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Appendix:

Message.

To the Senate and
House of Representatives.

I herewith lay before you an official communication from the Hon Daniel Webster, secretary of state for the United States, under date of the eleventh of April last, relating to the north eastern boundary. By which, it will be perceived that "Lord Ashburton a minister plenipotentiary and special, from Great Britain has arrived at the seat of government of the United States, charged with full powers from his sovereign to negotiate and settle the different matters in discussion between the two governments." And that in regard to the boundary question, he has officially announced to the government at Washington, that he has authority to treat for a conventional line, or line by agreement, on such terms

2 and conditions, and with such mutual considerations and equivalents, as may be thought just and equitable; and that he is ready to enter upon a negotiation for a conventional line so soon as the general government shall say it is authorized and ready on its part, to commence such negotiation."

Under these circumstances, the President of the United States has invited the co-operation of the governments of Maine and Massachusetts in an endeavor to terminate this long pending controversy.

The communication states further, that, without the concurrence of the two States whose rights are more immediately concerned, "the duty of the general government will be to adopt no new course; but to hasten the pending negotiations as fast as possible." And it is subsequently added, that, "the government has agreed to make it (the boundary question) matter of reference and arbitration, and it must fulfil that agreement, unless another mode of settling the controversy should be resorted to with the hope of producing a speedier decision."

The President then proposes, it is stated "that the government of Maine and Massachusetts should severally appoint a commissioner or commissioners empowered to confer with the authorities of the general government upon a conventional line, a line by agreement; with its terms, conditions, considerations and equivalents with an understanding that no such line will be agreed upon without the assent of such commissioners."

It is further stated, that in view of the fact, that the British mission "is a special one, and its stay in the United States is not expected to be long" - that more than four months of the session of Congress has already passed" its action perhaps being necessary, if happily a treaty should be concluded - the importance of the subject - and a firm conviction in the mind of the President that the interest of both countries as well as the interests of the two States more immediately concerned, require a prompt effort to bring this dispute to an end, constrain^{ing} to express an earnest hope that the Executive of this State will convene the legislature and submit the subject to their grave and candid deliberation.

With this request I have deemed it my duty to comply; and now submit for your consideration the matters presented in the communication aforesaid.

This step has not been taken without mature deliberation. The expense of an extra session - the busy season of the year - the danger of divided and distracted councils - as well as other considerations bearing upon the point have not been overlooked. But, mighty as they are, it has nevertheless seemed to me, that I should not have been justified in refusing to to give the people an opportunity through their Representatives, to entertain and decide a question of so much importance as the one now presented. And whatever might have been my individual opinions as to the ultimate action that should be had, the duty of convening the Legislature would have been regarded as no less imperative: this duty being distinct from and independent of, that devolving upon the

legislature, when convened: The responsibility of further action now rests with you; by whom, I have no doubt it will be met and discharged with that calmness, prudence and deliberation required no less by your own high reputation, than by fidelity to your constituents.

The question presented for your consideration is not a party question - but is emphatically a State question - one in which the whole people are interested, and on which their opinions and wishes should be truly reflected. The subject of the boundary has ever appeared to me to constitute a common ground, from which party policy and party strifes should be sedulously excluded; and on which no other contention or rivalry should be witnessed than that, which naturally springs from an ardent zeal in the cause of the State. That, the question immediately before you, is not free from embarrassment and difficulties is manifest; and it is equally clear, that a calm, dispassionate consideration only, can lead to satisfactory results. —

When we regard the clearness of our title to the territory in controversy - the frivolous and unfounded pretensions of the British claim - the long and vexatious delay that has been designedly effected - the frequent invasions and occupation of our territory - the devastation of our forests - the arrest and imprisonment of our citizens - that is danger that an honest indignation may lead us to overlook many important considerations necessary to a discreet and sound decision.

It is due therefore to the subject that we view it in other lights. One alternative, it seems now contemplated by the general government, is a submission of the question to an other arbitration. Against this, Maine has ever remonstrated and I believe, will continue to remonstrate. We cannot perceive the difference, so far as authority is concerned, between doing a thing directly or indirectly. If the general government has no power to cede directly any portion of the territory of this State, neither has it the power to accomplish the same thing, through the forms of an arbitration. But, right or wrong in our position - successful or otherwise as we may hereafter be in maintaining it - we see as a matter of fact, that the General Government is determined to attempt the exercise of such and this once more jeopard our territory, unless some other mode of adjustment be agreed upon. That this should be seriously considered in coming to a decision is obvious.

Whatever may be the claim, however, of the General Government, as to its power through indirection, it does not claim the power of ceding directly, any portion of our territory, or of directly agreeing to any other line of boundary than that described in the treaty of 1793.

