration of the Legislature, copies of two letters from Mr. Preble the Agent of this State at Washington, in relation to the question respecting our Northeastern Boundary, now pending before the Government of the United States. By these letters I am informed that it is expected the Award and recommendation of the Arbiter will eventually be adopted by the General Government, and that it has been proposed that Maine should cede to the United States her claim to the territory which lies Northward and Eastward of the line recommended by the Arbiter, for an ample indemnity, in order that the General Government may be enabled to make such an arrangement with Great Britain as shall comport with the interest and honor of the United States.

The expediency of authorizing the Agent of this State at Washington to make an arrangement with the General Government for the purposes contemplated, is now respectfully submitted to your consideration.

The decided and unanimous opinion of our Agent and the united delegation of this State in Congress cannot fail to be received with great deference, and under existing circumstances, it is believed that an arrangement of the kind proposed will not, in any respect, compromise the honor of the State, or operate injuriously to her interest. In a pecuniary point of view, she will be amply remunerated for the loss sustained, and the principle for which she has uniformly contended, that the United States have not constitutional power to alienate any portion of the territory of a State, without its consent, will not be abandoned. The adjustment of the controversy will also relieve the United States from much embarrassment in their relations with Great Britain, and terminate those collisions with the British Authorities, which if continued would inevitably prevent the settlement of the territory, and endanger the peace of the nation.

I would further suggest the necessity of acting with promptness upon this subject after it shall have received that attentive consideration to which, by its importance to the honor and interests of the State, and the welfare of the United States, it is eminently entitled.

As the Government of Massachusetts has been invited to cooperate in the measures heretofore taken by this Legislature, it may also be proper that she should be requested to unite with us in the proposed arrangement, if upon consideration its adoption should be deemed expedient.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }  
 Augusta, February 22, 1832. }

WASHINGTON, Feb. 3, 1832.

SIR—After one of the most fatiguing and uncomfortable journeys I have ever made, I succeeded in arriving at this place last evening. The business of our northeastern boundary is still before the Senate and in the hands of its committee of Foreign Relations. I called on the President of the United States this morning, and delivered to him an authentic copy of the Report and Resolutions, adopted by the Legislature. They will be communicated by the President to the Senate by special message immediately. The only additional fact I deem it necessary to lay before you at this moment is, that among the papers laid before the Senate is a letter from Mr. Bankhead, the British Chargé-d’Affaires, to Mr. Livingston, Secretary of State, calling, by order of his government, on the government of the United States, to carry into effect the opinion and advice of the Arbiter, insisting upon its being binding on the United States, and within the limits of the powers delegated to the Arbiter by the treaty of Ghent and Convention of Sept. 29, 1827. I will also add that I am met, as I apprehended, at the threshold, with those very difficulties, which I suggested, before leaving Augusta, to yourself personally and to the members of the Legislature.

With great respect, I have the honor to be

Sir, your very obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

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[CONFIDENTIAL.]

WASHINGTON, 15 Feb. 1832.

SIR—I had a long conversation last week with Mr. Tazewell of the Senate, Chairman of their Committee of Foreign Relations. He went into a very full discussion of the subject of our boundary, not so much on the question of abstract right as on that of interest and sound policy. He endeavored to sustain and enforce the position that Maine, in resisting the advice of the Arbiter, was jeopardizing her own interests—that by setting aside that advice Maine would be more likely to fare worse than better—that the decision is far more favorable to her rights and pretensions than he had ever expected it would be—that if set aside, besides the irritating border difficulties, which endangered

