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Separation of Maine from Massachusetts 1785-1820

Ronald Fillmore Banks
University of Maine

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THE SEPARATION OF MAINE

FROM MASSACHUSETTS

1785 - 1820

(Part III)

By

RONALD F. BANKS

A THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy
(in History)

THE GRADUATE SCHOOL

UNIVERSITY OF MAINE

Orono

THE SEPARATION OF MAINE

AND MASSACHUSETTS,

1785 - 1820

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Ronald Fillmore Banks, Ph.D.
University of Maine, 1966

Adviser: Herbert James Henderson

An Abstract of the Dissertation Presented in Partial
Fulfillment for the Requirements for the Degree of
Doctor of Philosophy (in American History). June 1966

The movement to separate Maine from Massachusetts commenced in 1785 as an "anticolonial" movement. Led at first by conservatives who desired independence for Maine in order that they could become leaders in the style of their political brethren who led Massachusetts, the movement was eventually taken over by men such as William King, John Holmes, Albion K. Parris, William Pitt Preble, and John Chandler, all of whom formed the leadership of the Jeffersonian-Republicans in Maine.

These leaders of the Republicans of Maine desired independence in order to be freed from the economic and political constraints placed on their activities by the Federalists of Massachusetts and their compatriots in Maine. Behind the leadership of King and Chandler, the settlers of Maine, victimized by large land companies, provided the support not only for the party but for the cause of separation as well.

After a number of failures success finally came in 1819.

*P. 7. Banks
History, ge
U. of Maine*

William King, with the assistance of Rufus King, his brother, and William H. Crawford, Secretary of Treasury who was a close friend of Maine Republicans, obtained the revision of the "Coasting Law" which had proven to be the bane of separationists.

The democratic leanings of the Republicans of Maine were manifested in the Constitution of Maine. In fact, it can be plausibly argued that the separation movement after it was captured by the Republicans was a movement to democratize political life in Maine. Without this important element, a separation might never have taken place.

One final hurdle was placed between Maine and statehood. The combining of the Maine - Missouri statehood bill in Congress threatened to frustrate for years to come the desire of Maine people to be independent. If it was William King who was most responsible for the winning of separation, it was John Holmes who deserves the credit for bringing Maine into the union. His efforts to arrange a compromise met bitter resistance in Congress and in Maine; yet, he persisted until the arrangement was finally made. With its passage, the thirty-five year struggle to achieve the independence of Maine was successfully concluded.

Other subjects treated at length in this dissertation are: the rise of Bowdoin and Colby colleges, Maine and the War of 1812, early Maine newspaper history, and land speculation in Maine.

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INTRODUCTION

It is nearing the year 1970, one hundred and fifty years after the year when Maine severed her long connection with Massachusetts to enter the union as the twenty third state. The present time is, therefore, a propitious one for the presentation of this dissertation for it is the purpose of this study to record in as complete a manner as is possible and appropriate the history of the movement that culminated with the independence of Maine.

This work is, in reality, the by-product of a larger effort. Originally, I planned to write a biography of William King, Maine's first governor, whose public life spanned nearly four decades. After collecting materials to cover all facets of this man's life, I found that I would have to write a three or four volume work if I were to do the subject justice. Not only was he a leading figure in the separation movement, he was the foremost Jeffersonian politician in Maine between 1805 and 1820. In addition, he was a shipper, a shipbuilder, banker, manufacturer, land speculator, and educational reformer of sorts. To write a biography of this man would be to write the history of Maine (and Massachusetts) between the American Revolution and the Civil war, a project that certainly is worth doing but not for a doctoral dissertation.

One of the problems an historian faces when he decides to lift out of the complete history of an area part

of that area's history is the fear that he will either include too much or too little about the other parts. To do the former is to produce a work in which the principle part is obscured by a mass of irrelevant material; to do the latter is to write history in a vacuum. I have tried, without as much success as I would have liked, to achieve a mean between the two extremes.

It should be noted that I have used Massachusetts, Massachusetts proper, and Old Massachusetts interchangeably to refer to what since 1820 has been known as the State of Massachusetts. Similarly, I have employed the terms Maine, District of Maine, and the District to describe that part of Massachusetts known since 1820 as the State of Maine. Such semantic distinctions were employed by people throughout the period of time covered in this work notwithstanding the fact that after the 1691 there was no legal or juridical entity known as Maine.

This work is the first in which an attempt has been made to treat the history of the separation movement in a comprehensive fashion. All previous efforts were either general surveys or were treatments of some phase or aspect of the movement. None of these efforts came close to utilizing the sources which are now available.

The first account to appear on any phase of the history of the movement was written by a Portland lawyer, Daniel Davis entitled "The Proceedings of Two Conventions Held at Portland to Consider the Expediency of a Separate

Government in the District of Maine," (Collections of the Massachusetts Historical Society, IV [1795], pp. 25-40). Reprinted in Jeremiah Perley, The Debates, Resolutions, and Other Proceedings of the Convention of Delegates, Assembled at Portland ... 1819. For the Purpose of Forming a Constitution for the State of Maine, (Portland: A. Shirley, 1820), pp. 286-292, Davis' is an account written by one who was a delegate to a number of the early separation conventions held in Falmouth [Portland] between 1785 and 1795. Its chief value is in its inclusion of the several reports and resolutions that came out of those conventions, the original records having long since disappeared.

The second account of the movement in point of time appeared in William Willis, The History of Portland from its First Settlement, (Portland: Charles Day, 1833), II, pp. 250-265. Written as a chapter for the book, Willis's treatment concentrated on the contributions which Portland-based individuals made to the successes or failings of the movement. Its chief value lays in the fact that its author included factual information to be found in no other source. Moreover, one cannot fail to be interested in what Willis reported, for here was a man whose connections as a Federalist and as a lawyer and whose many efforts as a chronicler of events provided him with more "inside" information than was available to almost any other person in the District in the period from 1820 and 1870.

After Willis all accounts that treated the movement

in anything like an original manner, were written by persons who were far removed in time from the events about which they wrote. The first effort to appear under this second category was Peleg Aldrich, "Massachusetts and Maine: Their Union and Separation," (Proceedings of the American Antiquarian Society, [1878], pp. 43-64). On the whole, Aldrich's account proved to be a valuable one, for, while it failed to make mention of the political, social, and economic backgrounds against which the separation struggle was fought, it did identify some of the key figures and important dates in the story. However, Aldrich used none of the manuscript and few of the newspaper collections that are now available.

Professor Henry Chapman of Bowdoin College followed Aldrich with "Early Movements to Separate the District of Maine from Massachusetts; and the Brunswick Convention of 1816," (Collections of the Pejebscot Historical Society, part 1, I [1889], pp. 1-20). Based on an indiscriminate use of newspaper accounts, Chapman's effort offered little of value which could not be found in previous accounts. It did contain, however, the first attempt, albeit an inadequate one, to disentangle the proceedings of the infamous Brunswick Convention of 1816.

L. F. Schmeckebier was the next person to add to the literature on the separation movement. "How Maine Became a State", (Collections of the Maine Historical Society, second series, IX [1898], pp. 146-172), was given to the

description of Maine's involvement in the Missouri controversy. In all respects, it has been superceded by the treatment of the same subject in a much more sophisticated manner by Glover Moore in The Missouri Controversy, 1819-1821. (Lexington: University of Kentucky Press, 1952).

In the twentieth century three individuals have made attempts to add to our knowledge and understanding of the movement. Edward Stanwood, "The Separation of Maine from Massachusetts," (Massachusetts Historical Society Proceedings, 1907-1908, third series, I [1908], pp. 125-165), was the first to appear. By far the most comprehensive treatment of the subject to that time, it had the added virtue of containing information gleaned by its author, a professional historian, from the Massachusetts Archives. Nevertheless, Stanwood relied too much on the inadequate contributions of his predecessors. Also, he did not obtain any real depth of analysis, a fault due in part to his failure to check manuscript and newspaper sources that were then being made available to scholars.

In 1917 Albert Ames Whitmore wrote his Master's thesis on the subject "The Separation of Maine from Massachusetts" (unpublished, University of Maine, 1917). Unfortunately, Whitmore, who later would become a professor of history at his alma mater, failed to utilize many of the available sources of information that should have been searched. It is not unfair to say that Whitmore contributed little to the fund of knowledge in this area.

By far, the finest work on the movement, and the last to be attempted up to the present study, was written by Louis Hatch. Hatch, who wrote a history of Bowdoin College, was the first historian ever to search the William King and John Holmes manuscripts located at the Maine Historical Society. Both men were leading figures in the separation struggle. Therefore, their papers could be expected to reveal much that previous investigators had overlooked. The King papers, consisting of twenty five boxes, are a veritable goldmine of information on Maine history during the period between 1800 and 1840; a fact first discovered by Hatch, who selected what he considered relevant materials on the separation question. These new materials were incorporated in a chapter entitled "Separation from Massachusetts" which was published in the first volume of his Maine. A History. (New York: The American Historical Society, 1919), pp. 107-143. The same chapter with minor alterations was reprinted as "Separation of Maine, 1784-1820," Commonwealth History of Massachusetts, ed., Albert Bushnell Hart (New York: The States History Company, 1929), III, pp. 548-579.

The weakness of Hatch's efforts lay in his injudicious selection of materials from the King and Holmes collections. One cannot help concluding after reading his two articles that he did not thoroughly digest what he found. Certainly his unsystematic search of both collections caused him to overlook much valuable and germane material.

On the other hand, Hatch is to be commended for his appreciation of the political, social, and economic factors that bore upon the separation story. He was the first historian who really tried to write the history of the movement against the milieu in which the struggle took place.

As for my own effort, herein presented, I acknowledge my indebtedness to the works of the men who preceded me, especially to Davis, Stanwood, and Hatch. I have built on their beginnings without which the present work would have been infinitely more difficult to construct. I have tried to write a comprehensive history of the struggle for the independence of Maine. I do not presume to have written the last word on the subject for I know that I raise as many questions as I try to answer. If there are sources that I did not check, I am not aware of them. In Maine, I investigated the holdings of the Maine Historical Society, the Maine State Library, the York Institute, and the libraries of Bowdoin and Colby colleges to name only a few. In Massachusetts, the Boston Public Library, the Essex Historical Institute, the American Antiquarian Society, the Massachusetts Historical Society, the Harvard University Libraries, and the Massachusetts State Library and Archives were but the most important depositories visited. In Washington, D.C., the Library of Congress was consulted. Notes revealing other sources utilized can be found in the bibliography.

CHAPTER I

BACKGROUND AND BEGINNINGS OF THE SEPARATION MOVEMENT

Thursday the 16th inst. the day in which the dependance of Maine upon old Massachusetts was completely dissolved . . . was ushered in by the discharge of cannon, and closed by a splendid public ball. Union Hall in the evening was filled to overflowing with all that Portland can produce of elegance and fashion and beauty, its walls were decorated with national and military colors tastefully festooned, giving a rich appearance to the room. . . . In front of the orchestra our national armorial an eagle lately killed in this neighborhood spread its capacious wings, bearing on his breast a brilliant star, significance of the addition now made to our national constellation. The company was honored in the course of the evening by Mr. [William] King, President of the late convention.¹

Thus reported a Portland newspaper of the celebration of Maine's entrance into the union as the twenty third state on March 16, 1820. The event was the culmination of nearly forty years of agitation by Maine men to achieve the separation of the District of Maine from Massachusetts proper. It was fitting that William King should be so honored for it was he, the Sultan of Bath, who, more than anyone else, deserves the appellation, the father of Maine. This work represents an effort to record the long history of that struggle and especially the role that William King played in bringing about its eventual triumph.

By the year 1785, the date of the commencement of the

¹Eastern Argus, March 20, 1820.

agitation for a separation, the District of Maine encompassed the area between the Piscataqua River on the west and the St. Croix River on the east. Most of the more than a hundred settlements that contained the District's nearly sixty thousand inhabitants were located west of the Penobscot River within fifty miles of the coastline and along the numerous river valleys. There were only a few settlements that resisted the economic pull of the sea.

The area between the Piscataqua and Kennebec rivers was originally named the Province of Maine by Ferdinando Gorges whose royalist connections allowed him to dominate the region from the first decade of the seventeenth century when it was explored until his death in an English jail in 1647. Gorges, with the aid of his friend Charles I, planned to become royal governor of all of New England. In anticipation of his appointment he created the first city in British North America in 1641. The city he modestly named Gorgeana was formerly called Agamenticus and is presently known as York. Gorgeana would become, Gorges hoped, the capitol city of the finest jewel in the King's empire once the parliamentary forces were defeated.

Not only did the triumph of Cromwell kill this dream of Gorges; it also produced a power vacuum in Maine into which the avaricious Puritans of Massachusetts Bay were only too anxious to rush. As a result, the 1650's saw every seacoast village from Kittery to Falmouth and beyond fall under the control of the saints of Boston. Protests

from the villages to the authorities in Massachusetts proved unavailing; Massachusetts would not relinquish her hold. In 1691, the new charter presented by William and Mary to Massachusetts not only recognized her conquest of Maine but provided for the perpetual integration of the victim within the political structure of Massachusetts. Thus, from 1691 to 1820 there was no political entity known as Maine, only Massachusetts which included all the territory between New Brunswick and Rhode Island except for a segment of New Hampshire that inconveniently protruded to the sea. It was this wedge of land that denied to Massachusetts that complete and binding integration she desired, for through the years this geographic fact of life served as a reminder to those in Maine as well as in England that the union of Maine and Massachusetts was not only an unwilling but an unnatural one.

As the seat of the capitol of New England, Maine would have likely prospered and grown. As a mere appendage, a satellite of Massachusetts, she languished. Moreover, Maine became caught in the crossfire of the great contest for supremacy in North America between Great Britain and France. Occupying a strategic borderland position between French Canada and the English America, Maine, down to 1750, was the scene of some of the most sanguinary battles of the intercolonial wars. Entire villages were destroyed; their inhabitants slaughtered by Indians who, allied with the French, viewed the English settlers as

greedy and heartless intruders. In 1750, the estimated population of Maine was but 10,000, a figure that represented only a slight increase over the population of a century before.² A promising trend that brought the population to about 30,000 by 1772 was arrested by the outbreak of the American Revolution.³ In surveying the history of Maine between 1600 and 1775 one is reminded of the refrain of a Maine congressman uttered during the Missouri controversy in 1820: "Maine, poor Maine, the tale of her woes is enough to make the angels weep."

The American Revolution, nevertheless, proved to be a watershed in the history of Maine. With the Treaty of Paris concluded in 1783, the District, no longer harrassed by wars, embarked on her first period of sustained growth and development. Between 1784 and 1820, the population increased over 500 per cent as is revealed by the following data:⁴

<u>Date</u>	<u>Population</u>
1750	10,000
1772	29,088
1777	42,241

²Moses Greenleaf, A Statistical View of the District of Maine, (Boston: Cummings and Hilliard, 1816), p. 38.

³Ibid., pp. 38-40.

⁴Ibid.; Historical Statistics of the United States, Colonial Times to 1957, (Washington, D.C.: 1960), p. 13.

<u>Date</u>	<u>Population</u>
1784	56,321
1790	96,540
1800	151,719
1810	228,705
1820	298,335

There were many reasons for this amazing growth. The natural increase in population accounted for, perhaps, as much as a third of it with immigration accounting for the rest. The availability of large tracts of unsettled land estimated at seventeen million acres in 1783⁵ combined with a liberal state land policy that permitted a settler to purchase at \$1.00 an acre his choice of 150 acres anywhere upon the rivers and navigable waters of eastern Maine, or to claim 100 acres free anywhere else upon agreeing to clear sixteen acres within a four year period attracted thousands to the District. So anxious were settlers to take advantage of the opportunity to become freeholders even in a frontier area such as Maine that the land office was unable to keep abreast of the flood of applications.⁶ In addition, landed proprietors who owned large tracts in the District anxiously unloaded their holdings for prices that were competitive with those of the state.

