

# DOCUMENTS

RELATING TO THE

## NORTH EASTERN BOUNDARY

OF THE

STATE OF MAINE.



**Boston :**

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## Commonwealth of Massachusetts.

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In the year of our Lord one thousand eight hundred and twenty-eight.

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### RESOLVE

For printing the Message and Documents relating to the North Eastern Boundary.

*Resolved*, That the Secretary of the Commonwealth cause to be printed, the following Documents relating to the North Eastern Boundary, viz.

Letter from the Governor of Massachusetts to the Governor of Maine, dated November 13, 1827.

Letter from the Governor to G. W. Coffin, Esq. dated November 16, 1827.

Answer of Mr. Coffin, dated November 21, 1827.

The Message of the Governor to the Senate and House of Representatives, dated March 1, 1828, together with the documents accompanying the same.

*Resolved*, That the Secretary procure one thousand copies of said Documents, to be deposited in his office. And that he deliver one copy to every member of the present Legislature who shall apply for it, and dispose of the residue, or any part of them in such manner, as the Executive, or the next Legislature shall direct.

In Senate, March 11, 1828. Read and passed, sent down for concurrence.

JOHN MILLS, *President*.

In House of Representatives, March 12, 1828. Read twice and passed in concurrence.

WILLIAM C. JARVIS, *Speaker*.

March 12th, 1828.

*Approved*, LEVI LINCOLN.

A true Copy,

*Attest*, EDWARD D. BANGS,  
*Secretary of the Commonwealth.*

*Worcester, Mass. November 13, 1827.*

TO HIS EXCELLENCY ENOCH LINCOLN,

Governor of the State of Maine.

SIR,

THE interesting relations between this Commonwealth and the State of Maine, have never ceased to be a subject of deep and earnest regard by the Executive of Massachusetts. From the time of my induction to office, the unsettled and disturbed question of the North-Eastern Boundary, immediately affecting a large amount of common property, and made the more important from jurisdictional rights involved in its decision, has met a solicitous and watchful attention. The general views entertained by me on this subject, were early, although briefly, expressed, in a communication to the Legislature, at the commencement of the January Session, 1826, published with the Resolves and forwarded to the Executive of Maine, to which I beg leave to refer, and the opinions then declared, have frequently since, and on all proper occasions, been repeated. It has indeed been looked for, that the Government of the United States, alike impressed with the urgency of establishing their frontier line of National Boundary, as sensible to the obligation of vindicating the rights of the States particularly interested in the soil and sovereignty of the Territory, would, ere this period, have effectually maintained the in-

tegrity of *an actual possession*, and removed, by a clear and distinct designation of Monuments, all cause of challenge and controversy with a foreign Government; and of collisions and violence between their respective citizens and subjects. The Treaty of Ghent referred this question to a qualified arbitrament, not for the *surrender or compromise* of rights, but for the *determination of them as they pre-existed*. Commissioners appointed under that instrument, having failed to agree upon the Boundary, the matter was made, as has been understood, of paramount attention, with the American Minister at the Court of St. James, who, so far as is now known, has been alike unsuccessful in procuring a recognition of the just demands of the United States to the establishment of the Boundary, by the description in the Treaty of 1783. In the intermediate time, the patience of the Governments and the Citizens, both of Massachusetts and Maine, has been severely tasked, by the embarrassment created to the improvement and disposition of their property in the soil, to which are now superadded complaints of flagrant acts of injustice and outrage, and violations of the personal liberty of American citizens, by British authority, claiming allegiance from those who are purchasers and settlers upon the land under grants from the State sovereignties.

I need not, Sir, labour to assure you of the sympathy of Massachusetts in the injuries thus suffered more immediately by the People and Government of Maine. The citizens of this Commonwealth

have been too recently and too intimately in connexion and association with their younger Sister, to be insensible to any occurrence which may inflict wrongs upon her. But in the present instance, a community of interest and joint suffering will require and ensure a ready participation in all justifiable and constitutional means to obtain redress, and to vindicate the cause of injured individuals, and a violated State.