the peace of the country, the embarrassments arising out of the British possession and pretensions, with the disposition prevalent in New-Brunswick, would subject Maine to constant inconvenience and vexation,—if not ultimate loss. He was willing to fight, if Maine said so ; but it was best to pause and weigh the consequences :—and on one point he never felt clearer, viz. that on the score of policy and with an eye to her own peace and her own best interests, Maine had better acquiesce in the award, than contend farther. Prior to this, some members of our delegation, with myself, had waited on Mr. Calhoun, and subsequently I held a conversation with Mr. Clay. These two gentlemen assume the position that the Senate has nothing to do with the subject in the shape in which it is now before them. In fact they are evidently inclined to seize with, or without just foundation according to my views, upon mere matters of form, as a justification or excuse for declining to act at all. In a word, the result of my experience so far is, that there is a general desire to get rid of the subject, and its inherent difficulties ;—by right, if it can be done conveniently, by wrong, if no other mode presents itself. We are not however without our friends ;—but to use once more the language of Mr. Tazewell ;—notwithstanding all your delegation and you may urge in regard to the award, and however just your views may be—“with most people that award will still go for something.” While, continued he, I agree with you in most of your abstract propositions, and in some of them probably go still farther than you do, we must look at the thing as practical men—we must consider how other nations will regard us,—and we cannot get rid of the fact that the Arbiter, we agreed to, has pronounced against us. In connection with these remarks, as Mr. T. referred to our delegation, I will beg leave to say, that from all I can learn, I believe they have been faithful advocates of our rights, and are disposed to do every thing in their power to protect the interests of Maine. In regard to our Senators, as their proceedings are in secret session, I cannot have so good means of judging, and therefore at present neither form nor express an opinion. Our delegation meet at my rooms this evening. I the mean time I have received an invitation to call on the Secretary of State. I have been expecting it. If the object of the interview is connected with our business in any thing that is important, I shall not fail to make it known to you.

With great respect, I have the honor to be,

Sir, your obedient servant,

**WILLIAM P. PREBLE,**

His Excellency SAMUEL E. SMITH, Governor of Maine.

[CONFIDENTIAL.]

WASHINGTON, 16 Feb. 1832.

SIR—It is now very late, or rather very early—but I cannot retire without first laying before you the results of the day and the evening. Our delegation has been together, as suggested in my letter No. 5—and the business of our boundary generally and of our prospects in regard to it, have been the subjects of consultation and consideration. The delegation agree in the views expressed in my letter, which I took occasion to lay before them, and all concur in the sentiment and apprehension that Maine will probably be ultimately compelled to acquiesce in the award, with a claim for indemnity. We do not despair altogether; yet such are our fears, and I deem it infidelity to the interests of the State for me to conceal them from you. I also laid before them the subjects of consideration between myself and the Secretary of State. I will proceed to lay them before you. I am justified in saying that the delegation are nearly, if not absolutely, unanimous in commending the propositions to the favorable consideration of the Legislature.—The government of the United States feel themselves embarrassed by the posture of affairs in relation to the Northeastern boundary. They are anxious to save the rights of Maine and preserve what is thought to be the honor of the country, and to prevent its peace from being put in jeopardy. Without therefore undertaking to say whether Maine is right, or is wrong in her doctrines, but believing that she is greatly injured as a matter of fact, it is proposed that Maine should cede to the United States her claim and jurisdiction over that portion of territory, which lies northerly and easterly of the line, recommended by the Arbitrator, for an indemnity, in order that the United States may be enabled to make such an arrangement with Great Britain, as may best comport with the interests and honor of the United States. And for this purpose it is proposed, that the Agent of Maine should be authorized to enter into a negotiation with such person or persons, as may be designated by the President for the cession of jurisdiction on the one part, and the settlement of the indemnity on the other, the agreement, that may be thus entered into, to be subject to ratification, &c. It is proposed that the indemnity should be in land. On this proposition, after the most mature consideration we agree, that it *saves the honor of the State*: that it *relieves the United States*, and that *so far as pecuniary interests are concerned*, it will be *immensely*

*advantageous to Maine.* Also, if Maine is disposed to make a bargain, we all agree this is the favorable moment. Suffer it to pass unimproved and it is gone forever. I have stated the proposition just as made. Doubtless the government of the United States would negotiate as readily with any other person as with the person who at this moment holds the place of Maine's Agent. If he should be authorized, he ought of course, to consult with our delegation. These propositions are made confidentially, and to be laid before the Legislature of Maine confidentially, and their action thereon, and whatever relates to the subject, must be regarded as confidential. Let this business, I pray, be acted upon as speedily as possible, and the results be communicated without unnecessary delay. I repeat, in our deliberations there was but one opinion among our delegation on this subject.