It might be expected that with such a large influx of people the District of Maine, as it was popularly known,

⁵Frederick Allis, Jr., William Bingham's Maine Lands. (Boston: Published by the Society, 1954), I, pp. 24-29.

⁶Ibid.

experienced considerable social conflict created by the collision of peoples with differing customs, languages, religions, and values. Such was not the case. Coming as they did from Massachusetts and from other New England states, "they formed one people and brought with them the steady habits and good principles of those from whom they had separated."⁷ As a consequence, assimilation was achieved relatively easily; the homogeneity of the population that had existed down to the Revolution remained by and large undiluted down to 1820, a fact of major significance in the life of any society.

This does not mean that there were no tensions created by the rapid growth of the District. As the stream of newcomers poured into the region, some over the King's Highway connecting Portsmouth and Portland, others by ship from ports to the south, they brought with them attitudes and values which soon made the District a stronghold of Jeffersonian Democracy. For the handful of "blue bloods" who lived in the more established seacoast towns of Wells, Kittery, Bath, Blue Hill and Falmouth, the newcomers fre-

⁷William Willis, The History of Portland From its First Settlement etc., (Portland: Charles Day, 1833), II, p. 281. Willis stated that most of the immigrants to the Portland area hailed from Essex County while a few came from Middlesex, Suffolk, and Plymouth counties, p. 281. Very few foreign immigrants came to Maine. Willis believed that the few who came were from Ireland, p. 282. William Williamson, History of the State of Maine, (Hallowell: Glazier, Masters & Co., 1832), Vol. II, p. 569, writes that to attract settlers on the eastern lands, "the Massachusetts Society for the aid of emigrants" was established in

quently were looked upon as threats to their heretofore unchallenged dominion. In Falmouth [Portland], the distinctions of rank among classes that had been accepted before the Revolution soon broke down. The symbols of deference, the "cocked hat, bush wig, and red cloak" upon which the upper-classes relied in part to maintain their control of local communities gave way to less pretentious symbols. Congregational orthodoxy, an instrument of social control, eroded under the subversive influence of the Baptists and Methodists and the "formality of official station fled before the genius of our Republican institutions."⁸

Actually, these "more substantial" elements never achieved the status of an aristocracy. Their attempts to imitate the lives of the Bowdoins, Faneuils, and Amorys of Boston was frustrated by the economic structure of Massachusetts which channeled profits to Boston and surrounding towns. As William Willis, one of Portland's historians noted: "Most . . . were engaged in trade, and the means of none were sufficiently ample to enable them to live without engaging in some employment."⁹ In any event, the

1795. "To foreigners of fair character it was an accessible friend and adviser; and hundreds have had occasion to be deeply grateful for the help received."

⁸Ibid., p. 283.

⁹Ibid., p. 284.

remnants of this pre-Revolutionary War ruling class constituted only an ineffectual minority by 1820. Their places were to be taken by a new class of lawyers and merchant capitalists led by such men as William King of Bath. These parvenues not only possessed a greater degree of economic savoir faire but were men of unusual political acumen as well.

Economically, the District before the Revolution was poor. Even by 1782, according to Moses Greenleaf, the total wealth of the District was only one-tenth of that of Massachusetts proper. In succeeding years, especially after 1790, the prosperity produced by Maine's share of the neutral trade, which the Napoleonic Wars diverted to the United States, was responsible for a sharp upward rise in wealth. Even with this rise, however, few Maine people approached the level of economic well being enjoyed by many in Massachusetts.¹⁰

The back bone of the economy was lumbering with its allied industries of shipping and shipbuilding. The sea-coast towns of Blue Hill, Wiscasset, Waldoboro, Bath, North Yarmouth, Portland, Saco, Wells, and Kittery, along with the Kennebec River towns of Hallowell, Augusta, and Gardiner became important shipping centers and with their rise men like Asa Clap of Portland, William King of Bath,

¹⁰Greenleaf, op. cit., pp. 83-84.

Abiel Wood and Moses Carlton of Wiscasset, the Cutts family of Saco, Daniel Cony and the Bridge family of Augusta rose to positions of great influence.

So great, indeed, was the prosperity of the District dependent on the foreign trade in lumber products and the carrying trade that rumors of impending peace in Europe produced great anxiety among the magnates of these towns¹¹ who knew only too well the basis for their well-being. Records of the port of Wiscasset reveal the astonishing fact that from January 1800 to January 1812, excepting two years for which figures are unavailable, 576 vessels left the port and that all 576 carried a main cargo of lumber, staves, and other timber products. Only twenty of the ships carried, in addition to lumber products, such commodities as flour, fish and potash.¹² There is no reason to believe Wiscasset was unique in this respect. It should not be forgotten that when scholars speak of such articles as rum, sugar, and coffee as exports of Maine, they are, of course, describing re-exports that were pro-

¹¹William King's partner, Dr. Benjamin Jones Porter wrote to him in 1801 that "the prospects of immediate peace . . . are frightening . . . for a great change will come to our carrying trade." Benjamin Jones Porter to William King, November 20, 1801, Leonard Bond Chapman Box, William King MSS., Maine Historical Society. Hereafter cited, WK MSS., (Me. H.S.), L.B.C. Box.

¹²Abstract of Sea Letters Received and Issued in the District of Wiscasset, 1800-1812. William Patterson MSS., Me. H.S.

cured only because they were purchased from proceeds derived from the lumber trade. In short, Maine's economy at this time, as throughout her history, was a one crop economy. Timber was king; without markets for it the economy collapsed, for only through the sale of timber products could the surplus capital be obtained to develop the economy of the District as a whole.

As long as Maine shippers could sell their lumber products abroad, the District thrived. The demand for lumber produced a corresponding demand for wooden ships and a skilled labor force to build them. Likewise, many farmers who found the soil impervious to the blades of plows, rode the crest of the prosperity by selling timber from their own stands to merchants in the seaport towns. Only those farmers who settled inland to eke out an existence as "happy yeoman" found their labors really unrewarding. It was the latter that Talleyrand described when in the 1790's he visited Maine and wrote that they were "ignorant and grasping, poor but without needs, they resemble too much¹³ the natives of the country they have replaced."

Another French nobleman, the perceptive Duc de la Rochefaucauld-Liancourt who likewise visited the District on two occasions in the 1790's, was even more critical of

¹³Huth and Pugh, eds., "Talleyrand in America," American Historical Association Report, 1941, II, 82-85. Quoted in Allis, op. cit. p. 20.

what he found in Maine. Of all the regions he visited in his tour of the United States, he wrote,

. . . the province of Maine is the place that afforded me the worst accomodation. And, considering how little reason I found to praise the accomodations of many other places, what I have now said must be regarded as an affirmation that the condition of human life in that place is exceedingly wretched . . . this country is still in its infancy, and in a languid and cheerless infancy.¹⁴

Other visitors complained of the severity of the climate and the poor quality of the soil, but for every person who found life on the Maine frontier too harsh, there could be found one to refute him. Even Talleyrand found enough in the District to make him sanguine about the future of the

area.¹⁵ By 1810, boosters of the District could point with satisfaction to the existence of Bowdoin College, the "Harvard of the north" that had received its first class in 1802, as evidence that education was not denigrated by all. Likewise, they could point to the publication of five newspapers as evidence that not all were illiterate.¹⁶ And with the rise of the level of sophistication with which busi-

¹⁴Francais Alexandre Frederic, Duc de la Rochefoucauld-Liancourt, Travels Through the United States of North America, etc. (London: 1799) I, 443-447, Quoted in Allis, op. cit., p. 3.

¹⁵Allis, Ibid., p. 8.

¹⁶Frederick G. Fassett, Jr., A History of Newspapers in the District of Maine ("The Maine Bulletin: University of Maine Studies," No. 25; Orono, Maine: University of Maine Press, 1932), p. 193.

ness was conducted, the creation of a number of banking and marine insurance firms was indicative that the area was developing economically. By 1820, the area west of the Penobscot and south of a line running from the New Hampshire line through Augusta to Bangor had lost much of its frontier character.

Nevertheless, viewed in retrospect, the District as a whole was primitive compared to the older regions of the country. Many of the new settlers had low aspirations and were content to live at a subsistence level. Others finding themselves living in isolation in remote sections were unacquainted with the most well known developments in other parts of the country. A man from Blue Hill typified the simplistic innocence of the latter group when he wrote on one occasion that "we are so as it wore out of the wourd that we dont hardly know wether we do rite or rong but we mean to do as well as we can."¹⁷ The people of Castine in 1788 were found by Silas Lee, a young lawyer who later became United States District Attorney for Maine, to be oblivious to the fact that a new constitution had been drafted at Philadelphia the year before. They were, declared Lee, not only unacquainted with the constitution but were "equally indifferent as to its establishment," seeming to get excited over nothing of import. "The only

¹⁷Samuel B. Harding, The Contest Over the Ratification of the Federal Constitution in the State of Massachusetts, (New York: Longman-Greens, 1896), p. 8.

object of their concern are the sheriffs & justices of the peace--these are often looked upon with dread."¹⁸

For many settlers there was justification to fear the law which was frequently invoked by the landed proprietors to protect their interests from squatter encroachment. Many settlers had moved on to land that belonged or was alleged to belong to proprietors such as Henry Knox in Lincoln County or the proprietors of the Kennebec Purchase along the Kennebec River. In the 1790's William Bingham of Philadelphia purchased over two million acres in the District for speculative purposes. Nor were all proprietary lands of the wilderness variety. Greenleaf estimated that over one and a quarter million acres were owned by non-residents in organized towns and plantations.¹⁹

Families who settled on these lands frequently refused to pay for them either because they questioned the validity of the proprietor's title--they often deserved challenging--or because they had no money. Not unknown was the practice employed by proprietors of evicting squatters from the land without payment for improvements made by the settler. Eventually, the friction between the two groups became so great that rebellion threatened. The popularly held belief that proprietors were acting under the

¹⁸Silas Lee to George Thacher, February 28, 1788, George Thacher MSS (Boston Public Library), Vol. I, No. 179.

¹⁹Greenleaf, op. cit., p. 95.

protective cloak of the Federalists in Massachusetts proper was encouraged by Democratic-Republicans who found that such encouragement won them votes.²⁰ In fact, the success of Democratic-Republicans in exploiting the division between the two groups was, perhaps, the most important factor in explaining why the District became a Jeffersonian stronghold after 1806.

It was in this setting of an area experiencing rapid change and growth, that the movement to separate Maine from Massachusetts was initiated in the year 1785.

While it is true that the separation movement, in any meaningful sense, commenced in 1785, evidence that many in Maine had long considered the union undesirable is abundant. As early as 1680, twenty years after Massachusetts Bay seized Maine, one-hundred and eighteen inhabitants of Kittery, York, and Wells, including one William Screven,²¹ petitioned Charles II praying to be delivered from the domination of Massachusetts. Such an action by the King,

²⁰For an account of this conflict and its importance for the separation movement, see infra.

²¹Screven, a Baptist, came to Kittery, formed a Baptist church, and was repeatedly harassed by Puritans who several times arrested him for not attending Congregational services on the Sabbath. Disheartened, Screven with many of his followers left Kittery in 1684 for Charleston, South Carolina, where he formed the first Baptist Church in the South. See Henry Burrage, History of the Baptists in Maine, (Portland, Maine: Marks Printing House, 1904), pp. 12-27.

the petitioners claimed, would be justifiable because Massachusetts Bay "did invade our right and priviledges erecting their owne authority by causing the inhabitants to sweare fidelity to their government."²² Complaints such as this, no doubt, influenced the King to carry out his plan to re-organize parts of New England and New York under the leadership of Edmund Andros a short time afterward. In 1691, however, Maine, once again, was placed under the control of Massachusetts.

As events developed, the greatest threat to the hegemony of Massachusetts in Maine throughout the colonial period was not the inhabitants who were powerless, but authorities in England who at no time apparently considered the union of the two areas irrevocable. In 1748, for example, it was rumored that Sir William Pepperrell, Jr. as a reward for his victory over the French at Louisburg, would be appointed royal governor of Maine by George II.²³ Further evidence that the English were not committed to the perpetuation of the union was revealed in a letter from Governor Francis Barnard of Massachusetts to the English Secretary of State, the Earl of Halifax, in 1764. The Governor suggested that Maine be divided into two colonies, one to

²²Collections of the Maine Historical Society, IV (1831), p. 301.

²³Byron Fairchild, Messrs. William Pepperrell, (Ithaca: Cornell University Press, 1954), pp. 184-185.

include the land between the Piscataqua and Penobscot rivers, the second to encompass the territory between the
²⁴
 Penobscot and St. John rivers.

During the Revolution, still another proposal was advanced to sever Maine from Massachusetts. This plan, worked out by British authorities in 1780, would have taken all the land between the Saco and St. Croix rivers to form a "Province of New Ireland" to be colonized by loyalists escaping from the rebellious colonies. The remainder of the area between the Saco and Piscataqua rivers was to be joined with New Hampshire "in order to give that Province a greater Front on the Sea than it now has, and for better reasons of deeper policy."²⁵ This proposal was shelved for prudential reasons. In the same year the union between Maine and Massachusetts was reaffirmed by the acceptance in a convention by delegates of both areas of the Constitution of 1780. With this acceptance, the Commonwealth of Massachusetts was born. From this moment, the initiative for separation was passed to the inhabitants of the District. Success or failure was now up to them.

Why the separation question appeared before the public in the year 1785 is not entirely clear. Only two years

²⁴"A Proposed New Arrangement of New England," Collections of the Maine Historical Society, I (1904), p. 339.

²⁵Joseph Williamson, "The Proposed Province of New Ireland," Ibid., pp. 147-157.

had passed since the Treaty of Paris ended the American Revolution and one would think that after eight years of tumult a period of respite would have been welcome. Certainly, it is true that the economic hardship that was experienced elsewhere in the country during the mid-eighties was a factor in the development of separation sentiment. Even opponents of separation admitted that "our treasures are exhausted; commerce embarrassed, money extremely scarce; and taxes enormously high" ²⁶ As with the Shaysites later, there was sentiment for the emission of paper money to relieve the general distress occasioned by the scarcity of cash and the stagnation of trade. ²⁷ Many who desired such "radical" expedients undoubtedly believed that only by a separation from Massachusetts and more importantly from the money power of Boston could such expedients be adopted. Clearly, many believed that Boston understood but very little the peculiar nature of the ²⁸ problems Maine people faced.

However, while the movement later was to be greatly influenced by those who flirted with legal tender and stay laws, the original impetus came from men who were, according to one of them, from the more substantial element

²⁶Falmouth Gazette. October 15, 1785. Hereafter cited F.G.

²⁷F.G., October 22, 1785.

²⁸Ibid.

of the population--"clergymen, physicians, lawyers," and a few gentlemen farmers, who "employed both their pens and their private influence" in agitating the question.²⁹

Among this element, were William Gorham, a leading citizen of Gorham and Judge of Probate for Cumberland County; Gorham's close friend and fellow townsman, the gentleman farmer Stephen Longfellow, Jr.; General Peleg Wadsworth, a merchant of Falmouth; and Messrs. Thomas Smith and Samuel Deane, ministers of the Falmouth First Parish Church, all of whom were among the acknowledged leaders of Cumberland County.³⁰ At first, what opposition there was to efforts

²⁹Daniel Davis, "The Proceedings of the Two Conventions, Held at Portland, To Consider the Expediency of a Separate Government in the District of Maine," Collections of the Massachusetts Historical Society, IV, (1795), p. 25.