With these views, I beg to be officially informed of the precise character and extent of the recent aggressions which have been committed at Madawaska, or elsewhere, within the State of Maine, under the pretext of orders from the Provincial Government of New Brunswick, and to be made acquainted with all other circumstances and considerations known to your Excellency, as important to a true understanding of the honour and interest of the Commonwealth, which, in this communication, I have the duty and the responsibility to represent.

With sentiments of the highest personal

regard, and official consideration, most

faithfully your obedient servant,

LEVI LINCOLN



*Worcester, November 16, 1827.*

TO GEORGE W. COFFIN, Esq.

SIR,

I have seen with feelings of deep interest and solicitude, unofficial accounts of acts of violence and injury by the British Authorities of the Province of New Brunswick upon the possessions and persons of American Citizens, who are purchasers and settlers upon lands under grants from this Commonwealth and the State of Maine. The precise character and extent of these aggressions it is my duty to endeavour to learn. They concern the honor and faith of the State, and may impose an obligation of appeal to the interposition of the Nation. I have addressed a communication to the Governor of Maine requesting to be particularly informed on the subject, and while I wait his reply, I shall be obliged by such intelligence from you, as your agency in the management of the public lands, and your knowledge of the condition of the inhabitants of the Territory, where the controversy exists, may enable you to furnish.

Indeed I shall receive with great regard any information which you may afford in relation to the interests of the Commonwealth in the State of Maine.

I am sir, with great respect,  
your obedient servant,

LEVI LINCOLN.



*Land Office, Boston, November 21, 1827.*

May it please Your Excellency.

I have received your esteemed favour of the 16th instant, requesting information in relation to the aggressions on the frontier of Maine, &c.—Before I proceed to answer the immediate and particular enquiry, I will preface a few general remarks. The French settlers at Madawaska, are many of them the descendants of the neutral French, that were formerly settled at Kennibacasius near the City of St. John's, and about the year '65 were driven from thence into the interior ; they then fixed themselves at what is now called Madawaska, being an extent of territory bordering upon St. John's river about 50 miles. These people by marriage with the Canadian French, together with emigration from Canada, are now hardly distinguishable from the French citizens of Canada, using the same Creole language.—They remained in that wilderness for a number of years, without being noticed by the Provinces, and to the citizens of Maine were entirely unknown. The first authority exercised over them by the British, commenced about 12 or 15 years ago, when a hard contested election was expected, for a member of the Assembly for the County of York, to answer some political purposes, the Madawaskans were called upon to give in their votes, and from that time, they have been permitted, or refused

the right of voting, as suited the views of interested persons. Since the dispute relative to the boundary line, which commenced about the time an attempt was made to adjust it, under the provisions of the Treaty of Ghent, the British have pursued a more direct course of jurisdiction. Peter Fraser, Major of the 4th Battallion of the York County Militia, thought it a good measure to have the Frenchmen enrolled, and they have for some 4 or 5 years been made to do military duty, but never have been entrusted with arms. They have also, when small demands have been brought against them, whether just or not, been under the necessity of paying, or be subjected to a journey of 150 or 200 miles to Frederickton to make their defence, a grievance which they complain of very much. Within 10 or 12 years, several families have moved to Madawaska from Kennebeck, and others from New Brunswick. Pursuant to the resolves of 11th June 1825, the land agents for Massachusetts and Maine, surveyed to John Baker and made and executed a deed by metes and bounds, of 100 acres of land, and another lot of same contents to James Bacon. Said Baker has on his lot a saw and grist mill, dwelling house, &c. very pleasantly situated at the confluence of a river (called Maryumticook) with St. John's river, about 10 miles above the mouth of Madawaska River; 12 or 15 miles higher up, on the south side, Fish River empties into the St. John's. At this place is a large double saw mill, erected by Wilmot and Peters of Frederickton, which is sup-