With great respect, I have the honor to be,

Sir, your obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

P. S. A more ample indemnity could be obtained in land than in money.

W. P. P.

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[CONFIDENTIAL.]

*To the Speaker of the House of Representatives:*

Agreeably to the request of the House of Representatives, I herewith communicate confidentially for their consideration, copies of all the official letters of William P. Preble, the Agent of this State at Washington, in relation to the subject of the Northeastern Boundary, together with the documents accompanying the same, which were received before my last confidential communication, or have been received since, with the exception of those before communicated, and a letter dated February 20th, Number 2, and marked "private and confidential," communicating certain documents now before the General Government, which cannot, consistently with my public duty, and without a violation of confidence, be formally laid before the Legislature. But I have placed these papers in the hands of the Chairman of the Committee on this subject on the part of the House of Representatives, to be used as in his discretion shall appear proper and consistent with the public interest and the honor of the Government.

I also communicate a copy of a letter directed to Mr. Preble

from John Anderson, Rufus McIntire, Leonard Jarvis, Cornelius Holland, James Bates and Edward Kavanagh, and a copy of a letter from George Evans, Representatives in Congress from this State, in relation to this subject.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }  
February 29, 1832. }

[CONFIDENTIAL.]

WASHINGTON, 17 Feb. 1832.

SIR—I did myself the honor in my letter No. 6, to lay before you, the result of a confidential consultation among the members of our delegation—also certain propositions, which had been made confidentially, with a view of being communicated to you, in order that they may be laid confidentially before the Legislature of Maine. These propositions, it is true, are, as is usual in the first instance, made informally, in order to see whether they would be met in a spirit of reciprocity and accommodation, and were carried so far as to suggest the name of an individual to act on the part of the United States, \* \* \* \* an individual, whom I know to be personally well disposed. I am, therefore, a little surprised at the objection suggested in the letter of Mr. Evans in regard to form. And, as to the mode of conducting the business, if the Legislature should think favorably of entertaining the propositions at all, that suggested by Mr. Evans is only calculated to embarrass and not to bring matters to an amicable termination. If the Legislature reserve to itself, as proposed, the right of ratification; it reserves all that any government ever reserves. In regard to Massachusetts, her interests must be respected of course. No one could desire to have it otherwise.—She could be indemnified by other lands in Maine, or in such form as Maine and herself, may agree, but surely she cannot expect to be consulted on the question, whether Maine will enter upon a negotiation to cede her own jurisdiction to the United States. Referring you, however, to the letter of Mr. Evans, a copy of which is enclosed, I take the liberty to lay before you some of the views and modes of thinking which seem to be regarded here as deserving consideration.

The prevailing opinion of nearly our whole delegation from the State has been, as I learn, that from the all-ab-



sorbing nature of the subjects of discussion and contest, which at this time agitate Congress—from a desire on the part of gentlemen generally to get rid of present and avoid future difficulties—from a mistaken view of what is required by national honor—from considerations such as those suggested by Mr. Tazewell, adverted to in my letter No. 5,—from a prevalent belief that the subject matter of the controversy is not worth the hazard of disturbing the peace of the country and jeopardizing its national and commercial interests, and I will add, on my own responsibility, from the extreme remoteness of our situation—our infancy as a State, and the consequent very limited influence and consideration Maine enjoys, notwithstanding the acknowledged personal respectability and merit of our present delegation, Maine would probably ultimately be obliged to submit, however she may resist the idea, to a modification of her boundary line, and that afterwards her only practicable remedy would be an application or petition to Congress for indemnity. But to have our territory wrested from us would be too humiliating; and, after having been compelled to submit to the violation of our State rights, to prefer a petition for indemnity would, in my apprehension, be at least a mortifying state of things. Besides, it is certain there are members of Congress even now, who say they would not allow to Maine one single cent. This covering, such as it is, for our wounded State pride and violated State rights, in the form of an indemnity, therefore might be withheld, or if any thing were offered it might be some miserable bagatelle in amount, more offensive than a total refusal. In a word, the injury being consummated upon us, I could not but consider, whatever may be urged to the contrary by Mr. Evans, that we should be wholly at the mercy of Congress, with nothing left us but a sense of our injury and the right of complaining. These views are not very flattering to our State pride, but let us not suffer our honorable feelings to mislead our judgment, or prevent us from seeing things as they exist. It is not a matter of private interest, in which we may indulge our personal feelings without being responsible to any one. It is the interests of the State which are committed to its functionaries. In the course suggested by the propositions communicated to you, it appears to me Maine is treated with courtesy and respect. She does not make the proposition—she is invited to negotiate. Her wrongs are in effect admitted—her nationality is appealed to. She is not asked to yield to foreign encroachment or usurpation. She is requested to consent, in consideration of existing