³⁰Gorham (1742-1804) owned "one of the best appointed establishments to be found on the road from Gorham to Portland [Falmouth]." A short account of his life is found in Hugh McLellan, History of Gorham, Maine, (Portland: 1903), pp. 522-23. Longfellow (1750-1824) moved to Gorham after Mowatt's bombardment of Falmouth in 1775. His father, Stephen Longfellow was the master of the Grammar School in Falmouth for many years. Stephen Jr. shared with Gorham, leadership responsibilities in Gorham where he conducted a farm. His son, Stephen Longfellow (1776-1849) married the daughter of Peleg Wadsworth in 1804; one of the sons of the match was Henry Wadsworth Longfellow. A lawyer, the poet's father Stephen became an inveterate foe of separation in 1816 as well as being one of the three Maine men who attended the Hartford Convention. On the Longfellow family, see McLellan, op. cit., 640-41; and the D.A.B., XI, 388. Wadsworth (1748-1829) graduated from Harvard in 1769. He served with Washington at New York and Long Island and in 1778 was appointed Brig. Gen'l. in the Massachusetts Militia. In 1779, he was second in command of the ill-fated Penobscot Expedition. A merchant in Falmouth, he seems to have dealt mainly in lumber. Wadsworth in 1786 built the first brick house in Falmouth, the structure now maintained by the Maine Historical Society as the Longfellow House. From 1792 to 1806, he was a representative to Congress from Cumberland County. See D.A.B. XIX, 310.

of these men came from the mercantile community who feared a further disruption of commerce and from office holders³¹ who feared the loss of their positions.

January 1, 1785 saw the first number of the first newspaper printed in the District of Maine, the Falmouth Gazette. According to William Williamson, Maine's noted historian, Benjamin Titcomb, the scion of a well-to-do Falmouth family and Thomas B. Wait, formerly associated with the [Boston] Independent Chronicle, founded the Gazette for the purpose of promoting separation.³² The issues of September 17, and October 1, 1785 contained the first mention of separation. A notice was inserted requesting the attendance of as many of the inhabitants of the District as could conveniently arrange it to meet at the meeting house of Messrs. Smith and Deane in Falmouth on October 5, 1785 to discuss the advisability of taking³³ steps leading to a separation.

Thomas Smith (1702-1795) was Falmouth's first minister coming to the town in 1727 remaining until his death in 1795, a period of 68 years! Samuel Deane (1733-1814) came to Falmouth in 1764 as Smith's assistant and after the death of his colleague continued as pastor until his death in 1814, a period of 50 years!! Details concerning the lives of these two remarkable men can be found in a volume of Smith's journal and Deane's diary edited by William Willis. Journals of the Rev. Thomas Smith and Rev. Samuel Deane (Portland: Joseph Bailey, 1849), passim.

³¹Williamson, op. cit., II, p. 522.

³²Louis Hatch, "Separation from Massachusetts," Maine: A History. (New York: American Historical Association, 1919), I, p. 107.

³³F.G., September 17; October 1, 1785.

In all about thirty gentlemen from the three counties of York, Cumberland, and Lincoln responded to the call. As near as it is possible to determine, most of those present were representatives of the "more substantial" separationist element who evinced little interest in stay laws or the emission of paper money. It was no surprise, therefore, that two men, William Gorham and Stephen Longfellow, Jr., both of whom belonged to this element, were chosen president and recording secretary respectively. The only significant result of this first meeting was the appointment of a seven man committee headed by Peleg Wadsworth that was authorized by the convention to draw up a circular letter addressed to the people of Maine calling upon them to send delegates to a second convention to be held on January 4, 1786, at which time the question of separation would be explored further.³⁴

No sooner had the delegates returned to their homes than they came under heavy attack by those who opposed their designs. Some claimed that the meeting was unconstitutional and insurrectionary to which was replied that such gatherings were lawful under article nineteen of the Massachusetts Constitution of 1780.³⁵ Far more serious was

³⁴The address is reproduced in its entirety in Appendix No. I.

³⁵Davis, op. cit., p. 27. Article nineteen read as follows: "The people have a right, in an orderly and peaceful manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses,

the charge that "the most sanguine sticklers for a separate government are persons who were formerly stigmatized for Tories" A separation, continued the charge, would in fact open a door for the return to Maine of Tory refugees who had fled to Nova Scotia and New Brunswick during the war.³⁶ The charge was quickly denied by a separationist writing in the Falmouth Gazette but the correspondent wrote nothing to allay the fears of those who suspected a counter-revolutionary conspiracy was about to take over the District when he confessed that far from discouraging the return of the Tories, he would welcome them back, not for their opinions, but for their wealth. As men of property they would bring with them "cash sufficient for this Province, as a circulating medium for seven years."³⁷

Not only did the convention stir up controversy in Maine. In the capitol at Boston, Governor Bowdoin received the news with alarm. Already anxious over the rumblings from the small towns of western Massachusetts, the Governor, in his address to the General Court on October 20,

petitions, or remonstrances, redress of the wrongs done them; and the grievances they suffer." The convention was, obviously, constitutional.

³⁶F.G., October 15, 1785.

³⁷Ibid., The tory charge probably gained credence because of the less than 100% commitment given by many of the more well to do to the patriot cause during the American Revolution. I have found no evidence that militant toryism was represented at the first convention, although the paucity of material on this phase of the movement precludes a categorical conclusion either way.

1785, referred to the Falmouth convention as a "design against the Commonwealth of very evil tendency, being calculated to the dismemberment of it."³⁸ The General Court concurred with the Governor's sentiments admonishing the participants in the convention that

The Legislature strongly feel the danger and impropriety of individuals, or bodies of men, attempting to dismember the state. The social compact solemnly entered into by the people of this Commonwealth ought, we conceive, to be attended to, and guarded with the utmost care³⁹

The legislature took no action toward the dissidents in Maine, but, no doubt, many legislators particularly those from Essex and Suffolk counties, took cognizance of the periodic murmurings calling for the emission of paper money that appeared in the Gazette. Already there were signs that the "cocked hat" set was beginning to lose control of the movement it had sponsored, a trend that would accelerate with time.

The criticism from the capitol evidently had an effect. A town meeting held at York in December 1785 to consider the contents of the circular letter prepared by Wadsworth's committee voted unanimously not to send delegates to the January convention on the grounds that such a meet-

³⁸F.G., November 5, 1785.

³⁹Falmouth Gazette and Weekly Advertiser, December 17, 1785. Hereafter cited, F.G.W.A.

ing was, indeed, unconstitutional.⁴⁰ In North Yarmouth, a similar vote was recorded because, as the minutes of the meeting stated, affairs could be worse and, moreover, no improvement in conditions would likely result from a separation.⁴¹ Most surprising was the action taken by the town of Falmouth, presumably the center of separation sentiment. On December 26, 1785, a town meeting selected five delegates, including Wadsworth, to attend the January convention. A week later, January 2, 1786 two days before the convention was to assemble, another meeting was held at which an anti-separationists passed a resolve instructing the five delegates "not to attend the Convention at all."⁴²

Undeterred by the evidence of increasing opposition to a separation, thirty-three delegates representing twenty towns met at the First Parish Meeting House in Falmouth on January 4, 1786.⁴³ Included among the thirty-three were none other than the five delegates from Falmouth who were seated by the convention notwithstanding the wishes of the town of Falmouth.⁴⁴ There were, apparently, delegates elected by some towns who were unable to

⁴⁰F.G.W.A., December 31, 1785.

⁴¹Ibid., March 9, 1786.

⁴²Ibid., January 7, 1786.

⁴³For a list of the delegates and the towns which they represented see Appendix No. II.

⁴⁴Davis, op. cit., p. 29.

attend. One of these, from Georgetown, did the next best thing. He composed a letter that was read to the delegates in which he urged them to offer the people a new government containing a provision for a unicameral legislature which would constitute the only governing body for the people.⁴⁵ He was convinced of the wisdom of his suggestion which assumed as he said, that "there might be as wise men in the house as in the chair." Besides "business might be done much quicker."⁴⁶

The convention, however, again chaired by Gorham who was less interested in governmental reform than in simply achieving an independence that would allow the more "substantial" element to rule, refused to consider any recommendations but one. A committee of nine was chosen to report the following day a list of grievances under which Maine was alleged to suffer as a result of its connection with Massachusetts and to estimate the cost of erecting a new state. The report, minus a cost estimate omitted for lack of time and information, was submitted and accepted by the convention on January 5, 1786. The substance of the report was as follows:⁴⁷

⁴⁵Ibid., pp. 29-30.

⁴⁶Ibid.

⁴⁷Davis, op. cit., pp. 36-37. The complete report is given in Appendix III.

1. The different interests of the District from those of Massachusetts proper are seldom understood by the people of the latter; hence, they are seldom promoted, resulting in the retarding of the growth of Maine.

2. The business of the Supreme Judicial Court is so great and the territory of the state so large that proper and expeditious justice is not always achieved. Especially grievous, was the location of the clerk's office and all his records in Boston, a fact that necessitated costly and time consuming trips to the capitol. [This objection continued until 1798].

3. Present trade regulations reduce the price of lumber to the enrichment of Boston.

4. A large portion of the population are denied representation in the House of Representatives where money bills originate. [Only towns with 150 rateable polls were allowed a representative. Scores of settlements in Maine failed to thus qualify].

5. The system of taxation upon polls and estates is unequitable to Maine people. [At the time, the estate tax was based on a valuation placed on: real estate, barrels of cider annually produced, tonnage of vessels, horses, neat cattle, sheep, goats, swine, debts due, ounces of silver owned, and money on hand. Because a sheep in Massachusetts proper was assessed for as much as a sheep in Maine and because it was claimed that longer winters in Maine raised feed costs and that sheep sold to neighbors

brought less than a sheep would bring were it sold in Massachusetts, Maine people contended that a sheep raised in Maine should be assessed at a lower rate than his counterpart in Massachusetts⁴⁸].

6. Excise and import taxes were also inequitable. [It was argued that Maine people were forced to import more per capita than those who lived in Massachusetts. The most interesting argument advanced to support this assertion was the claim that due to the scarcity of orchards and therefore cider, it was necessary to import vast quantities of rum to meet the legitimate expectations of working people. Since the tax on rum was high, this constituted an especially great burden on an already poor people.]⁴⁹

7. Because property was more frequently conveyed in Maine than in Massachusetts, the fixed fee on deed transfers worked a hardship on Maine people.

Subjoined to the report was another circular letter addressed to the people of Maine asking them (1) to send a full compliment of representatives to the General Court in order that the necessary voting strength could be obtained

⁴⁸F.G.W.A., December 10, 1785.

⁴⁹Ibid., Because the huge state debt, which in 1786 was over \$5,000,000 and commanded nearly \$300,000 annually in interest alone, was met by taxes, and because taxes were unequally distributed, it followed that Maine people paid more than their fair share of the State debt. F.G.W.A. November 5, 1785.

to pass legislation to correct the evils complained of; (2) to elect delegates and to certify, the votes given for and against such delegates, at the town meetings to be held in March. The delegates would attend still another convention to be held in Falmouth in September 1786 at which time they would further consider the extent of their grievances and adopt "and pursue some orderly and peaceable measure to obtain relief."

One cannot help being impressed with the mildness of this report. None of the grievances listed were such that they could not have been met legislatively as, indeed, some later were. The moderate tone of the report suggests, in fact, that the leaders of the movement may have concluded that to press their objective against the wishes of their friends in Massachusetts might cause them to lose those friends. In addition, they were, no doubt, deeply concerned that the more radically inclined in Maine might possibly wrest control from them and use the movement as a vehicle by which their radical demands for an inflated currency could be achieved. Whatever the explanation, it is clear that at the second convention, enthusiasm for a separation had given way to caution.

Shortly after the convention adjourned until the following September, news of Shay's rebellion reached Maine. The prospect that established order might be overthrown in favor of what the more "substantial" elements considered mobocracy and that the interest of creditors

might be incalculably harmed was dreaded not only in Boston and Salem. "The country seems to be in a general riot . . . occasioned by many county mobs, and the want of money to pay taxes" wrote the Rev. Thomas Smith, one of the early supporters of separation in his journal.⁵⁰ Many who had favored separation before, now, for reasons of patriotism or self defense opposed its further consideration lest it should embarrass the state government during its time of trouble. A town meeting held in Falmouth on August 31, 1786 to instruct delegates to the September convention reflected the extent to which events in western Massachusetts had a tendency to polarize opinion in Maine. At a previous meeting held August 21, the town had chosen three delegates, including Wadsworth. Now they received their instructions which were reported by the Gazette. The three delegates were

. . . not only to oppose every measure that might be taken to establish a new Government, but also to discountenance all attempts for obtaining redress of any grievances we might labour under. 'Twas urged that although we might suffer many inconveniences, yet the present, was by no means a proper time to seek relief--the western part of the Commonwealth, from real or pretended grievances, were but a step from anarchy--that we should but add to the confusion--that Conventions at all times, were dangerous things, and always so considered by the General Court.⁵¹

⁵⁰Willis, op. cit., 259.

⁵¹Cumberland Gazette. August 31, 1786. Hereafter cited C.G.

A minority, which vainly tried to block the adoption of the instructions, argued in Lockian language that events in western Massachusetts had no bearing on the situation in Maine. The Gazette summarized the minority position as follows:
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. . . that if we were really injured, as had been acknowledged, any time was a proper time to obtain relief--that if the other part of the Commonwealth were aggrieved, more was the pity; but their sufferings would by no means relieve our distresses--it was no reason, because both were killing, that we should not cry for help--that in fact, our difficulties took their rise, in many instances from a different source--our interests often clashed, and where this was the case, it was the duty of the Court to injure us, that each member had in effect sworn to do it; but to this, while in our present situation, we must quietly submit--that the General Court termed conventions dangerous assemblies was not disputed--so did the Parliament of Great Britain once pronounce our General Courts; but did we at that time think ourselves obligated to abide by their opinions?--and why should we not rather declare our sentiments freely, in opposition to theirs, and to their arms?--and why should we not now do the same?--If we were injured, it mattered not by whom, whether by the Government of Britain or of Massachusetts, in either case duty to ourselves required immediate exertion.

A week later on September 1, 1786, the town of Falmouth held a third meeting at which the majority rebuffed completely the appeals of the minority. The three delegates were told that ". . . if it should be the opinion of [the September convention], that the most eligible method of obtaining such relief, is by dismembering this, from the

⁵²C.G., August 24, 1786.

Western part of the Commonwealth, we instruct you to oppose such a step to the utmost of your abilities."⁵³

The debate by the citizens of Falmouth proved to be a dress rehearsal for the third convention that assembled at Falmouth on September 6, 1786. Delegates numbering thirty-one, representing twenty-two towns were present. Lincoln County, the scene of most squatter-proprietor conflicts, was represented by single delegates from ten towns; Cumberland County by sixteen delegates from eight towns, and York County by five delegates from four towns.⁵⁴ Twelve of

⁵³Ibid., September 7, 1786.

⁵⁴Davis, op. cit., pp. 30-31. The delegates were as follows: Delegates with asterisks beside their names attended the January 1786 convention as well.

York County

Berwick - Dr. Nathaniel Low
 Arundell - Thomas Perkins
 Fryburgh - Moses Ames
 Brownfield - Henry Young*
 - James Haywood

Cumberland County

Gorham - William Gorham, president*
 - Edmund Phynney [Phinney]*
 - Stephen Longfellow, jun. clerk*
 Portland - Peleg Wadsworth*
 - Samuel Freeman*
 - Stephen Hall*
 - Daniel Davis*
 - Stephen Codman*
 Scarborough - Joshua Fabyan
 Cape Elizabeth - Berzilla Dellano
 - Cary M'Lellan
 - James Leach*
 Standish - Seth Spring
 New Gloucester - John Merrill*
 Gray - Jebediah Cobb*
 Brunswick - Aaron Hinckley

the thirty-one delegates were attending their first convention.

First, the convention disposed of a number of procedural questions, including a decision to allow each delegate a vote, a decision that, on paper at least, gave the Cumberland County delegation a one vote majority control of the convention. William Gorham was for the third time elected President and Stephen Longfellow, Jr. was chosen clerk.