plied from the forest surrounding it. When I was at St. John's two years ago, I was informed, that in consequence of the remonstrance made to the British Minister at Washington, by our Government, against the practice of granting permits for cutting timber from the public lands, a messenger from England had been sent to St. John's, who passed up to the head of the river, and on his return, declared the Americans to be right, in the construction of the treaty relative to the boundary line, and ordered a stop to be put to granting permits, and all those issued for the Winter of 1825-6 were recalled. I was much gratified at hearing this, and believing at that time an adjustment might take place, thought it best to proceed no further in making deeds. The excitement has progressed with the people on the frontiers regularly to the present time, and I believe the personal interest of Major Fraser (who has several farms on the banks of the river, within the disputed territory, and is a member of the Province Assembly,) as also of said Wilmot and Peters, have prevented by their influence, an honourable adjustment, and kept the people in a ferment.

I was at Passadunky on Penobscot River, about the middle of last month, when the mail carrier from Houlton to Bangor, came through; from him I obtained the following story, which he said was the rumor at Houlton, viz. "That said Baker sometime the past season, sent some lumber down St. John's river, as usual to market, which was seized

at Frederickton, (whether for a violation of the revenue law, or for cutting from the Crown lands, was not stated) this irritated Baker very much ; soon after the carrier of the Province Mail (which is carried in a boat,) was passing by said Baker's residence, was hailed by him to know what boat that was, and was answered the Province Mail, to which Baker said, you may pass on now, but shall not pass many times more ; this conversation was reported down river, a Deputy Sheriff with an armed posse were proceeding up river to take Baker ; the Attorney General hearing of it, sent a dispatch after them, with orders not to go armed, but proceed without ; they went to Baker's House, and took him out of his bed and carried him to Frederickton ; about the same time, a person residing on the Aroostook River, had a writ served on him for debt ; the Officer to satisfy the demand, took possession of a cow, which was resented by the settlers generally ; they rallied and rescued the cow from the Officer ; and destroyed the writ. Although the Aroostook settlement is 50 or 60 miles from Bakers, yet this transaction is made a part of the charge against him, viz. "Attempt at stopping the Mail, and exciting the people to rebellion against the Government."

This is the purport of the story ; how far it is true, or otherwise, I cannot say ; at any rate the fact of Baker's being taken out of his own house, built on land for which he has received a deed from the two States, is undoubtedly true, and under a charge of

some crime, for which he has since been tried, convicted, and fined £150, and sentenced to six months imprisonment. The Executive of Maine has written to the Lieutenant Governor of New Brunswick, to know under what authority, or pretence, this seizure of a citizen of Maine has been made, and has also clothed Mr. Charles S. Davies of Portland, with authority to enquire into all the circumstances. Your Excellency will undoubtedly soon have official information, touching the whole subject. My private opinion has been, and now is, that the dispute regarding the boundary line, will have to be finally settled by some foreign umpirage, conformably to the provisions contained in the Treaty of Ghent; if so, the sooner it is done the better, otherwise I fear the irritation of the people on the frontier, will result in unpleasant consequences. The settlers or squatters on the Aroostook River have already left their settlements for fear of difficulty. In regard to the other parts of Maine, where this Commonwealth have an interest, nothing of moment has occurred, since I last had the pleasure of addressing you, except that a quietus has been effected in the conduct of trespassers on the Penobscot, and all the suits in law have been favourably adjudged. A further survey and division has been made, embracing the lands around Moose-head Lake, the particulars of which, you will soon be made acquainted with by the Hon. Commissioners. Some of the lands now divided, I apprehend are valuable, on account of the timber, as applications to purchase are daily



sent in. Where pine timber abounds, I have no hesitation in saying, the interest of the Commonwealth will be promoted, by either selling the land, or the growth. I think the latter will yield the largest sum in the end, but if neither be sold, the value of the pine timber will be lost.

I am with great respect, your  
devoted and very humble servant;

(signed)

GEORGE W. COFFIN, *Land Agent.*