embarrassments and difficulties, which have arisen out of unforeseen causes and providential events, to cede to the U. S. for a full equivalent and indemnity, to be mutually agreed upon, her claim and jurisdiction to that portion of her territory lying northerly and easterly of the line recommended as a boundary by the Arbitrator; and she is requested to do this, in order that the government of the United States may then proceed to make such a definite arrangement, as shall relieve Maine herself from all farther annoyance and trouble, and promote the interests and consolidate the peace of the Union, of which Maine is a member. It is with a view to all these considerations, as I understand, enforced upon their minds by all the means of judging their position affords, that our delegation have united, with the exception of Mr. Evans, in recommending to the favorable attention of yourself and of the Legislature of Maine, the propositions I had the honor to lay before you. At the same time it is understood, all will unite, until otherwise instructed, in maintaining the rights of the State and enforcing the views expressed by the Legislature in their resolutions of the 19th January last. In one sentiment I believe we all, Senators, delegation and myself, concur. It is that though we all have our fears, we do not, any of us, wholly despair of the republic. Discussion and time are favorable to a just perception of our rights. The resolves introduced into the Senate of Massachusetts come to our aid; but there are too many who perceive what are our rights; yet from motives of what they perhaps call national policy are determined to do us wrong.

In laying this subject and these considerations before you, I feel called upon to submit one remark in regard to myself. If, after due deliberation, the Legislature of Maine should deem it for the interest of the State to enter into negotiation, I am not anxious that it should be committed to me. It is from no personal views that I resist the notions of Mr. Evans. What nation or state ever negotiated by the immediate action of its Legislature?

With great respect, I have the honor to be,

Sir, your obedient servant,

WILLIAM P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

[COPY.]

HOUSE OF REPRESENTATIVES, }  
16 February, 1832. }

HON. WILLIAM P. PREBLE.

DEAR SIR—The communication which you made to us last evening, of the informal proposition of the Executive of the United States, the object of which is to procure, by negotiation, from Maine a cession to the United States of the territory belonging to the State North and East of the Rivers St. John and St. Francis, for an adequate compensation, has received from us the most careful consideration.

It is not necessary for us to enlarge upon topics on which all parties in Maine are agreed. The resolutions adopted by both branches of the Legislature of the State, and approved by the Governor on the 19th day of January last, are entitled to and have received our most respectful attention, and we concur fully in all the opinions and sentiments they express. It is our settled conviction that Maine ought not to consent to any dismemberment of her territory, to be made merely by force of the late pretended award of the King of the Netherlands, and we do not believe that she will ever acquiesce in any violation of her constitutional right as a Sovereign State, or as a member of this confederacy; and if, in the proposal now submitted to us, there were the possibility of a construction, which would yield even the smallest particle of those rights, we would at once and without hesitation repel the offer, however advantageous to her in a pecuniary view and however desirable its acceptance might be to the General Government. But considering as we do that the very proposition puts us upon high ground, that it may be considered as yielding the pretensions heretofore advanced that Maine could have no voice in the disposal of her own territory; that it tacitly recognizes the rights of our State, and by implication acknowledges the justness of the view, which its constituted authorities have constantly taken, we are at liberty to turn our attention to its political bearing upon Maine and upon the relations of the United States with foreign countries.