From the testimony of Daniel Davis of Portland, who later wrote an account of the several conventions held up to 1789, the convention divided into two camps: one that included those who were either instructed to oppose a separation or, if for it, were of the opinion that the time was not propitious to press the matter. This group which had originally dominated the movement but which now behaved in a very restrained manner, will be designated moderate separationists or "moderates" for short. The second group consisted of those delegates representing towns most vocal in their demands for more extreme measures to re-

Lincoln County

Hancock - John Philbrook
 Vassalborough - Dennis Getchill*
 Winslow - Zimri Haywood*
 Topsham - Samuel Thompson*
 Bristol - William Jones*
 Newcastle - Samuel Nichols*
 Hallowell - Daniel Coney*
 Bath - Dummer Sewall
 Pittston - Reuben Coburn*
 Winthrop - Joshua Bean

lieve their distresses. In order to differentiate them from the moderates, they will be referred to as the "radicals." Davis described the language of this second group as that of "genuine insurgents" who because of their "private circumstances" had as their object not only a separation but the emission of paper money and the passage of tender acts.⁵⁵ The comparative strength of each group is impossible to state precisely. Events suggest that they were about evenly divided with the radical element having a slight edge on particular votes.

Once again, the paucity of records concerning the early history of the movement prevents one from being able to systematically analyze the radical position. Indeed, it is not even possible to identify with certainty which delegates belonged to the two groups. As for the leader of the radicals, the most likely candidate was Samuel Thompson of Topsham whose turbulent career as a political activist was a truly amazing one. It was Thompson, the "energetic Whig" who, as the head of the Cumberland County Committee of Safety, in May 1775, led a body of armed minutemen from Brunswick to Falmouth where they proceeded to kidnap Captain Mowatt, commander of the British sloop-of-war, Canceaux. The Canceaux was lying in the harbor protecting a "loyalist" who was loading his ship with lumber destined

⁵⁵Davis, op. cit., p. 33. In employing the terms "moderate" and "radical" to categorize the two contending factions, I do not mean to imply that the groups repre-

for the British at Boston. While Thompson was forced by citizens of Falmouth to release his prisoner, it was he who was blamed for Mowatt's return six months later. The Captain than in an act of retribution for past sins destroyed three-quarters of the town.⁵⁶

It was also Thompson at the Massachusetts Constitutional ratifying convention of 1788 who was the noisiest opponent of ratification. Unlike other opponents who pledged their support of the constitution after they knew they had lost their battle, Thompson, steeped in localism and distrustful of all authority, continued to promote anti-constitution sentiment among the people.⁵⁷

sented anything like what Charles Beard and other "progressive" historians refer to when they speak of the creditor-debtor dichotomy in their treatment of the years between 1775 and 1790. Rather, "moderate," as I use the word, refers only to those separationists who wanted a separation in order that they might ascend to power in the new state. They did not, it appears, flirt with legal tender legislation or the emission of paper money. When it became clear that they might not control a new government, their enthusiasm for a separation waned. The term "radical" refers to those few separationists who did wish legal tender legislation and the emission of paper money.

There was another group which, as events demonstrated, represented the majority of the people of Maine. These people for many reasons were opposed to a separation. In the context of the separation movement this group may be called "conservatives." In any case, the categories herein delineated refer to attitudes, not ideologies.

⁵⁶Hatch, op. cit., I, p. 30.

⁵⁷Two letters from the George Thacher MSS located in the Boston Public Library are revelatory of Thompson's methods. Thacher was Maine's representative to Congress.

1) Jere Hill to George Thacher, February 28, 1788. (Vol. I, No. 157). "Gen. Thompson did not return home after the convention dissolved as the Gen'l.

The September 1786 convention lasted but two days. On the first day, the delegates reaffirmed their belief that the grievances enumerated at the January 1786 con-

Court was to set in 12 to 14 days and it is rumoured that he has been noisy during that time, but I don't hear to any purpose--some say he took a tour into the western counties and they say further that he made it in his way to call and see the New Hampshire Convention to stir up what strife he could there"

2) Thomas B. Wait [Editor of the Cumberland Gazette] to Thacher, February 29, 1788, (Vol. I, No. 158). "I think you have written to, and received from Gen'l. Thompson--Do for God's sake write him once more--he conducts as if the Devil had possessed him. His opposition to the new constitution continues--When he left Boston his last words were--I will throw the state into confusion--It is true, these were great swelling words; but he may do a great deal of mischief. Can not you contrive a letter that will do him good?--For I do not believe Thompson to be a man of bad heart--Should you tell him that the constitution with the proposed amendments, which will certainly take place, will operate less injuriously than many suppose--that other amendments if found necessary will certainly take place--that you admire the submissive conduct of the minority etc. etc. (richly interlace the whole with Republicanism)."

Thompson was not a poor man. His estate was estimated at \$35,000 at his death in 1797. [George Wheeler, History of Brunswick, Topsham and Harpswell, Maine, (Boston: Mudge & Son, 1878), pp. 812-13]. Wheeler says, "he made so many enemies that it is difficult to know the truth of some statements made in regard to him." One who knew Thompson said, "Nature had furnished him with strong mental powers and a capacity which, if it had been rightly directed and employed, might have rendered him a useful member of society, but his mind needed cultivation," Ibid., p. 813. His home life was unhappy. His wife was at times insane and once killed an adopted son with a pair of "steelyards." One of his sons was an imbecile.

vention were generally still with them. A committee of nine was appointed to "consider what further grievances said counties labour under," but reported they were so many that the committee did not have time to "undertake⁵⁸ to enumerate the multiplicity of them." Instead, the committee proceeded to exceed its commission by unequivocally advocating the immediate separation of Maine. The report in part read

. . . that in justice to their constituents, they esteemed it their duty to inform the convention, that they could not devise any mode which would substantially and effectually remove the evils complained of, except the citizens of said counties were invested with the privilege of legislating for themselves.⁵⁹

In the opinion of the committee, the convention should draft a petition to the General Court requesting their consent for a separation. The petition was also to accompany an address to the people of the District to be transmitted to them for their consideration. A committee was then appointed to implement the recommendation. The membership of this second committee remains unidentified but given the language and tone of the "Address to the People" it may be deduced that it was dominated by the more radical members.

The "Address to the People" bluntly urged a separation.

⁵⁸Davis, op. cit., p. 31.

⁵⁹Ibid.

For those who for political or other reasons were disposed to defer action, the committee offered the following advice:

You feel yourselves distressed, and your distresses will increase until you legislate for yourselves.--In this there is no great difficulty. Government is a very simple, easy thing. Mysteries in politics are mere absurdities invented entirely to gratify the ambitions of princes and designing men--to aggrandize those who govern, at the expense of those who are governed.

But the end of government is the good of the people--the only design of its institution is to secure to them, as far as possible; the blessings of life. We therefore, in justice to our constituents, to ourselves, to the good citizens of the three counties, and to the commonwealth at large, address you upon the subject; and transmit to you a form of a petition to the General Court, requesting them to relinquish all right of jurisdiction in the eastern territory; and to give their consent that the same may be formed into a separate state.⁶⁰

The petition to be sent to the General Court was, in comparison with the "Address," a surprisingly mildly worded rehash of the grievances drawn up by the January convention. To allay the suspicions of the Boston dominated legislature that an incipient Shaysism was behind the separation movement, the petition assured the General Court that the

⁶⁰Davis, op. cit., pp. 38-39; C.G., September 14, 1786. The complete address can be found in Appendix III. A request for towns to hold elections on the question--should Maine be separated? - was subjoined to the address accompanied by a request that the returns of the elections be sent to the convention.

leaders of the movement did not "entertain an idea of throwing off the weight of the public debt, at this time lying upon the government at large, or to prevent the other part of the commonwealth from having their just proportion of the unappropriated [public] lands."⁶¹ Nothing was said, however, concerning such questions as legal tender laws or the emission of paper money. Whether the radicals for prudential reasons thought a mildly worded petition was good politics or whether the result was produced by a compromise with the conservative forces at the convention is not known. In any case, the difference in tone of the two documents is striking.

Before the convention adjourned to await the results of its efforts, one more controversy between the two factions developed. The conservative forces moved that the petition not be presented to the General Court until a future time when the Commonwealth was in a less "perplexed" state. [Shays Rebellion]. The radicals, caught napping, were unable to keep their forces intact and the motion passed. Once recovered, they scoffed at the motion as representing a kind of crackpot realism that was, in fact, designed to defeat the ambitions of those who sought independence. According to Daniel Davis, one of the moderates, the radicals argued that "if we apply to them [the General

⁶¹Davis, op. cit., p. 40; C.G., September 14, 1786. The complete text of the petition to the legislature can be found in Appendix III.

Court] at this time, they will not dare to refuse our request; and if they do, we can drive them into compliance,⁶² by threatening to join in the insurrection."

The radicals, at this juncture, moved for a reconsideration of the vote and by the narrow margin of 15 to 13 emerged the victors. A committee was thereupon appointed in whose hands the petition was placed and to whom discretionary authority was given to present the petition whenever it saw fit.⁶³ Significantly, Samuel Thompson was made the chairman of this committee. The convention then adjourned until the second Wednesday in January 1787, at which time the votes called for in the "Address to the People" would be counted and a decision on the future course of action would be made.

Between September 1786 and the date of the fourth convention January 3, 1787, opposition to separation appears to have gained strength. Rumblings from Machias were typical of those coming from many areas. In a remonstrance sent to the convention, it was contended that the grievances of which some complained were incidental to all governments and, furthermore, "while our political and pecuniary affairs labor under such complicated embarrassments--we think it unwise and unkind farther to perplex the de-

⁶²Ibid., p. 33.

⁶³Ibid., p. 34.

partments of our administration."⁶⁴ Clearly, the specter of Shaysism continued to haunt the more moderate minded in the District causing many to back off from pressing for a separation. As a result of this increased opposition, Samuel Thompson, hardly a cautious man, concluded that it was imprudent to send the petition to the legislature before the January 1787 meeting.

The fourth separation convention that assembled in January 1787 gave to the radicals little encouragement. True, the "Address to the People" had produced a 645 to 349 vote in favor of separation, but this figure represented only a fraction of the close to 75,000 inhabitants in the District. In addition, as the moderates no doubt reminded their adversaries, the returns represented votes from only 32 of the 93 corporate towns then established. Besides, 53 towns had never been represented in any of the conventions.⁶⁵ Clearly, the radicals had failed to make any significant appeal to the people as a whole.

With the direction of the wind blowing against them, the radicals agreed to a quick adjournment taking with them the knowledge that provided small comfort that they had, at least, managed to resist an attempt by moderates

⁶⁴Williamson, op. cit., II, p. 527.

⁶⁵Williamson, op. cit., II, p. 531; C.G., February 9, 1787. Henry Chapman in his "Early Movements to Separate the District of Maine from Massachusetts; and the Brunswick Convention of 1816," Collections of the Pejeboscot Historical Society, Part I (1889), p. 6, says the votes was 618 to 352.

to get the convention to withdraw the petition to the legislature from Samuel Thompson's committee.⁶⁶

However, less than a month later, Thomas Wait, editor of the Cumberland Gazette, one of the original separation enthusiasts, signaled the defeat of the first phase of the movement when he wrote that he hoped Thompson's committee would not present the petition. "Will it not be cruel, in the present distressed situation of the Commonwealth," asked Wait, "to perplex government with a request of this kind?"⁶⁷ The surrender of the radicals and the collapse of the movement came shortly thereafter with the appearance in the Gazette of a notice signed by Thompson for the committee in which he wrote that "considering the peculiar embarrassments of government and the alarming and distressed situations of the western counties . . ." the committee had agreed to wait until a future session of the General Court to introduce the petition.⁶⁸ Although the committee later retreated from its announcement and actually did present the petition, the damage had been done. When the fifth session of the convention assembled in September 1787 with William Gorham still in the chair, it was observed that the legislature did not know what to

⁶⁶Chapman, Ibid., p. 6.

⁶⁷C.G., February 9, 1787.

⁶⁸C.G., March 23, 1787.

do about the petition. A vote was passed pleading for the towns that had not yet indicated their position on separation to do so and to send the returns to convention members who, in turn, would forward them to the legislature. It appears that only about 1,000 votes were produced by this last ditch effort to salvage the movement from defeat though some took encouragement from the fact that⁶⁹ about 900 of the votes were in favor of a separation.

With ever decreasing numbers present, conventions were held in September 1788, January 1789, and March 1789,⁷⁰ all of which met only to adjourn. The last meeting, according to Daniel Davis, convened with only three members present. "One of them was chosen President pro tempore [Wadsworth]; another, clerk; the third made a motion for adjournment; but as there was no one present but the president and clerk to second the motion, the convention expired, not only without groan, but without a single⁷¹ mourner to weep over its remains."

The collapse of this first phase in the long struggle to achieve the independence of Maine, was due to a number

⁶⁹Ibid., September 13, 1787.

⁷⁰Ibid., September 11, 1788; January 8, 1789.

⁷¹Davis, op. cit., p. 35. The petition was finally taken up by the legislature in January 1789, but was rejected on the grounds that the contents represented too few citizens and that separation would dismember "the right arm of the commonwealth." Willis, op. cit., II, p. 256.

of factors. Shays' Rebellion, coming at the time it did, was an important factor as has been made abundantly clear. In reality, the radicalism that existed in Maine was of a rather shallow variety. John Brooks, later Governor of Massachusetts, was perceptive when he noted in a letter to Henry Knox that most Maine people wanted very little, namely, clear titles to their lands.⁷² They wanted, also, remedial legislation to make their lives easier, but, in truth, their radicalism was that of frustrated liberals who aspired to be property owners or secure in their possession of property, like their so-called masters. One should not mistake the rhetoric that owed more to the rural loutishness of most "radicals" for action that was seldom taken. Consequently, when the legislature between 1784 and 1788 enacted measures designed to placate Maine people the strategy worked. Wild lands were made exempt from taxation for a period of ten years. A term of the Supreme Court and an additional term of the courts of Common Pleas and Sessions were established in Pownalborough, and other courts were established in Hallowell and Waldoboro. The fees for deed transfers were revised. And while nothing was done until later, the General Court manifested an interest in establishing a college in Maine. In addition, two roads were ordered laid out between the Penobscot and

⁷²John Brooks to Henry Knox, December 28, 1785. Henry Knox MSS, (M.H.S.), XVIII, No. 120,

Kennebec and the Penobscot and Passamaquoddy Bay.⁷³ But, doubtless, the most important legislative action involved the passing of a number of resolves to quiet the thousands of squatters who located on lands belonging to proprietors and the state, culminating in a resolve passed in March 1786 granting to each person who had settled on state land before January 1, 1784, and whose lands were not already confirmed, the sum of 100 acres for a nominal sum, an acreage deemed sufficient for a good sized farm.⁷⁴ The passage of these resolves reflected the attitude of many like Rufus Putnam, a speculator in Maine lands, who agreed with John Brooks that the ambitions of most settlers were no threat to the established order. "100 acres of land confirmed to them gratis," wrote Putnam, "will quiet them."⁷⁵

Another factor contributing to the collapse of the movement was the months of discussion devoted to the new federal constitution. News reached Portland that the convention had completed its business in late September 1787.

⁷³Williamson, op. cit., II, p. 532.

⁷⁴For a discussion of the squatter problem see Laurence D. Bridgham, "Maine Public Lands, 1781-1795, Claims, Trespassers and Sales," (unpublished Ph.D. dissertation, Boston University, 1959). p. 207 and passim. Also Oscar and Mary Handlin, Commonwealth: A Study of the Role of Government in the American Economy, Massachusetts, 1774-1861, (New York: New York University Press, 1947). Chap. 3, is useful.

⁷⁵John Brooks to Henry Knox, op. cit.