Yielding to the correctness of our position in this respect, the General Government now asks this State for authority thus to settle the existing controversy, and invites her co-operation in effecting that object.

The British Government, also is now prepared to propose, for so I am disposed to

6 regard the matter, what may be thought "a just and equitable equivalent" for a portion of that which she has hitherto claimed as her own.

If this is not going as far as some may deem the honor of the State requires, it is certainly far less objectionable than most that we have been accustomed to receive from that quarter.

If anything less than this is intended, I am persuaded that nothing will be accomplished in the way of an adjustment. If it is to be said, as has been said that the treaty line is impracticable, and therefore a new line must necessarily be agreed upon - or that the case is so involved in doubt and difficulty that the only equitable way of resolving it is by "splitting the difference and dividing the territory in some agreed proportions, such propositions if not regarded as absolutely insulting, would not, I am confident be favorably listened to by a single citizen of the State. The treaty line we know to be a practicable one - our claim to the whole territory embraced within that line we know to be just - and after the course that has been pursued in regard to it, we have a conviction, not to be shaken, that we could not honorably relinquish a part to obtain an undivided right to the remainder. But if Great Britain is prepared to substantially yield the point of title, and offer us a fair equivalent, in other territory, privileges of navigation &c. for a portion of this territory, as I am at present disposed to believe I do not see why this vexed question may not thus be put forever at rest. And it is difficult to perceive, how Maine in thus consulting her interest, would compromise her honor.

Entertaining these views I am free to say that I think favorably of an appointment of commissioners by the Legislature, with such powers as a just view of the case would seem to require - and not wishing to avoid my share of responsibility, I cheerfully recommend that course.

It may be that I have formed a too favorable opinion of the present disposition of the British Government, and that a totally unreasonable and of course unacceptable proposition will be made to us. What then? would it necessarily follow that we had erred in appointing Commissioners and placing ourselves in an attitude to learn what that proposition would be? We shall, to be sure, have incurred the expense of an extra session of the Legislature; but we shall have shown to our sister States, and the world, that having a just cause, we are disposed to adopt a liberal ^{and fair} course in conducting it and that, though strenuous and ardent in the maintenance of our rights, we are not obstinately bent on a course tending to increase irritation, or bring about hostilities between the two Countries. Let what would be the result Maine would stand, as she has heretofore stood blameless.

But it may be objected that the government of the State has heretofore decided this question, and refused to invest the general government with a power similar to that now solicited. I apprehend, however, that, on recurrence to the proceedings referred to, it will be found that the proposition was then understood to be, that the executive of

8 of the United States should be clothed with an unlimited power of fixing a new conventional line - and that we were not to wait for propositions from the British government, but were to volunteer them on our part.

Governor Kent, in his special message to the Legislature of March 14th 1838 says: - "The grave and important question therefore presented for your consideration as you will more fully perceive by the documents referred to, is, whether you will clothe the executive of the United States with the unlimited power of fixing a new conventional line" And again: "If a direct proposition had come to us through the general government, for a specific line of boundary, yielding to us territory or privileges of navigation equivalent to the unsettled territory which we might cede to them it would certainly have presented the question to us in a different aspect. But the question now is, as I understand it, whether we shall take the lead in abandoning the treaty and volunteer propositions for a new line."

The proposition then presented, as understood by the Governor and Legislature, was entirely different from the one now to be considered; and of course the resolve adopted by the Legislature at that time, cannot justly be regarded as committing the present Legislature on this point or in any degree infringing its free course of action.

I cannot close this communication without respectfully reminding

ing you that this session has been called for a 9
specific object, and expressing an earnest hope
that your deliberations will be confined to that
object; and that as much dispatch will be
made, as may be consistent with due delibera-
tion; thereby paying a respectful regard to
the strong expectations of the people on the
score of economy.

Council Chamber

May 18. 1848.

- John Fairfield. -

Letter from the Secretary of State of the
United States.

To His Excellency John Fairfield,
Governor of Maine.

Department of State,
Washington 11 April 1842.

Sir:— Your Excellency is aware, that previous to March 1841 a negotiation had been going on for some time between the Secretary of State of the United States under the direction of the President, and the British minister accredited to this government, having for its object the creation of a joint commission for settling the controversy respecting the north eastern boundary of the United States, with a provision for an ultimate reference to arbitrators, to be appointed by some of the Sovereigns of Europe, in case an arbitration should become necessary. On the leading features of a convention for this purpose, the two governments were agreed; but on several matters of detail, the parties differed, and appear to have been interchanging their respective views and opinions, projects and counterprojects, without coming to a final arrangement, down to August 1840. Various causes not now necessary to be explained, arrested the progress of the negotiation at that time and no considerable advance has since been made in it.