From information we have gathered of the present situation of the correspondence between the Government of the United States and that of Great Britain, in relation to the doings of the late Arbiter, the conviction is forced upon us that the rejection of his pretended award will involve

our country in difficulties which may lead to an interruption of that friendly intercourse which now subsists between the United States and Great Britain; a result which we presume no man in the Union can desire and which every good citizen would deplore. If such a crisis were inevitable it would be met with fortitude, but certainly it ought to be avoided if to be done with honor. It cannot at present answer any useful purpose to review the past history of a question which now presents itself for final action amidst so many embarrassments. If, therefore, the United States can, without infringing on the constitutional rights and prerogatives of Maine, continue to maintain with all foreign nations that friendly intercourse which is dictated both by duty and good policy, we believe that our Fellow Citizens will feel satisfied with the result.

We are well convinced that few eras have existed since the establishment of our Government so inauspicious as the present to an unbiased action of the Federal Authorities on the question now pending in behalf of our State. We know that it has been referred by the Executive to the Senate as a co-ordinate branch of the treaty-making power for their advice, and that it is yet pending before that body; but we cannot venture to predict the result of their deliberations thereon. In common with yourself we have what we believe to be well grounded fears that a decision may be made adverse to the rights and interests of Maine and productive of consequences which may for years place her, in relation to her Sister States, in a position which may detract from that harmony which our purest Patriots have ever sought to maintain between all the Members of this Confederacy. In such a result will Maine resist, or will she seek indemnity? Should she decline the first alternative, will she in the second place, invested as she is with the character and attributes of Sovereignty, choose to appear at the Bar of the Union in the attitude of a Petitioner! We believe not, so long as any other mode offers itself to secure perfect indemnity.

We have enumerated some of the reasons which have influenced us in forming an opinion on the question which you have submitted. There are many others which either necessarily result from the general ones stated above, or will readily suggest themselves to all who, with a knowledge of the facts and circumstances disclosed, will give their attention to the subject.

We are therefore of opinion that the proposition of the Executive of the United States ought to be met by the State of Maine in the same friendly and conciliatory spirit

in which it has been made, and we are satisfied that in so doing all the interests of Maine will be materially promoted.

(Signed) JOHN ANDERSON,  
RUFUS McINTIRE,  
LEO. JARVIS,  
CORNELIUS HOLLAND,  
JAMES BATES,  
EDWARD KAVANAGH.

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HOUSE OF REPRESENTATIVES, }  
February 16, 1832. }

HON. WILLIAM P. PREBLE,

SIR—Understanding from yourself, that an informal proposition has been made to you by the General Government, through its proper officers, the object of which is to procure from the State of Maine, its assent to the adoption of the line of Boundary, recommended by the King of Holland, upon full indemnity to be made by the U. S. to the State of Maine, or for a cession of the territory north and east of the St. John's river, to the U. S. for ample consideration to be made, and my opinion having been requested as to the course proper to be pursued in the present juncture, I beg leave to submit it in writing.

The State of Maine has protested earnestly against the adoption of the line recommended by the Umpire, and has requested the exertions of its Representatives to prevent any transfer of the territory in question. As to the question of right, I trust there can be no diversity of opinion, certainly none in our State:—nor as it seems to me, can there be any doubt that the *opinion* of the Umpire, is by no means whatever obligatory upon this Government. I concur in the resolutions adopted by the Legislature of Maine upon these topics. Maine has therefore nothing more to do, than to insist, as it has insisted, upon its rights; and to protest earnestly and constantly, against any infringement upon them. Her course is plain, and I trust all the Representatives from that State are prepared to vindicate her rights. If the General Government finds itself embarrassed in its proceedings upon this subject, and desires the assent of Maine to enable it to act freely, its course is also plain—and as it seems to me, the proper step to be taken,

is, that the General Government should signify formally and officially to the Government of Maine its wishes, accompanied perhaps by propositions on its part which the Legislature of that State may deliberate upon, for the accommodation of this embarrassing question. The decided measures which Maine has already adopted, seem to me to preclude any advances or propositions coming from that quarter. She stands upon her rights, and has no concessions to make. They who wish them should take the first steps to procure them.