From then until late 1788, Wait's Gazette was devoted almost entirely to discussions of it at the expense of side issues such as separation. Even Samuel Thompson, the radical leader, diverted his attention from separation to defeating the constitution. As a member of the Massachusetts ratifying convention, he vigorously fought the proponents of adoption fearing the creation of a strong national government that would presumably crimp local interests much more than did the state government at Boston.⁷⁶

Finally, it should be noted that the marked improvement in economic conditions beginning in the late 1780's had a salutary influence in dampening the zeal of the more ardent separationists. Though in theory the British West Indies were closed to American shipping, in practice, trade to British held islands and to the islands belonging to other nations was restored to near its pre-war level

⁷⁶Henry Knox was certainly wrong when he wrote George Washington in January 1788 that Maine people were "chiefly looking toward the erection of a new state and the majority of them will adopt or reject the new Constitution as it may facilitate or retard their designs" (Quoted in Charles Beard, An Economic Interpretation of the Constitution, (New York: MacMellan, 1935) p. 301. By 1788, separation sentiment was greatly diminished and I have found no evidence to suggest an equation between anti-constitution people and separationists. For Thompson, the equation fits, but for others who pushed for separation like Thomas Wait, this was not the case. Wait vigorously urged the adoption of the constitution. Moreover, most Maine people were indifferent to the fate of the constitution. See supra, p. 26, fn. 16.

by 1790.⁷⁷ In Portland, for example, in 1787, not one ship was owned in the town; by 1793 there were 10,727 tons registered most of which were engaged in the West Indies trade.⁷⁸

Thus, by 1789, a number of factors had served to kill the first stage of separation movement, if it can be said ever to have been alive. The only enthusiasts who remained as exponents of the cause were a few of the original proponents like Wadsworth who wanted little more than to become rulers of a new state. The mass of settlers remaining apathetic to the idea of a separation offered them little hope that their aspirations would ever be realized.

⁷⁷Samuel Eliot Morison, The Maritime History of Massachusetts, 1783-1860. (Sentry Edition, Boston: Houghton Mifflin Company, 1961), p. 38.

⁷⁸Willis, op. cit., II, p. 181.

CHAPTER II

THE MODERATES REVIVE SEPARATION, 1791-1797

Two years after the demise of the first phase of the separation movement, the second phase began. On February 1791, a number of senators and representatives to the General Court from the District met in Boston. The meeting resulted in an attempt to introduce the subject in the legislature. Rebuffed by opponents who claimed that those behind the movement did not represent the opinions of the people of Maine, a number of representatives proceeded to draw up an "address to the numerous and respectable inhabitants of the great and extensive District of Maine" in which it was urged on the selectmen of the towns and plantations at the May elections to call for a vote on the question: should the representatives of Maine at the June session (1791) of the General Court ask the legislature to permit Maine to become a separate state?¹

According to William Willis, the historian of Portland, the response by the several towns to this request was heartening to separationists. In Portland, however, a meeting was held led by many of the original leaders at which a vote of 38 for and 38 against a separation was recorded. A tie breaking vote by the moderator who favored separation failed to silence opponents who

¹William Willis, History of Portland. (Portland, Maine: Charles Day & Co., 1833), II, pp. 256-257.

argued that the expense of a separation government would be prohibitive.² At the June session, a petition drawn up by Daniel Davis and others from Portland, requesting that the people of Maine be polled as to their sentiments on the question, was introduced. It was referred to the winter session of the General Court.

At the winter session that convened in January 1792, the House of Representatives, after a prolonged debate that "arrested the attention of the House and a crowded gallery for two or three days" and in which "every nerve and muscle in opposition was extended and even stretched,"³ authorized 111 to 81 a vote be taken in the District in May.⁴ With Senate concurrence the stage was set for the first state-authorized test of separation strength in the District.

The leaders of this phase of the movement were, for the most part, individuals who had participated in the first phase. For example, in Portland, Revenend Samuel Deane, Stephen Hall, Daniel Davis, Daniel Ilsley, and Samuel Freeman who were the recognized leaders of the effort to revive the question were all participants in at least

²Ibid... p. 257.

³Daniel Cony to George Thacher, February 19, 1792, George Thacher MSS (BPL) Vol. 4, No. 726, See, also, Nathaniel Wells to George Thacher, March 8, 1792, Vol. 5, No. 743.

⁴Edward Stanwood, "The Separation of Maine from Massachusetts," Massachusetts Historical Society Proceedings. 3rd series, I (1907-1908), p. 136. Stanwood's effort is,

one of the several conventions held before.⁵ The fact that they also represented the "cocked hat" set, and that their leadership from 1791 to 1797 was unchallenged, suggests that the alleged radical threat that had caused many of them to develop a coolness toward separation by 1786, was no longer an important factor in the political equation.

Of this group Daniel Davis stands out. Davis, the first lawyer to come to the District after the Revolution, was born in Barnstable, Massachusetts in 1762. After a crude preparation, he offered himself for admission to Harvard College but was rejected. He then entered a law office to study with a man who years later boasted, "I took special pains with Daniel." Coming to Portland "light of purse" in 1782, he soon became a successful lawyer. Despite his humble origin, he was appalled at the radical views of many of the participants in the first phase of the separation movement. With their influence negligible by 1790, he entered into the advocacy of the cause with a passion.⁶

by far, the best account of the movement.

⁵Willis, op. cit., pp. 256-57.

⁶A short account of Davis' career appears in William Willis, The Law, the Courts, and the Lawyers of Maine. (Portland: Bailey & Noyes, 1863), pp. 111-116. In 1796, he was appointed U.S. Attorney for Maine. In 1801, he was replaced by Jefferson who appointed Silas Lee to the post. In 1800, Governor Strong, a Federalist, appointed him solicitor general of Massachusetts, a position he retained

Joining Davis and others who were "old hands" were several newcomers to the District who sought to make their mark in the fluid society "down east." William Symmes, who graduated from Harvard in 1780 and then after studying law settled in Portland, was one of these. A man noted for his powers of discrimination, a gentleman of the "old school," Symmes wrote a series of articles in favor of separation for the Gazette under the nom de plume, "Alci-⁷biades."

Another newcomer was John Gardiner of Pownalborough [Wiscasset] the legislative spokesman of the group. Gardiner was the son of Dr. Silvester Gardiner, one of the former proprietors of the Kennebec Purchase who had remained a loyalist during the Revolution. John Gardiner was educated in England at the Inner Temple. Known as the most "learned and cultivated lawyer in Maine," he specialized in law reform. Many were at a loss to explain his presence in the wilderness of Maine, the inhabitants of which often took advantage of his eccentricities to perpetrate many "petty frauds" against him. Perhaps his Arian views in religion and his amazingly advanced views in law produced a desire in him to take his example to those less familiar with them. He was not at all in sympathy with the

until infirmity caused his retirement in 1832.

⁷For an account of Symmes' career, see Ibid., pp. 148-151.

feudalistic tendencies of his father but apparently he was not a democrat either.⁸ Like Davis, Symmes and others, Gardiner resembled more the English Whigs in his fear of mobocracy. Of these men it can be fairly said that they desired a separation not to bring about great changes in the structure of society but rather that they were convinced they were prepared to lead the District into a period of unprecedented prosperity. No animosity was felt toward the rulers of Massachusetts whose politics were deemed correct, and whose intentions were good. But because of their ignorance of the unique problems facing the District, they failed to govern in a manner most conducive to Maine's growth. Gardiner, Symmes, Davis, and others represented generally, the proverbial "men on the make," eager to achieve economic success and confident that the time was ripe; petty Federalists anxious to emulate their brethren in Massachusetts, not to be their servants.

The first important publication to come out of the separation movement reflected the Whiggish leanings of the group. The work was a 54 page tract entitled An Address to the Inhabitants of the District of Maine upon the Subject of Their Separation from the Present Government of

⁸For details on Gardiner's life, see Ibid., pp. 119-122.

Massachusetts by One of Their Fellow Citizens.⁹ Written by Daniel Davis in support of the petition presented to the General Court in January 1792, it was widely circulated throughout the District before the May elections of that year. Because the work was the first one of its kind to appear, a brief summary of its major points seems desirable. Two-thirds of the treatise is devoted to the stating of presumed advantages to be gained by separation. The remaining third contains refutation of arguments commonly advanced in opposition. First, appears a summarization of the advantages:

1. The non-contiguosness of Massachusetts and Maine "seems to be thwarting the designs of nature." Separation would correct this malformity and diminish the distance from the new capitol.¹⁰
2. Maine would gain two senators in the Congress. Not only would this permit better representation to encourage the interests of their constituents it would also result in the appointment of two citizens "whose education and character" deserve it and who otherwise would be left without important offices. In addition, Davis, employing well known Madisonian logic, argued that two more senators would produce one more "diversity of interest" at the national level to frustrate the natural propensity of factions to dominate the whole through control of the machinery of the national government.¹¹

⁹Daniel Davis, An Address to the Inhabitants of the District of Maine Upon the Subject of Their Separation From the Present Government of Massachusetts by One of Their Fellow Citizens. (Portland; Thomas Wait, April 1791). Here after cited in this chapter by page number only.

¹⁰pp. 7-8.

¹¹pp. 8-9.

3. "... we shall have government administered in the midst of the people." The closer the rulers the less likely that tyrants may arise among the people. More importantly, the District with all its parts is a homogeneous community. Wise legislation, enacted by those who are a product of such a society must necessarily be pleasing to it. Maine's interests differ from those of Massachusetts, much of the legislation enacted in Boston, while furthering the interests of the people of Massachusetts proper, collide with those of Maine.¹²

4. The connection with Massachusetts has produced in Maine a "melancholly state of religion and learning." Admitting that this condition was due more to the neglect of Maine people than to those of Massachusetts proper, still, if a legislature is introduced "into the very center of the mischief," the quicker it would be abolished.¹³

5. Separation would permit "the sitting of a Supreme Judicial Court twice a year in some, and once at least in all counties." Since only one term is held annually in the counties of York, Cumberland, and Lincoln, and none in Washington and Hancock [formed in 1789 from Lincoln], much judicial business is never attended to. Davis relates a number of instances where individuals were jailed for as many as 10 and 11 months awaiting trial. Not only was this poor judicial practice but unnecessarily expensive due to the fact that it cost over "sixty pounds" a year to support prisoners. By supporting courts for Washington and Hancock Counties, Davis no doubt wished to appeal to an area where anti-separation sentiment was strong.¹⁴

6. The unequal tax burden assumed by Maine people, the result of a general valuation throughout the commonwealth, would be overcome. "For this injury there can be no radical cure but a system of revenue founded upon a valuation of the property of this district in particular."¹⁵

¹²pp. 12-14.

¹³pp. 14-16.

¹⁴pp. 16-19. The complaint about the courts was a carry over from the 1784-1789 grievances, only partially met by the creation of a court at Wiscasset [Pownalborough].

¹⁵pp. 19-20. This complaint was also a carry over from the previous period somewhat diminished in its

7. The District had nearly thirty unincorporated plantations in the back country containing hundreds who were denied the right to vote. Independence would permit them to incorporate. More importantly, allowing these people representation would diminish their radicalism: "When they are called upon to bear their proportion of the public burthens, their representatives will be instrumental in quieting the complaints which generally follow [their] demands, by removing their apprehensions that their rulers are spending their money unnecessarily. . . ." This should result in harmony replacing contention between "them and the people."¹⁶

8. Independence would "induce men of learning and education to settle in [Maine]." This, in turn, would attract immigrants who, by the encouragement of an understanding legislature, could obtain free land and tax free status until they became established.¹⁷

9. Salaries paid public officials; business that has to be done in Boston; and taxes paid to the state, take money from the District that would remain in the new state.¹⁸

10. "The appointment of such state officers as now are, or in future may be in the gift of the federal administration" will be made from Massachusetts proper, Maine being considered only an appendage of Massachusetts. Davis illustrates this point by alluding to the appointment to be made shortly of a supervisor of the excise for Massachusetts. He argues that the President "could not with propriety appoint to it a person whose place of residence is remote from [Boston]." As a separate state, such a supervisor would come from Portland and enjoy the "handsome . . . emoluments of the office."¹⁹

11. Maine will financially be better off with a separation. The costs of government will be less. Davis proceeds to demonstrate the truth of this by an elab-

appeal by the increase in prosperity.

¹⁶pp. 20-21.

¹⁷p. 22.

¹⁸pp. 22-23.

¹⁹pp. 23-25.

orate and, what appears to be, an arbitrary selection of figures.²⁰

Davis, next, turned his attention to refuting the arguments against separation the most important of which revolved around the alleged scarcity of money and talent in the District.

To those who believed that Maine had too few learned and experienced men to staff a separate government, Davis answered that for the legislative and executive branches "neither sublimity of genius, nor profundity of erudition, are absolutely necessary." Anticipating Andrew Jackson by forty years, he argued that the nature of the business coming before legislatures is such that "men of common understanding and sound judgment" may perform it. And, he added, "I trust we have as great a proportion of such men in the District . . . , as there are in any part of the Commonwealth."

The judiciary on the other hand, must be staffed by men of "great abilities and integrity" as custodians of the law. "I flatter myself that four or five men may be found in the District . . . whose knowledge of the law, whose integrity and judgment will be found equal to an honourable discharge of the duties of a Supreme Court."

In order to conserve for necessary jobs the supply of

²⁰pp. 25-31.

men of talent, Davis recommended that both the offices of Lieutenant Governor, and the Governor's Council be omitted from a new government. The Lieutenant Governor, after all, would be a "superfluous and useless officer," who "would be nothing more than a kind of death watch to the Governour, waiting, and perhaps wishing for his decease, or removal." As for the council, Davis observed that if the President of the United States can get along without one, certainly the governor of a state should be able²¹ to.

Davis' remarks can hardly be described as extreme. As suggested previously, they reflected the frustrations experienced by a collection of men convinced of their own capabilities who found their ambitions circumscribed by their political allies who wielded power in Boston. Conservative by temperament, they desired only to be liberated from what they believed unnecessary constraints that blocked their every effort to create a new commonwealth modeled on the old and with them firmly in control. Hopefully, they looked forward in anticipation to the first real test of separation strength in Maine at the election scheduled for May, 1792.

On May 7, 1792, the first state sanctioned election on the

²¹pp. 35-47.

separation question was held. The results by counties was as follows:

FIGURE I

VOTES BY COUNTIES--SEPARATION ELECTION, MAY 1792^a

County	Yeas	Nays	Total
York	202	991	1193
Cumberland . .	618	596	1214
Lincoln. . . .	1090	501	1591
Hancock. . . .	163	345	508
Washington . .	1	91	92
TOTALS	2074	2524	4598*

Source: a. William Willis, History of Portland, (Portland: Charles Day & Co., 1833), II, p. 258.

*Edward Stanwood tabulated the votes located in the Massachusetts Archives and found 2,438 nays to 2,084 yeas, op. cit., p. 137. Willis' totals are presented only because they are broken down by counties. Also Willis in adding the nay column got a sum of 2,525 which his own figures do not corroborate. For complete totals by town, see Appendix V.

Both sides could take satisfaction from the results. Separationists pointed to the fact that 83 of the 89 towns and plantations that returned votes gave an aggregate majority of 273 for separation and that the question was actually defeated in six York County towns--Wells, Arundel, Kittery, Sanford, Lebanon, and Berwick--that gave only 12 votes for separation and 634 against. Opponents pointed to the obvious--the question had lost and to the fact that only 4,598 people out of a population that numbered nearly

100,000 bothered to vote at all.

From Figure I, it is clear that the greatest support for the cause came from Lincoln County where squatter-proprietor friction was most pronounced. The eastern counties of Washington and Hancock joined with York in opposition. The reason for the opposition in Washington and Hancock counties remains unexplained. A letter written by a citizen of York County to George Thacher, the District's only representative in Washington, explains why York County was opposed. The writer, Daniel Sewall of York, explained that he and others opposed the erection of Maine into an independent state for the reason that the capitol in Maine would be further away from most places in the county than was Boston. As for the principle of separation, he did not object and then added:

But I should think it much more expedient that the County of York, or a major part of it, should be annexed to New Hampshire; and perhaps it might be effected without much difficulty if matters were properly managed.²²

Above all, however, a close analysis of the vote distribution pattern reveals that by and large inland towns were in favor of a separation while towns located along the coast were generally opposed. The reason for this division

²²Daniel Sewall to George Thacher, March 26, 1792, Thacher MSS (BPL), Vol. 5, No. 711.

lay in the belief held by many members of the mercantile community that a separation would result in irreparable damage to their commerce. This belief, in turn, was derived from the existence of the "Coasting Law" of 1789, a law the provisions of which will be dealt with shortly.