It seems to have been understood, on both sides, that one arbitration having failed it was the duty of the two parties to proceed to institute another, according to the spirit of the treaty of Ghent, and other treaties; and the

President has felt it to be his duty, unless some new course should be proposed, to cause the negotiation to be resumed and pressed to its conclusion. But I have now to inform your excellency, that Lord Ashburton, a minister plenipotentiary and special, has arrived at the seat of government of the United States, charged with full powers from his sovereign to negotiate and settle the different matters in discussion between the two governments.

I have further to state to you that he has officially announced to this department, that in regard to the boundary question he has authority to treat for a conventional line, or line by agreement, on such terms and conditions with such mutual considerations and equivalents, as may be thought just and equitable; and that he is ready to enter upon a negotiation for such conventional line so soon as this government shall say it is authorized, and ready on its part, to commence such negotiation.

Under these circumstances the President has felt it to be his duty to call the serious attention of the governments of Maine and Massachusetts to the subject, and to submit to those governments the propriety of their co-operation to a certain extent, and in a certain form, in an endeavour to terminate a controversy, already of so long duration and which seems very likely to be still considerably further

13 protracted before the desired end of a final adjustment shall be attained, unless a shorter course of arriving at that end shall be adopted, than such as has been heretofore pursued, and as the two governments are still pursuing. Yet without the concurrence of the two States whose rights are more immediately concerned, both having an interest in the soil, and one of them in the jurisdiction and government, the duty of this government, will be to adopt no new course; but in compliance with treaty stipulations, and in furtherance of what has already been done, to hasten the pending negotiations as fast as possible.

But the President thinks it a highly desirable object to prevent delays necessarily incident to any settlement of the question by these means. Such delays are great and unavoidable. It has been found that an exploration and examination of the several lines constitutes a work of three years.

The existing commission for making such exploration under the authority of the United States has been occupied two summers, and a very considerable portion of the work remains still to be done. If a joint commission should disagree as is very possible and an arbitration on that account become indispensable, the arbitrator might find it necessary to make an exploration and survey themselves, or cause the same to be done by others of their own appointment. As to these causes, operating to postpone the final decision, be added the time necessary to appoint arbitrators, and for their preparation to leave Europe for

the service; and the various retarding incidents always attending such operations, seven or eight years constitute, perhaps the shortest period within which we can look for a final result. In the mean time, great expenses have been incurred, and further expenses cannot be avoided. It is well known that the controversy has brought heavy charges upon Maine herself, to the remuneration or proper settlement of which she cannot be expected to be indifferent.

The exploration by the Government of the United States has already cost a hundred thousand dollars and the charge of another summer's work is in prospect.

These facts may be sufficient to form a probable estimate of the whole expense likely to be incurred, before the controversy can be settled by arbitration; and our experience admonishes us, that even another arbitration might possibly fail.

The opinion of this government upon the justice and validity of the American claim has been expressed at so many times and in so many forms, that a repetition of that opinion is not necessary. But the subject is a subject in dispute. The government has agreed to make it matter of reference and arbitration, and it must fulfill that agreement, unless another mode of settling the controversy should be resorted to with the hope of producing a speedier decision. The President proposes then that the governments of Maine and

Massachusetts should severally ^{appoint} a commissioner, or commissioners empowered to confer with the authorities of this government upon a conventional line, or line by agreement, with its terms, conditions, considerations and equivalents; with an understanding, that no such line will be agreed upon without the assent of such commissioners. This mode of proceeding or some other which shall express assent before hand, seems indispensable if any negotiation for a conventional line is to be had: since if, happily, a treaty should be the result of the negotiation, it can only be submitted to the Senate of the United States for ratification.

It is a subject of deep and sincere regret to the President, that the British plenipotentiary did not arrive in the country, and make known his powers, in time to have made this communication before the annual sessions of the Legislatures of the two States had been brought to a close.

He perceives, and laments, the inconvenience which may be experienced from reassembling those legislatures. But the British mission is a special one; it does ^{not} supersede the resident mission of the British government at Washington, and its stay in the United States is not expected to be long. In addition to these considerations, it is suggested, that more than four months of the Session of congress has already passed, and it is highly desirable, if any treaty for a conventional line should be agreed on, it should be concluded before the session shall terminate; not only because of the necessity of the ratification of

the Senate, but also because it is not impos-¹⁵-
sible that measures may be thought advisable
or become important, which can only be accom-
plished by the authority of both Houses.

These considerations, in addition to the
importance of the subject, and a firm
conviction in the mind of the President that
the interests of both countries, as well as the
interest of the two States more immediately
concerned, require a prompt effort to bring
the dispute to an end, constrain him to ex-
press an earnest hope that your excellency
will convene the Legislature of Maine, and
submit the subject to its grave and candid
deliberation.

I am, with great respect,
your excellency's obedient servant,

Dan^l Webster.