As the subject is now before the Senate in Executive Session, we, of course are wholly ignorant of its present posture, and have scarcely any means of forming an opinion as to the final disposition of the subject. I cannot however for a single moment, entertain the opinion that the recommendation of the Umpire will be adopted as a decision, without full indemnity being made to Maine, and I have reason to believe that the administration of the General Government, have been entirely willing to do this. It is quite clear to me therefore, that we hazard nothing, so far as indemnity to us is concerned, by omitting to make advances for a compromise with the General Government. I can have not the remotest objection to any negotiations between the legislature of Maine and the General Government, which the parties may choose to institute—but upon a consideration of the whole subject, I cannot recommend that the State of Maine propose to the General Government a cession of territory, or assent to the line, for an indemnity to be received, until the government of the U. S. have recognized the rights of Maine, and requested that assent as the basis of its action. When that is done, the Legislature of Maine is abundantly competent to decide whether it will yield its assent, and upon what terms and conditions. While therefore I agree that Maine should be always ready to receive propositions upon this subject, I cannot advise that she should volunteer terms of compromise, more especially, until her rights are admitted. If it be considered a favorable time to push a good bargain in a pecuniary point of view, and should therefore be embraced, I can only say, that in the worst possible result, I have no fear that full indemnity will be refused us ; and indeed, if the line be adopted against our protestations, the claim for compensation will be stronger, than if adopted by our consent. It seems to me, that as a member of the House, I have nothing more to do in discharging my duties to Maine, than to maintain the principles contained in the resolutions of the Legislature until a different course is

prescribed by themselves, or a change of circumstances requires a different course of action.

The preceding has been written in much haste, and amid the noise of business in the house; and may be imperfectly expressed—I hope however it is intelligible.

I have the honor to be, Sir, very respectfully,  
Your obedient servant,

GEO. EVANS.

P. S. Since writing the preceding letter, I have seen the proceedings of the Legislature of Massachusetts, upon the subject of the Boundary—adopted in pursuance of the request of Maine; and fully sustaining all the claims, rights and principles of Maine. As we have invited the co-operation of that State, which has been yielded in pursuance of our request, I think it will well admit of serious doubt whether we ought to take any step without her concurrence, or at least without advising her of our intended proceedings.

G. E.

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[CONFIDENTIAL.]

WASHINGTON, 20 Feb. 1832.

SIR—On the suggestion of our Senators the Committee of Foreign Relations will, it is said, postpone their report for a short time, the object being, it is presumed, to afford time to hear from you. I beg leave, therefore, to press upon your consideration, the desirableness of an early answer in relation to the propositions which have been made to you.

In listening to the various suggestions which have been made and continue to be so, the following views, thrown out in casual conversation, have arrested my attention.

1. That a great portion of the territory of Maine, claimed by the British government, northerly and easterly of the St. John and St. Francis, is a barren, mountainous region, wholly unfit for settlement and cultivation, particularly the region northerly and easterly of the St. John and Madawaska and consequently never will sustain a population sufficient to add much to our relative weight and influence in the Union.

2. That, if the British government were to make a military road by the river St. John through the territory; on account of the highlands and mountainous region be-

tween the waters of the St. John and Restigouche on the one hand, and between the St. John and St. Lawrence on the other, it could only be sustained in time of war at an enormous expense, provided the United States should lay a road cutting it in a proper manner, as it is supposed they would do ; and that in time of peace such a road would be useful to Maine rather than injurious, especially on the hypothesis that the United States laid out and made their road.

In regard to these two propositions I think I understand their intended bearing. Of course we repel every suggestion that goes to undervalue our territory, and in our turn maintain that these highlands and inhospitable regions are our natural barrier, which Maine prefers to any other.