Clearly a more persistent group never lived than the most of those men who championed the cause of separation between 1785 and 1797. Rebuffed time and again, they refused to concede defeat. In October 1793, the proponents, with Peleg Wadsworth once again taking a leading role, struck upon a new gimmick by which they hoped to drive a wedge between Massachusetts and Maine. The Massachusetts Constitution of 1780 contained the provision [Chap. VI, Art. X] that in the year 1795, the people should be called upon to give their sentiments on the desirability of revising the constitution. This occasion, it was hoped, would provide a convenient opportunity to make the break with the least difficulty. Accordingly, the following notice was printed in the Portland papers:

As the time of revising the constitution of this Commonwealth is fast approaching, and as it seems the general opinion that a separation of Maine must then take place; it is earnestly requested that as many gentlemen as conveniently can, will attend at the court-house tomorrow evening, at six o'clock, to consider and adopt such measures as shall appear most expeditious

to effect the above mentioned important object.²³

The meeting was held on October 17, 1793. Peleg Wadsworth²⁴ was chosen chairman and Samuel Freeman, clerk. The conclusions of the members were embodied in four votes passed at the meeting which in substance repeated the assertion that the year 1795 would provide an ideal time to separate Maine from Massachusetts. A committee of fourteen was chosen to write to the selectmen of the towns and planta-

²³Jeremiah Perley, The Debates, Resolutions, and other Proceedings of the Convention of Delegates, Assembled at Portland on the 11th, and Continued Until the 29th Day of October, 1819, For the Purpose of Forming A Constitution for the State of Maine, (Portland: A. Shirley, 1820), p. 292. Fortunately, Perley found the records of the conventions held in Portland in 1793-94 in the papers of Nathaniel Dummer of Hallowell, the secretary of the convention of 1794. Otherwise, they would probably have been lost.

²⁴Samuel Freeman (1743-1831) was born in Portland (Falmouth), the son of a Harvard educated merchant. Young Freeman was a jack of all trades, school teacher, merchant, and part time lawyer. His engagement in law angered other lawyers who resented the fact that Freeman had never studied the law. As a result they made it impossible for him to continue practicing. Indignant, Freeman turned to a career of professional office holding in which he must have held a record. In 1797, he noted that he held the following offices: Justice of the Peace, Register of Probate, Clerk of the Court of Common Pleas, Clerk of the Court of General Sessions, Post-master, selectman, school committee member, treasurer of Bowdoin College, and at least a half dozen more. An inveterate snuff-taker who was a member of the Continental Congress in 1775 and also a member of a committee of correspondence, Freeman had the most to lose of any Maine Federalist with the rise of the Republican Party in the first two decades of the nineteenth century. Details of Freeman's life may be found in Willis, The Law, the Courts, and the Lawyers of Maine, op. cit., 651-656.

tions requesting them to call meetings for the choice of delegates to a District wide convention scheduled for December 31, 1793 at the Cumberland County Court House in Portland.²⁵

The response to the call was disappointing. Only fifteen towns sent delegates. They were--from York County, Fryeburg, Brownfield and Waterborough; Cumberland County, Portland, Falmouth, Gorham, and Hebron; Lincoln County, Hallowell, Bowdoin, Winthrop, Readfield, Monmouth, Mount Vernon, and Winslow. The poor attendance was attributed to the "inclement season of the year" and "other circumstances."²⁶ The convention chose Daniel Cony of Hallowell chairman, and Samuel Freeman clerk, and despite the poor attendance, proceeded to name a committee to consider what was to be done to report its conclusions to the convention

²⁵The text of the votes passed and the letter sent to the selectmen can be found in Appendix IV.

²⁶Daniel Cony, a physician, was one of the leading men of Hallowell, then Augusta, for nearly fifty years. During the Revolution, he fought with Gates at Saratoga. Interested in education, he was instrumental in obtaining charters for Hallowell Academy and Bowdoin College. Later, he founded Cony Female Academy in Augusta. His diary reveals a man who was meticulously attentive to details "meeting his every engagement and obligation with punctilious precision." Three of his four daughters married men who became an attorney-general of Maine, a U.S. Senator from Maine, and a chief justice of the Maine Supreme Court. Two of his grandsons were Samuel Cony, Governor of Maine (1863-65) and Melville Weston Fuller, Chief-Justice of the United States Supreme Court (1888-1910). Details of his distinguished career with extracts from his diary, can be found in Charles E. Nash, The History of Augusta (Augusta: Nash, 1904); [Copyright, Edith Hary, 1961], pp. 171-173, 465; and James North, The History of Augusta, (Augusta: Clapp and North, 1870), pp. 169-170.

as a whole.²⁷

It is apparent that the committee found itself in a quandary as to the proper course of action to recommend. The poor attendance suggested that interest in a separation remained low and the absence of any representatives from Hancock and Washington counties reminded them that their design to erect the five counties of the District into an independent state was opposed by the two eastern counties. In addition, York County people had never evinced an interest in the scheme. This left only Cumberland and Lincoln counties with any enthusiasm at all for the plan. No doubt there were those among the committee who recommended that the subject be dropped and buried as it had been once.

Still another objection was raised by opponents which in the long history of the separation movement proved to be the bete noire of the separationists. Congress enacted in the year 1789 the so-called "Coasting
²⁸Law." By this law a coasting vessel sailing along the Atlantic coast was required to enter and clear at a custom house both coming and going in every state except states that were contiguous to the state from which the vessel hailed. Each stop required that a fee be paid. Thus, if

²⁷The minutes of the December 31, 1793 convention are to be found in Appendix IV.

²⁸U.S. Statutes at Large, 1 Cong., 1 Sess., Chap. XI, Sec. 25. Superseded by U.S. Statutes at Large, 2nd Cong., 2nd Sess., Chap. VIII, Sec. 18.

a vessel hailed from New Jersey destined for Savannah, Georgia, it would be able to by pass Delaware and Pennsylvania, contiguous states, but would have to enter customs in Maryland, Virginia, North and South Carolina, non-contiguous states. This was repeated on the return voyage to New Jersey resulting in eight entries and clearances for the round trip. It was not the fees to which many objected, for they were nominal, but to the breaking up of what could have been a non-stop voyage. The time lost resulted not only in inconvenience but represented a considerable extra expense.

Shippers in the District of Maine soon became aware that they were in a singularly fortunate position in respect to the Coasting Law. A ship leaving a Maine port had clear sailing to the south as far as New Jersey. New Hampshire, Rhode Island, Connecticut and New York were by-passed since they were all contiguous with Massachusetts of which the District was a part. A separation, as many had argued in 1792, would necessitate giving up this advantage for then only the state of New Hampshire would be contiguous. What had previously been a non-stop voyage from Maine to New Jersey would become, after separation, a broken voyage with stops at Massachusetts, Rhode Island, Connecticut and New York. Little wonder that through the years the most adamant opponents of separation came from Maine seaport communities.

However, instead of bowing to the logic of the facts

before them and dropping the subject, the more resolute members of the committee devised an ingenious scheme by which they hoped to retrieve what seemed like a lost cause. Since both Hancock and Washington counties had manifested no interest in a separation, they recommended that the two counties be permitted to remain with Massachusetts. The remaining three counties--Lincoln, Cumberland, and York--which they believed contained a majority of people in favor of separation would press for a separation. What they did not say, but undoubtedly what was also in their minds, was the recognition that such an arrangement would also obviate the objections of those who feared the results of a separation on the coasting trade. For with Washington and Hancock counties remaining with Massachusetts, the new state would continue to border the same states as before a separation. The plan was endorsed by all but three members of the convention and a call was made to towns to send delegates to still another convention to be assembled in Portland, June 18, 1794, at which time²⁹ the plan, hopefully, would be pursued further.

The convention that assembled at the Episcopal Church in Portland on June 18, 1794 was better attended than the December 1793 meeting. Twenty-five delegates representing³⁰ seventeen towns were present. William Gorham who nearly

²⁹The report of the committee and reasons for its conclusions are found in Appendix IV.

³⁰The delegates were from the following towns: From

ten years before chaired the first convention held in Portland was elected chairman. Nathaniel Dummer of Hallowell was chosen clerk.

A committee of nine, three each from the counties of York, Cumberland, and Lincoln, was appointed on the first day of the three-day session to report to the convention as a whole its recommendations. On Friday, June 19, the report was received, debated, and accepted by the convention which ordered 300 copies printed to be sent to towns in the District. An extract from the report is all that has survived. The extract reveals that the committee looked into the subject of the expense for a new government and concluded that with independence, the people of the three counties would save ³¹£1550 in taxes. In addition,

Perley, op. cit., p. 295.

York County

Fryeburg, Moses Ames
Brownfield, Henry Y. Brown
Biddeford, Prentice Mellon
Parsonsfield, Thomas Parsons

Lincoln County

Hallowell, Nathaniel Dummer
Readfield, John Hubbard
Winthrop, Nathaniel Fairbanks
Green, Benjamin Morrell
Georgetown, John Rodgers
Bowdoin, Samuel Tibbet
Lewiston and Gore, Joel Thompson
West Pond, Joel Richardson

Cumberland County

Falmouth, Nathaniel Wilson
John Quimby
Standish, John Dean
Portland, Thomas Motley
Salmon Chase
Col. James Lunt
William Symmes
John Bagley
Gorham, William Gorham
Edmund Phinney
George Lewis

³¹The Minutes of the June 18-20, 1794, meeting which include the extract from the committee report and the circular letter sent to towns can be found in Appendix IV.

a circular letter was prepared to accompany the report in which it was claimed that separation was inevitable; that it would come sooner or later, and that due to the fact that the convention agreed that the inconveniences produced by the union with Massachusetts were "almost intolerable,"³² the sooner the better. The convention then adjourned until October 14, 1794.

Despite ingenious plotting and amazing perserverance, it became obvious that this second phase of the separation movement was to be no more successful than the first. At the meeting held on October 14, 1794, it was concluded that prosperity required "a total separation" and that anything less would not be salutary "but dangerous," "as it might amuse and deceive the people for awhile."³³ The convention adjourned until January 28, 1795, at which time a pamphlet of thirty-one pages was presented to the people of Lincoln, Cumberland, and York counties with a request that they give their votes for or against a separation of the three counties at the time of the gubernatorial elections in April, 1795.³⁴ So little interest was shown by the people--the vote in Portland was only 19 yeas to 10 nays--³⁵ that any further effort at this time was deemed

³²Ibid.

³³William Willis, History of Portland, II, p. 260.

³⁴Ibid.

³⁵Ibid.

useless.

After ten years and more than a dozen conventions separation was no nearer to success than when the movement first began. Maine people were simply unimpressed with the arguments presented to them by the leaders of the movement and until they could be excited there was no chance of success.

Before the end of the century, however, one further attempt was made by the leaders of the movement. At the winter session of the General Court in 1797, a number of petitions from towns in the District were submitted praying that another state sanctioned vote be permitted on the question of separation in the District. Contrary to all expectations, the General Court authorized and Governor Sam Adams approved on March 2, 1797, a vote to be taken the following May 10, on the question: "Shall application be made to the legislature for their consent to a separation of the District of Maine from the Commonwealth of Massachusetts, and that the same may be erected into a State?"³⁶ This time the counties of Washington and Hancock were not to be excluded.

It is not at all clear what factors were operating to produce this sudden upsurge in interest in 1797. Cer-

³⁶Willis, History of Portland. II, p. 261.

tainly, politics were not unimportant. According to Alexander Baring of the firm of Baring Brothers, London, owner of a half million acres of land in eastern Maine purchased from his father-in-law William Bingham,

"the Federal Party or political supporters of government in this country and consequently all the leading characters in New England wish for the separation to strengthen their party in Congress and ballance the addition of the last new states of Kentucky and Tenisee, which are under Virginia [Democratic] influence.³⁷

Baring supported separation. To those who believed that the settlers of Maine would prove difficult to handle if separation took place, he offered the opinion that they were not as radical as many alarmists claimed: "The refusal of their independence [up to then] and satisfaction with the dominion of Massachusetts proves in my opinion great moderation and wisdom" ³⁸ Henry Knox who, as a proprietor, experienced difficulties with settlers, ³⁹ agreed with Baring. Both men hoped that a separation would swing immigrants into Maine and, thus, boost the value of their lands. Knox, however, thought that a separation was at least seven years away. ⁴⁰

³⁷Alexander Baring to Hope & Co., December 3, 1796, quoted in Allis, op. cit... II, p. 791.

³⁸Ibid.

³⁹Henry Knox to William Bingham, October 22, 1797 printed in Ibid... pp. 873-876.

⁴⁰Ibid.

Contrary to Baring's claim, not all Federalists were in favor of a separation. The influential David Cobb of Gouldsboro [Maine], one of Bingham's agents in Maine and many times president of the Massachusetts' Senate, feared that any increase in the value of lands resulting from a separation would be more than offset by the threat to the private property rights of proprietors. With unusual candor, Cobb wrote Bingham that

The reason . . . why so few bad verdicts [against proprietors] are given by jurors in this District is the opinion generally entertained of the great abilities of the judges of the Supreme Court, and the respect and regard, or rather fear, they have for . . . the laws of the old government of which they are part only. But remove this restraint, and you will have little justice in the District, except in the western counties [York and Cumberland]. The principle of levelism is so strong in man that it requires a length of time for him to be habited [habituated]⁴¹ to the principles of civil order

Bingham who, as the owner of the larger holdings in the District, had the most to lose by any precipitate action of the settlers was at first impressed by his son-in-laws' reasoning,⁴² but after being worked on by men like Cobb finally concluded: "I am well satisfied with the present state of things."⁴³

⁴¹David Cobb to William Bingham, September 7, 1797, *Ibid.*, pp. 859-60.

⁴²William Bingham to David Cobb, October 2, 1797, *Ibid.*, p. 870.

⁴³William Bingham to Henry Knox, November 2, 1797, *Ibid.*, p. 879.

There were many in the General Court who, likewise, opposed a separation. Before the winter session of 1797 adjourned they passed a bill that authorized the transfer of the records of the Supreme Judicial Court from Boston to the shire towns of the several counties. Separation-ists had complained for years that the retention of the records in Boston had necessitated expensive trips to the state capitol. Presumably, some of the more adamant separationists were partially placated by this change.⁴⁴

At the May elections in 1797 only 5,201 votes were cast. Those in favor of requesting the legislature to grant a separation were in the majority--2,789 to 2,412.⁴⁵ Distributed by counties the totals were as follows:

	<u>Yeas</u>	<u>Nays</u>
York	259	494
Cumberland	741	541
Lincoln, Hancock and Washington	1785	1377
	2789	2412

An analysis of the returns reveals that the opposition to separation was centered in the seaport towns. This fact is explained, no doubt, by the fear with which the shippers viewed the separation with its likely effect on

⁴⁴Willis, History of Portland. II, p. 261.

⁴⁵Returns of Votes For and Against a Separation of the District of Maine from the Commonwealth of Massachusetts. 1797. Massachusetts Archives: Returns 4,620. For the complete returns by towns see Appendix V.

the coasting trade. Of the approximately forty towns voting against separation, only seven were inland communities. Geographically, the greatest opposition came from York County where many preferred a union with New Hampshire to a separate state and from Hancock and Washington counties in which only one town, Orland, voted for separation.

Support for separation, as expected, came from the interior. Of the roughly sixty-five towns supporting separation, only twelve were seaport towns. The townships carved out of the Plymouth Patent, or Kennebec Purchase, where squatter-proprietor friction was greatest supported separation overwhelmingly except for two towns. As had occurred in 1792, a large majority of the towns and plantations favored separation but because many of them contained so few people, the more populous seaport communities were able to counteract their influence on the total vote. In addition, the opposition in York County was so great that the huge majorities against a separation, achieved in many towns nullified the totals obtained by separationists elsewhere. The following totals for five York County towns dramatically illustrates this point:⁴⁶

⁴⁶Ibid.

