

XII.

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prosperity, would seem imperiously to require, that the subject matter of this protracted and irritating dispute should be amicably arranged without further delay, if it can be done without too great a sacrifice. In fact, so grave and various were the considerations arising out of the actual state of the controversy a year since, that many who stand high in the confidence of the country, were of opinion, that it would be judicious on the part of Maine, as well as of the United States, to acquiesce in the advice of the Arbitrator. Against the acceptance and ratification of the award by the Government of the United States, the Legislature of Maine, on mature consideration of the subject, with great unanimity, solemnly protested; but apprehensive, lest the award should be ratified notwithstanding such protest, if the State persisted in rejecting all advances made towards an amicable adjustment, the Legislature, in a spirit of conciliation, agreed to receive and consider, by means of Commissioners, whatever might be proposed on behalf the United States, with a view to bring the controversy to a speedy and final termination; with the express reservation, however, that the doings of such commissioners should, in no respect, be obligatory on the State, until ratified and confirmed by the Legislature itself.

The result of the acts of the Legislature and of the doings of the Commissioners appointed by its authority, is the enclosed provisional agreement already mentioned, and to which we beg leave to refer. It will be perceived by that agreement, that the President of the United States proposes to "open new negotiations with Great Britain, for the purpose of having the line, designated by the Treaty of 1783, run and marked according to that Treaty;" and if that should be found impracticable, "for the establishment of such a new boundary between the dominions of the United States and Great Britain, as should be mutually convenient," and also "for making arrangements relative to the navigation of the river St. John and the adjustment of other points, that may be necessary for the convenience of the parties interested;" and, that he deems "a cession from the State of Maine of all her jurisdiction and right of soil over the territory" claimed by her, lying north and east of the rivers St. John and St. Francis, "as indispensable to the success of such negotiation." However direct the interest of the State in the question at issue on the one hand, as a foreign Government is urging its pretensions on the other, the Government of the United States is the only constitutional and competent agent to take charge of the controversy. Still the power of that Government over the subject is not unlimited.

The State has its constitutional rights which she may invoke, and which must be respected. If, then, in the progress of the contemplated negotiation, it should be found, that what is demanded as her right by Maine, is now utterly unattainable; and if the State, insisting upon its extreme right, denies to the United States all power under any circumstances, to make even a beneficial compromise; it is well to enquire at this stage of the proceedings, where is the controversy and the well known state of things, and the onward course of events within the State, to lead us to? Hence, in order that the President may be enabled to open such negotiation, unembarrassed by any questions of conflicting power and jurisdiction, and with a reasonable or possible prospect of bringing the controversy to an amicable close, the proposition, "that the Legislature of Maine should provisionally surrender to the United States, all claim to jurisdiction and right of soil over the territory lying north of the River St. John and east of the River St. Francis as heretofore described," Maine in such case, and in any event to be indemnified for any portion of the territory, thus provisionally surrendered to the United States, if ultimately lost to the State, by adjoining territory to be acquired; and so far as that should prove inadequate, at the rate of one million of acres of land in Michigan for the claim to, and over the whole territory surrendered—said lands, thus to be appropriated, to be sold by the United States at their expense, and the proceeds to be paid without deduction into the Treasury of the State. We deem it proper, in connection with this subject, to add, that the present minimum price of the public lands of the United States, is one dollar twenty-five cents the acre; that those situated in the territory of Michigan are rapidly coming into the market, and that the demand for them, it is understood, is steady and increasing. We also take the liberty in this place to express the opinion, that should the agreement we have entered into in behalf of the State, be ratified by the Legislature, and should the proper authorities of the United States avail themselves of its provisions, and ratify it on their part, and should the Congress of the United States by any act of legislation, diminish the value of the lands, proposed to be appropriated and pledged as an indemnity to the State, the United States would be bound in good faith to further indemnify the State for such diminution in value caused by their own acts.—It is with these general views of the subject, and in full and entire confidence in the good faith of the Government of the United States, and in the several branches of its high constituted authorities, that we have been induced, after the most mature consideration we have been able to give to the subject, to accede on our part to the provisional agreement, we now respectfully submit to the wisdom of the Legislature.

We have the honor to be, &c.

(Signed)

WM. P. RREBLE,
REUEL WILLIAMS.
NICHOLAS EMERY.

His Excellency Samuel E. Smith, Governor of Maine.