And now, Sir, I will take occasion to say to you that I regard the tour of duty, prescribed by the resolves of the Legislature of Maine, as nearly completed. I might perhaps be of some service if I were to remain until the business of the award was disposed by the Senate and by the House also, if it should be laid before that body. But the subject may hang along yet for weeks ; and the care of the interests of the State before Congress, may be safely left where our constitution and laws have placed it. The propositions I have had the honor to lay before you, I regard as too interesting to the State to be lightly rejected, believing as I do, that as faithful servants of Maine and good citizens of the United States, we are bound to look at the risks to be run as well as the advantages to be gained ; and the certainty, *to my mind the moral certainty*, that Maine never will hereafter be able to negotiate under circumstances so favorable to her as the present. In laying these propositions before you and the state of things as we apprehend it to exist here I have done my duty to the Legislature. It is now for the Legislature to take the subject into consideration and dispose of it as in their wisdom the best interests of the State and of the United States seem to require.

With great respect, I have the honor to be,  
Sir, your obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.



[CONFIDENTIAL.]

WASHINGTON, 23 Feb. 1832.

SIR—I am now well satisfied that the Senate, as a branch of the treaty-making power, will not give their advice and consent to the ratification of the *quasi* award of the Arbitrator; but the subject is before them and what will they do with it? I think they will avoid the question by throwing the whole subject back upon the President. What course will the President then adopt? That I think, is not yet finally settled. One course suggested is, to lay the award before Congress in such a manner, as to lead to a discussion in regard to an appropriation to carry it, the award, into effect. At all events back before Congress it will come in some form or other. If then we assume the hypothesis that, as many believe, Maine will be ultimately driven to ask for a redress of her wrongs under the form of an indemnity, what course best comports with her honor and her interests? Is it best for Maine to comply with the request and accept the invitation to negotiate in the present stage of the business; or to wait the movement and decision of the Senate? If we postpone negotiating until after the Senate shall have acted, is it best then to enter upon a negotiation, or to await the final decision of Congress? In a word, is it best for Maine to negotiate at all, or, while she stands insisting on her rights, to await the issue of events? These are grave questions, and Maine cannot avoid answering them. If she declines to answer, that fact of itself is an answer. It declares her intention to be, to await the issue of events. Our cause is gaining strength, that is certain; but it must gain a good deal yet, to insure our success. Grant us all the success we can ask, and there still remains an uncertain state of things before us. Were it not for this last consideration success would I think be certain.

I transmitted to you, accompanying my letter No. 7, a copy of a letter addressed to me by Mr. Evans. I now enclose a letter from the rest of our delegation, to which I beg leave to refer you; and at the same time I take occasion to say, this is probably the last communication I shall address to you, until I hear from you.

With great respect, I have the honor to be,

Sir, your very obedient servant,

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

[CONFIDENTIAL.]

WASHINGTON, 10 March 1832.

SIR—I deem it proper to communicate to you the enclosed copy of the minutes of a conference between the Secretary of State and myself, and at the same time to take occasion to say to you that I read to Mr. Livingston that passage of my letter in which I communicated to you his proposition and he expressed himself as fully satisfied with it. And in connection with this subject I will also add, that in all my conferences with the Secretary of State, the other members of the Cabinet and the President, I have insisted that Maine's sole wish and desire was to abide by her ancient boundaries; that if, under the present circumstances, or any which might arise, it should be necessary, in order to preserve the peace of the country, for the government of the United States to consent to modify the line of 1783, such modification ought to be one which would accommodate the people of our State in that quarter and the State itself as well as Great Britain and her subjects—a modification which would partially indemnify Maine for the position and territory lost;—and further, that in my opinion Great Britain, in a case in which she must know that she is in the wrong, would be glad to get rid of the subject by such a modification.

Accept, Sir, the assurances of my respectful consideration.

WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

[CONFIDENTIAL.]

WASHINGTON, 13 March, 1832.

SIR—A member of the Committee of Foreign Relations in the Senate, had intimated that the Committee were ready to report and postponed doing so only at the request of our Senators. Having also heard intimations of what that report was probably to be, I expressed to our Senators the opinion that, under these circumstances, it was desirable the Committee should report without further delay. To this both assented and a suggestion to that effect was, as I understood, made to the Chairman. No report however has yet been made. I regret this the more, as I wish to see it before I leave, or at least know

its precise contents, so that I may give what aid I can preparatory to meeting its positions, so far as they may be adverse to the rights of Maine. I could wish also to hear from you before I leave; but I have long been impatient to return home. Already I have been absent nearly six weeks and I hope I shall not be thought unreasonable when I add, that I could not consent to remain but a few days longer.