	<u>Yeas</u>	<u>Nays</u>
York	3	79
Kittery	0	85
Wells	15	115
Berwick	1	88
Shapleigh	<u>1</u>	<u>62</u>
	20	449

Perhaps the most interesting fact that emerged from the election of 1797 was the divergence of interest that occurred between the leaders of the movement and the mass of people who were its most faithful supporters. The leadership as in the past came from the more substantial elements in many towns. Yet, opposition in the very towns from which they came remained strong. Gorham, for example, the home of William Gorham, rejected a separation in 1797 by a vote of 30-26. The best the separationists could do in Portland, the home of many of the leaders, was 26 votes in favor and 70 votes against.⁴⁷

While it is true that the coasting law objection hurt them badly in towns like Portland, the fact remains that their greatest support came from those with whom they were least in sympathy, the newly arrived settler-squatter class. History records strange bedfellows at times. In this case both groups wanted a separation for different reasons. When it became clear, as it did within the next decade, that a separation would not result in the establishment of the moderate element as the ruling group in Maine

⁴⁷Ibid.

because the people would not have permitted this to happen, most of the moderates became zealous advocates of continuing the union with Massachusetts under whose protective wing they sought refuge from the democratic forces unleashed in the District.

Even though the separationists gained a slight majority in the election, the General Court ignored the result. No doubt the fact that only about 5000 votes out of a population exceeding 100,000 was the main reason for this.

CHAPTER III

THE JEFFERSONIAN DEMOCRATS CAPTURE CONTROL OF THE
SEPARATION MOVEMENT

As the eighteenth century gave way to the nineteenth, it was obvious to all that the District of Maine had made great strides in the decade of the 1790's. For those like William Bingham, who gambled on Maine's future growth to increase the value of his lands, and to William King, who had moved to Bath on the lower Kennebec in 1799, where he would soon become that town's and the District's leading citizen, there was every reason to be encouraged about the future. The Napoleonic Wars had thrown England's carrying trade to American shippers and Maine enjoyed her share of it. In 1794, 49,769 tons of shipping were registered in the District. In 1807, that figure had trebled to 148,048 tons. Bath, drawing upon the towns in the Kennebec valley, increased its tonnage from about 8,000 to nearly 22,000¹ between the years 1798 and 1807. Maine's population increased from 96,643 in 1790 to 151,719 in 1800, and by 1810 would reach 228,705 producing an increased demand for² goods that in turn generated increased prosperity. In

¹William H. Rowe, The Maritime History of Maine, (New York: W. W. Norton, 1948), p. 317.

²William Williamson, The History of the State of Maine, etc., (Hallowell: Glazier, Masters & Co., 1832), II, pp. 551, 590, 617. Part of this increase came from the stimulating effect on settlement of an act of the General Court that granted 200 acres on the eastern frontier, to soldiers who served three years in the Revolutionary War. Ibid., p. 591.

addition, the founding of banks, the building of toll roads, and even the establishment of a small cotton and woolen mill by William King in 1809 gave hope that the future would be bright.

In 1799, Kennebec County was carved out of Lincoln, and in 1809 Oxford was formed from parts of Cumberland and York, reflecting the fact that the interior was being rapidly populated by newly arrived peoples from Massachusetts and New Hampshire. In 1790, there were 71 incorporated towns in the District. This figure had increased to 126 by the end of the 1800, and would continue to grow; in 1810, there were 179 corporate towns. It was against the background of this great economic expansion that the Republican Party grew to become the major political force in the District.

The victory of Jefferson and Burr in 1800 injected a new element into the separation question. During the next few years, it became evident that the Federalist party nationally and even in Massachusetts was in a state of sharp decline. The psychology of success would be replaced by the psychology of defeat as Democratic-Republicans rolled up electoral victories at a monotonous rate. In Maine, between 1805 and 1820, voters cast their lots with the Democratic-Republican candidate for Governor every year and in four years--1807, 1808, 1810, 1811--Democratic-Republican majorities in Maine were so large that they elected Democratic-Republican governors, the

only times this occurred in the sixteen year period.

The growth of the Jeffersonian influence in the District had a great effect on the separation movement. Federalists who had championed the cause, for the most part, in the 1780's and 1790's, saw that the creation of a new state would leave them in a hopeless minority situation. As a result, one by one, most of the old leaders defected to the opposition.

The first indication of this shift among Federalists came in 1802 and 1803, just before the Democratic-Republican triumph of 1805 that put Maine irreversibly in the Jeffersonian camp. In the fall of 1802, Portland Federalists, including Stephen Longfellow, Jr., through the medium of Jenks Portland Gazette, a lineal descendent of the Falmouth Gazette, renewed the call for a separation without³ distinction of party. The town rebuffed them by voting not to petition the legislature but Longfellow, Ezekiel Whitman, and Nicolas Emery, attached their names to a petition anyway.⁴ Both Whitman and Emery were two Federalists who continued to support separation long after their compatriots had abandoned it. However, from Hallowell on the Kennebec, where separation was considered a Republican measure, came a different chant from a leading Federalist,

³Jenks Portland Gazette, November 8, 1802. Hereafter cited J.P.G.

⁴Louis Hatch, "Separation from Massachusetts," Maine. A History. (New York: The American Historical Society, 1919), I, p. 113.

Samuel Wilde. Wilde, one of the foremost lawyers in the District whose practice was not harmed by the fees he received from proprietary interests,⁵ saw nothing beneficial to be derived from a separation for his party or the proprietors. He wrote David Cobb, who served the same interests, that "there is a spirit in the people of Maine hostile to all correct notions respecting title to lands. To flatter this spirit would be the business of unprincipled and ambitious men" like Henry Dearborn, Jefferson's Secretary of War, and a resident of Pittstown on the Kennebec where he was a symbol of the promised new order of things. Dearborn, Wilde predicted, would surely become governor and this would "make every honest man sick of his new state."⁶

From Washington, where he represented Lincoln, Hancock, and Washington counties in Congress, the Federalist Sam Thatcher of Warren was equally concerned by the news that separation was being agitated by Portland party mem-

⁵Wilde (1771-1855) in 1814, with Stephen Longfellow, Jr., the son of the above mentioned, went to Hartford. In 1815, he was appointed by the Federalist Caleb Strong as a judge of the Massachusetts Supreme Court, a position he held until 1851, longer than any other jurist except the first Samuel Sewall who served from 1692 to 1728. Wilde was one of the most unyielding Federalists in the District. Upon separation in 1820, he moved to Massachusetts to keep his judgeship and to escape the Maine Democracy. For details on his career see William Willis, The Law, The Courts, and the Lawyers of Maine, pp. 173-178.

⁶Samuel Wilde to David Cobb, January 2, 1802, Allis, op. cit., p. 1143.

bers. To both Cobb and Henry Knox he wrote that Federalists in the country no longer, as they had in the late 1790's, thought of separation as an answer to Democratic gains in the South. "Separation is considered by federalists here as a dangerous thing to federalism. New England now stands almost alone to stem the destructive torrent of disorder and innovation and Massachusetts is the most important among the federal states."⁷ Independence would produce in fact two more Republican senators, contrary to the views of some and even worse, the legislature of the new state would be Republican.

When we shall call a convention, every petty town will send a delegate where as at present our representatives to the legislature are principally from the largest and most Federal towns. The consequence will be that a greater proportion of obscure and ignorant men will come forward who will naturally be inclined to democracy.⁸

But above all, reiterated Thatcher, the fate of Federalism nationally depended on Massachusetts: "It seems necessary particularly at this time that there should be a large state in the north to counter-balance Virginia," for if, "Massachusetts goes there can be no longer any effectual

⁷Samuel Thatcher to Henry Knox, January 26, 1803. Henry Knox MSS, (M.H.S.) Vol. XLV, No. 77.

⁸Samuel Thatcher to David Cobb, January 16, 1803. Allis, op. cit., p. 1153.

resistance from any quarter."⁹

As events developed the fears of Wilde and Thatcher proved premature. While sixty towns petitioned the General Court in January 1803 requesting that body to authorize the holding of a convention in Maine the delegates to which would be authorized, if it deemed justified, to draw up a constitution, the General Court refused to act.¹⁰

Martin Kinsley, Democratic-Republican representative from Hampden, reported that when the petitions were received a full meeting of the members of the General Court from Maine was held but "a strange kind of silence and reserve on the subject as to its merits prevailed." Perhaps both Republicans and Federalists at this point were unsure which party would benefit most from a separation and were reluctant to urge its adoption. In any event, wrote Kinsley, the subject received its "quietus whence it will sleep till the separation fever, (which appears to be of the intermitting kind) shall come on again."¹¹

The political upheaval that Wilde and Thatcher

⁹Samuel Thatcher to Henry Knox; Samuel Thatcher to David Cobb, op. cit. and Ibid.

¹⁰A copy of one of the petitions was printed in the Portland Eastern Argus, November 15, 1815. It is printed in Appendix VI. Other petitions included the signatures of Daniel Davis, Samuel Freeman, Stephen Longfellow, Peleg Chandler, Dummer Sewall and Jeremiah Hill, all of whom participated in early conventions and who were Federalists. Eastern Argus, November 15, 1815.

¹¹Martin Kinsley to William King, February 13, 1803. WKMS, (Me. H.S.), Box 2.

feared took place in the first decade of the nineteenth century. In 1804, the Federalist candidate for governor carried Maine by only 170 votes. The previous four years had seen Federalist sweeps by as much as two to one margins.

Figure II

VOTE FOR GOVERNOR IN THE DISTRICT OF MAINE - 1800-1819^a

	Federalist	Democratic	Scattered	Total
1800	3,883	3,111	1,064	8,058
1801	5,308	3,797	68	9,173
1802	6,536	3,162	42	9,740
1803	5,718	2,002	123	7,843
1804	6,755	6,585	35	13,375
1805	7,201	9,378	37	16,616
1806	7,771	11,400	66	19,237
1807	8,010	12,324	90	20,424
1808	8,983	12,408	100	21,491
1809	11,829	13,096	66	24,991
1810	10,331	13,889	75	24,295
1811	8,432	12,849	57	21,338
1812	12,440	17,841	63	30,344
1813	13,735	14,805	503	29,043
1814	13,726	16,384	43	30,153
1815	11,922	15,776	55	27,753
1816	11,542	16,776	37	28,355
1817	10,746	13,406	69	24,221
1818	9,008	11,413	---	20,421
1819	9,077	10,998	---	21,075

^aSource: Return of Votes, 1800-1819 for Governor and Lieutenant Governor, Massachusetts Archives. Fassett, op. cit., p. 199, also contains a table of votes from 1794 to 1820. His figures do not match mine in all respects. A double check by me revealed no errors in my tabulation. Maine gave Samuel Adams, a Democrat, a majority of its votes in the elections of 1794, 1795 and 1796. Subsequent Federalist landslides down to 1804 suggests that Adams' victories were personal rather than victories for the party which didn't exist in any meaningful sense during the 1790's

The next year, 1805, James Sullivan, Maine born Attorney-General of the Commonwealth polled a 2,000 vote majority over the Federalist candidate Caleb Strong. [Mass-

achusetts and Maine voted for Jefferson and Burr in 1804] and from this time to 1819, the Federalists were unable to win another gubernatorial election in the District.

There were three major centers of Democratic strength in Maine during these years.* One of the centers was located in York County, the home base of Richard Cutts. Cutts was the son of Thomas Cutts who received a "mercantile education" in the counting room of Sir William Pepperrell and, as a result, became a wealthy merchant. Richard was sent to Harvard from which he graduated in 1790 with Josiah Quincy, the arch-Federalist who eventually stood alone in his opposition to the separation of Maine. After several years in Europe, "this gentleman from Maine" returned to his home in Saco. In 1800, he failed in an attempt to unseat George Thacker of Biddeford the Federalist representative to Congress. But in 1801, Thacher was elevated to the Massachusetts Supreme Court and Cutts finished first in a special election that saw several candidates aspiring to succeed Thacher. No sooner had he arrived in Washington than he began to court Anna Payne, the sister of Dolly Payne Madison. His marriage in

*For the identification of these three centers, I am indebted to the work of Paul Goodman, The Democratic-Republicans of Massachusetts. Politics of a Young Republic. (Cambridge: Harvard University Press, 1964), pp. 119-124.

1804, brought him into extremely close association with James Madison, Jefferson's Secretary of State, into whose house the Cutts moved. The gentleman from Saco with Henry Dearborn, Jefferson's Secretary of War, became the chief contact of Maine Republicans in the councils of the national party leaders.¹²

Through the influence of Cutts the Jeffersonian Republicans gained their first newspaper in Maine, the Portland Eastern Argus, the first issue of which was published by the editors, Nathaniel P. Willis and Calvin Day, September 8, 1803.¹³

¹²Details of Cutts' career can be found in Henry Burrage, "Richard Cutts" Collections of the Maine Historical Society, Second Series, VIII (1897), pp. 1-25. In addition Irving Brant in his James Madison, the President 1809-1812 (New York: Bobbs-Merrill, 1956), pp. 188, 311-380, 410, 446, 447, 501, provides interesting insights into the relationship between the Madisons and the Cutts. Richard and Anna Cutts frequently lived in the White House during Madison's two terms. In 1814, after the White House was burned, the President and Mrs. Madison moved into the Cutts' home in Washington. In 1812, Cutts was defeated in an attempt to retain his House seat by Cyrus King of Saco, the Federalist brother of William King. Madison then dutifully appointed Cutts Superintendent of Military Supplies. In 1817, before Madison left office, he made Cutts Second Comptroller of the Currency, a position he held until he was removed by Jackson in 1829.

Cutts, a poor manager of money, was nearly ruined by the War of 1812, and by speculation in North Carolina gold mines!! He borrowed heavily from Madison who could not afford it, and in the 1830's nearly pulled the former President under. Eventually Cutts landed in debtor's prison. Nearly penniless from the kindnesses shown her sister and her husband, Dolly Madison was forced to sell her husband's private papers.

¹³Portland Eastern Argus, December 1, 1806. Hereafter cited E.A. In 1806, one Joseph Bartlett who chal-

After 1812, when Cutts left Congress, his Republican following in York County was inherited by John Holmes of Alfred and William Pitt Preble of Saco, both of whom will figure prominently in this narrative later on.

Another center of Republican strength was located in Kennebec County, the most Republican of the counties in the District. The rise of the party in this area was intimately tied to the careers of Henry Dearborn and John Chandler.

Dearborn was born in New Hampshire, but left the colony to study medicine before the Revolution. During the war, he fought at Bunker Hill [Breeds Hill] and later accompanied Arnold to Quebec. In 1784, he moved to Monmouth in the District of Maine where he soon emerged the leading citizen of that hamlet. In 1789, his friend Washington appointed him United States Marshall for the District. From 1793 to 1797, he was a member of Congress. In 1801, Jefferson appointed him Secretary of War a position he held until he was named collector of the port of Boston

lenged Cutts' leadership in York County, and Willis had a falling out. As a result, Willis was sued for libel, and convicted. Being unable to pay the \$1500 in damages assessed on him by the court, he spent one hundred "glorious days" in jail where he continued to direct the Argus. For an account of this cause celebre, see Fassett, op. cit., Chap. VII. The Argus was not the first Democratic-Republican paper in Maine. The Penobscot Patriot published in Hampden beginning in December 1802 was the first but it was the result of purely local efforts. Ibid., p. 104.

in 1809. Although Dearborn spent most of his time in Washington the fruits of federal patronage kept his follow-
 14
 ers in Maine satisfied.