With great respect, I have the honor to be  
 Sir, your very obedient servant,  
 WM. P. PREBLE.

His Excellency SAMUEL E. SMITH, Governor of Maine.

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*To the Senate and House of Representatives:*

The order of the two branches of the Legislature authorizing the Governor with the advice of Council to remove the injunction of secrecy when in their opinion it may be done in safety to the interest of the State, has been under the consideration of this department, and for the reasons stated in the report of the Council herewith communicated, and in pursuance of said order, I hereby with the advice of Council, remove the injunction of secrecy on the proceedings of the Legislature, from and after this day.

SAMUEL E. SMITH.

COUNCIL CHAMBER, }  
 March 9, 1832. }

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STATE OF MAINE.

In the year of our Lord one thousand eight hundred and thirty two.

Resolve respecting the territory lying North and East of the Rivers St. Johns and St. Francis.

Approved March 3, 1832.

Whereas information has been communicated by the Agent of this State at Washington, that it is proposed that Maine should cede to the United States her claim and jurisdiction over that portion of territory which lies Norther-

ly and Easterly of the line recommended by the Arbitrator, for an ample indemnity, in order that the United States may be enabled to make such an arrangement with Great Britain as may best comport with the interests and honor of the United States:

And whereas the Government of Maine has repeatedly declared, and now declares; that the right of soil and jurisdiction in said territory, according to the provisions of the treaty of 1783, is in the State of Maine, as a sovereign and independent State, and has denied and continues to deny, the right of the General Government to cede the same to any foreign power without the consent of Maine; and has communicated Resolutions to that effect to the General Government, and has claimed of that Government the protection guarantied to every State by the Constitution of the United States:

And whereas the Legislature of Maine is disposed to regard the proposition aforesaid as emanating from a disposition on the part of the General Government, to promote the interests, and to preserve the peace, of the nation, without violating the rights of Maine, or disregarding the obligation resting upon the whole Union to protect each State in the full enjoyment of all its territory and right of jurisdiction, and willing to meet the proposition in a like spirit in which it is believed to have been made:

*Therefore Resolved*, That upon the appointment by the President of the United States, of a person or persons to enter into negotiation with this State for the relinquishment, by this State to the United States, of her claim to said territory and for the cession of the jurisdiction thereof, on the one part; and for an ample indemnity therefor, on the other part, and notice thereof being communicated to the Governor, the Governor, with advice of Council, be and he is hereby authorized and requested to appoint three Commissioners on the part and in behalf of this State, to treat with such person or persons, so appointed by the President, on the subjects aforesaid; and any agreement or treaty, to be made in pursuance of this Resolve, is to be submitted to the Legislature of Maine for approval or rejection; and until such agreement or treaty be so submitted to, and approved by, the Legislature of Maine, nothing herein contained shall be construed, in any way, as implying the assent of this State to the line of boundary recommended by the Arbitrator, or to the right of the General Government to adopt or sanction that line instead of the line described in the treaty of 1783.

*Resolved*, That the Governor be requested forthwith to

communicate the foregoing preamble and Resolution, confidentially, to the Agent of this State, at Washington, and also to the Executive of the Commonwealth of Massachusetts, to afford to that Commonwealth the opportunity of adopting such measures as she may consider expedient in relation to her interest in said territory.

### STATE OF MAINE.

*Secretary of State's Office,* }  
AUGUSTA, JULY 5, 1832. }

I HEREBY CERTIFY, That the Resolves contained in this Pamphlet have been compared with the originals deposited in this Office; and (excepting, that in the 13th line from the bottom of the 401st page, the word *Harlow* has been substituted for "*Harvey*;" in the 25th line from the bottom of the 438th page, the word *District* for "*Division*," and in the 2d line from the bottom of the 446th page, the word *Gerry* for "*Carey*,") that they appear to have been correctly printed.

ROSCOE G. GREENE, *Secretary of State.*