John Chandler never rescued the boss' daughter from the grasping clutches of death but he did the next best thing: he endeared himself to Henry Dearborn. Chandler's career was a "rags to riches" saga that began in Epping, New Hampshire, his birth place, in the 1760's. At the age of fourteen, he left his home to fight the British. In 1783, still penniless, he came to Monmouth with several New Hampshire families that included two brothers of Henry Dearborn. Borrowing \$400, he bought 200 acres and with the assistance of the Dearborn clan at crucial junctures, managed to prosper. Illiterate, Chandler went to school with small children to learn to read. His spare time was taken up in study, assisted by his wife, "who worked with him in his blacksmith shop and in the field clearing and

¹⁴D.A.B., Vol. V, pp. 174-175, gives details on Dearborn's career. A seven volume manuscript biography of Dearborn by his son Henry A.S. Dearborn written between 1815 and 1830 is located in the vault at the Maine Historical Society. To my knowledge, no scholar had ever consulted it until I discovered its existence. The charges of nepotism leveled against Dearborn were justified. His son-in-law's father, Joshua Wingate was postmaster of Hallowell (1801-1822). Dudley Hobart, a son-in-law became postmaster of Gardiner. In 1805, a son-in-law, Joshua Wingate, Jr. became postmaster of Portland. James Wingate, brother of Joshua Jr. was named postmaster of Portland in 1806. His son H.A.S. Dearborn became collector of the port of Boston succeeding his father in 1812. And there were others. The E.A., November 11, 1823 estimated that the Dearborn family had received in emoluments from the public treasury up to that time the sum of \$437,150. Jenks Portland Gazette, December 10, 1803 asked "Has the noble gen-

piling smutty logs . . ."¹⁵ Dearborn obtained the postmaster's job in Monmouth for him in 1794 after which Chandler's career blossomed as Dearborn's protege who kept Kennebec Democracy going while the chief was in Washington.

In 1803, Jenks Portland Gazette contemptuously described Chandler as a "Jacobin," the leader of Democratic-¹⁶ Republicans along the upper Kennebec. The same year he was elected to the Senate of Massachusetts and in 1805 became a Congressman. In 1808, he resigned his seat at the request of Governor James Sullivan to become sheriff of Kennebec County during a critical time that saw open conflict develop between squatters and proprietors.¹⁷

The bulk of the Democratic-Republican vote in Kennebec County came from the settlers and squatters who purchased or claimed land from the Kennebec Proprietors. In 1629, the Council for New England granted to William Brad-

eral any unmarried daughters? If he has, our young men know the road to office and honor."

¹⁵Henry O. Kingsbury and Simeon Deyo, Illustrated History of Kennebec County, (N.Y.: H.W.Blake, 1892), pp. 770-771.

¹⁶J.P.G., April 18, 1803.

¹⁷Chandler's Autobiography, or what is alleged to be his Autobiography is located in the Maine and Massachusetts historical societies. A copy is on deposit in the University of Maine Library. Extracts from the Autobiography are printed in George Talbot, "General John Chandler of Monmouth, Maine with Extracts from his Autobiography," Collections of the Maine Historical Society, Series I, IX (1887), pp. 169-205.

ford and his pilgrim friends all the land between Lake Cobbosseconte on the north to the mouth of the Kennebec River, fifteen miles on either side of the river. In 1661, the grant was sold to Boston merchants whose heirs in 1753 invited a number of individuals, including Dr. Silvester Gardiner and Benjamin Hallowell, to form a corporation for the exploitation of the area. Dr. Gardiner assumed the leadership of the "Fifty Associates," or as they were officially known, the Proprietors of the Kennebec Purchase from the Late Colony of New Plymouth. In 1789, the state established new boundaries for the grant and declared that all persons who had settled on the company lands before 1784 were to receive 100 acres gratis. For those who squatted after 1784 on company lands, the proprietors were to sell them the land at a fair price.

In the 1790's, the company failed to survey much of their land to keep up with settlers who moved on to it. Toward the end of the decade the company became concerned about these squatters. While the intricacies of the conflict elude facile generalizations, it is not inaccurate to say that proprietors moved in, secured the support of the "strong arm of the law," and attempted to eject settlers who were unable to pay for the land or who tried to avoid paying for it. Settlers complained that, in some cases, the proprietors offered no payment for improvements. Others charged that due to conflicting claims they were charged as many as three times by different companies.

Above all, the settlers were angered by the continued alienation of huge tracts of land to speculators for little money. They demanded to know "'what right the [General] Court has to give it away in such a way as the State shall never be the better for it.'" "It is a thousand to one but blood will be shed,"' cursed one, when a "'poor man, though ventured in life to conquer the land, shall have none of it."'¹⁸

The situation in Kennebec County deteriorated to the point where squatters masquerading as Indians fired from behind trees at sheriff's deputies enforcing court decrees. In 1809, one Paul Chadwick, a surveyor for the proprietors, was fatally shot in the town of Malta, thus precipitating what locally became known as the Malta War. Throughout the difficulties, John Chandler and his close friend from Bath, William King, assumed the role of spokesmen for the squatters. For the Republicans, the support of squatter demands¹⁹ was to pay off handsomely at the polls. Similar con-

¹⁸Samuel Ely, The Deformity of a Hideous Monster Discovered in the Province of Maine, by a Man in the Woods. Looking After Liberty. (Printed near Liberty Tree, for the Good of the Commonwealth, 1797), quoted in Oscar and Mary Handlin, Commonwealth: A Study of the Role of Government in the American Economy; Massachusetts, 1774-1861. (New York: New York University Press, 1957), p. 90.

¹⁹For a discussion of the troubles in Kennebec County alone with a history of the company, see Robert H. Gardner, "A History of the Kennebec Purchase," Collections of the Maine Historical Society, Series I, II (1847), pp. 269-294. A study of the conflict between the squatters and proprietors should be done. The materials are available, some of which are the papers of the Kennebec Proprietors and of William King located in the Maine Historical Society.

flicts occurred in Lincoln County in the 1790's on the Waldo lands as well as on the Pejebscot patent along the Androscoggin.

The third center of Republican strength existed in the towns of the lower Kennebec. The leader of this center was William King. Born in Scarborough in 1768, the half brother of Rufus King, William went to Phillips Academy in 1781 but withdrew after the first year to pursue more mundane objectives. With his brother-in-law Dr. Benjamin Jones Porter, he went to Topsham in 1792 where the firm of Porter and King would build a thriving business in the West Indian trade. In 1799, King moved to Bath leaving Porter at Topsham, and expanded the business to include the Liverpool trade. In 1803, one of King's vessels became the first Maine owned vessel to enter the New Orleans cotton trade with Liverpool. By 1806, King's interests included two banks, a marine insurance company, a toll road, and real estate. He was by every standard a typical merchant capitalist of his day.

Like many of the Republican leaders King was initially a Federalist. The first indication that King was becoming disenchanted with Federalism came in 1802 when he unsuccessfully challenged the party's leadership in Lincoln County by running against Sam Thacher of Warren for Congress.²⁰ By 1803, King was calling himself a Republican.

²⁰J.P.G., October 18, 1802.

Years later he would boast that he, as much as any other single person, was responsible for the triumph of the Democratic-Republican Party in Maine.

In 1804, King challenged the state Senate seat of David Cobb, the symbol of Federalism in Maine. Unsuccessful, the following year he was elected by one vote the representative of Bath in the General Court.²¹ From 1805 to 1820 when he became Governor of Maine, there was no man in the District more influential than King. Building his political influence on the grievances of squatters and Baptists who smarted under the dominance of the Congregational Church, the Democratic-Republican Party and the cause of separation could not have gained a more valuable convert.²²

The cement that welded these three centers of Democratic strength together to form a virtually unbeatable party was made of a number of elements. It was certainly true, as Dr. Paul Goodman in his The Democratic-Republicans of Massachusetts asserts, that a common bond of interest was an important ingredient. The party was made up

²¹King was one of the few Maine Republican leaders whose home base was Federalist. Bath did not vote for the Republican candidate for Governor in any year between 1800-1819.

²²By 1804, King was one of four men in Lincoln County who were known collectively as the "Big Four" or the "Great Quartet." The three others were Peleg Tallman of Woolwich, and Moses Carlton, Jr. and Abiel Wood, Jr. of Wiscasset. These men had formed a partnership through which they controlled the two banks, the one marine insur-

of disparate groups, merchants, squatters, professional men, and others; yet they all, more or less, agreed on one thing; that the Federalist monopoly of political power in Massachusetts deprived them of opportunities to "obtain patronage, land, bank, and insurance charters and other prerequisites of influence. . . ." ²³ Likewise, they objected to the fact that the union of politics, religion, and education maintained by the Federalist Party deprived Republicans, Baptists, Methodists, and yeoman of an opportunity to achieve success. There were, in short, the kinds of artificial road blocks such as state sponsored monopolies erected along the avenue named "Success," of which the Jacksonians would complain years later. However, as the Handlins have demonstrated, the Jeffersonians of Massachusetts were not incipient Jacksonites. They were not opposed to state monopolies or state protected private monopolies. All they asked was to be allowed to share in ²⁴ the benefits accruing from such monopolies.

and company and a number of other enterprises in Lincoln County. With their wealth they were accused by the Federalists as ambitious and unscrupulous men who employed "all the power and influence which their situations and property in these corporations will give them" in order to make Lincoln County subservient to their political leanings. J.P.G., October 29, 1804.

²³Paul Goodman, The Democratic Republicans of Massachusetts. Politics of a Young Republic, (Cambridge: Harvard University Press, 1964), pp. 124-125.

²⁴Oscar and Mary Handlin, op. cit., passim.

Goodman, indeed, recognizes as much and he has performed brilliantly in documenting the thesis of Louis Hartz that the Jeffersonians were products of the liberal tradition with its emphasis on individualism and the psychology of success as much as most Federalists were.²⁵

But in stressing interest at the expense of all else, he makes them appear to be a collection of greedy, grubby men who wanted nothing more than material gain, men motivated by envy of the riches of their rulers. And so, indeed, were some. At the risk of appearing sentimental in an age of neo-conservative cynicism, this author suggests that, while conceding that many of the Democratic-Republicans did not understand all they surveyed, they at least had a commitment to democratic ideas that was the product of an ideological commitment to certain values, the most important of which was compassion and feeling for the "poorest he" among them. James Sullivan, a leading Republican, expressed it well when he wrote that the "good man" was one who "wishes to do good unto all; who relieves the distresses of the poor, in proportion to his ability, and wishes the prosperity of all men, as he does his own...."²⁶

²⁵Louis Hartz, The Liberal Tradition in America, (Harvest Edition, New York: Harcourt, Brace & World, Inc., 1954), pp. 89-142.

²⁶James Sullivan, The Path to Riches: An Inquiry into the Origin and Use of Money, etc. (Boston: J. Belcher, 1809).

Like Jefferson, many Democratic-Republicans put themselves in the other fellow's place and asked "How would I feel if I were he?"²⁷ This author submits that the interest that many Democratic-Republicans manifested in the plight of the squatters of Maine, the plight of the Baptists and Methodists whose independence was denied by the Congregational Church, and in the plight of those who were denied the means of self improvement was not due entirely to political opportunism, but partially, at least, to a genuine commitment to a democratic ideology, admittedly contained within the walls of a liberal edifice.²⁸

With the failure of the supporters of separation to revive the issue in 1803, no further effort was made until the winter session of the General Court which convened in January 1807. During the intervening years, Republicans gradually took over the leadership of the movement from the Federalists, although it cannot be said that the opponents and supporters of separation split sharply along party lines. Many Republicans remained faithful to old

²⁷While this attitude does not guarantee to produce a democrat when it is coupled with the belief that "man makes himself," it is likely to produce one, more often not.

²⁸At this stage in my researches into Maine politics between 1780 and 1820, I find what I have said to be true. Another study dealing with the rise of the Jeffersonian-Republicans in Maine is now being planned and in it I hope to be more expansive on this point.

Massachusetts and many Federalists continued to advocate independence. Nevertheless, the initiative for separation appears to have passed to men such as Chandler and King who saw in it the means by which the Republican majority in Maine could become liberated from the Federalist majority in Massachusetts.

By 1805, Nathaniel Willis, no doubt reflecting the views of his chief financial supporter, King,²⁹ who had quietly replaced Richard Cutts as the guardian of the paper, was taking a militant stand on the question. Addressing himself to the squatters and to those who sympathized with them, Willis demanded an end to the practice of selling land in Maine in large tracts to "idle speculators, to supercilious Lordlings whose haughtiness, folly, and vanity [had proven] to be so insufferable."³⁰ For squatters, wrote Willis, a separation offered them the promise of protection against such men.

In 1806, several Republicans including King, sought to introduce the question in the legislature but failure to achieve agreement on strategy frustrated their efforts. The closeness of the election for Governor between Caleb

²⁹Nathaniel Willis to William King [hereafter W.K.], May 21, 1805, WK MSS, (Me. H.S.), Box 3.

³⁰E.A., July 5, 1805.

Strong and James Sullivan was also a factor. Unwilling to sacrifice a possible Sullivan victory by injecting a divisive issue such as separation into the picture, none too confident Portland Republicans pleaded with Willis not to print anything "in favor of separation at present."³¹

Not all Republicans were so patient. Orchard Cook of Wiscasset, Republican representative to Congress from Lincoln County, was one of these. He wrote his friend William King as follows:

When shall the old STATE of MAINE shake off its degradation of District? When shall this unnatural servitude cease? . . . How long shall the main Body be constrained by a Wing? How Long shall the Trunk be in servitude & pay suit, service, homage & tribute--to a limb, long since amputated by N. Hampshire? Are we always to be a kind of sub-colony, to a sub-state?--If we wait till land Holders (who now unrighteously pay one-third their quota of taxation) be in favour of it, far distant will be the era of our freedom & independence.

. . . Cast your Eyes on the Map of the United States, & say if Maine with 200-000 souls, & a territory equal in extent to the other 5 N.E. states & rapidly populating, should longer hug her chains--Part of the Evils attendant are imperfect Legislation (our Interest being lost-procrastinated--or over borne by the superior number of the dominant Wing)--By a continuation of connexion the Judiciary

³¹Nathaniel Willis to W.K., May 7, 1806. LBC Box. The contest between Sullivan and Strong was decided after days of wrangling at the June session in favor of Strong. Republicans, however, controlled both houses of the General Court and confidently looked to winning the governorship in 1807--which they did. See Edward Stanwood, "The Massachusetts Election of 1806," Proceedings of the Massachusetts Historical Society, Second Series, XX (1906), pp. 12-19.

of the whole state is distracted & overated with impracticable & neglected requisitions; to the great & incalcuable injury of the suitors of all Massachusetts.

Our wealth flows to Boston. Our lands are sold in such manner as to discourage. Landowners buy at 2 per cent their taxation (for 1/3 of what the plainest equity requires)--will they sell those lands & can the Country grow?³²

On the morning of February 9, 1807, the winter session of the Republican controlled General Court already a month old, the Maine delegation held a caucus to consider the suggestion made by some of its members that the separation question be revived. The following evening at 10:00 p.m., a grand caucus was held with William Widgery, Republican representative from Portland, and the crudest of the leaders of the Maine Democracy in the chair.³³ Following an ex-

³²Orchard Cook to William King, February 27, 1806, WK MSS (Me. H.S.), Box 3. Proprietors paid less tax on wild lands than was paid by settlers on improved land.

³³William Widgery (1753?-1822) was "probably" born in Devonshire, England. Coming to Maine after the Revolution, he practiced law first in New Gloucester, than Portland. With Samuel Thompson, he was a vocal opponent of the constitution at the Massachusetts Ratifying Convention in 1788. A selfeducated man whose "manners were rough, his language unrefined and ungrammatical, and his expressions confused, he, nevertheless, remained unaffected by these limitations," and became a leader of the Maine Democrats. For sophisticated Federalists, men who exhibited the characteristics of Widgery, were nothing more than uncouth barbarians. It was assumed that most Maine Republicans were like Widgery. Leverett Saltonstall a Salem Federalist, in his diary entered the following account of a trip he made to Brunswick in 1806 to attend the commencement at Bowdoin College and commented on Widgery's election to the Governor's Council. [He went to Brunswick by stage]

"where fortunately G. Thorndike had provided a part of a bed for me. Many people slept on the haymows

tended and, at times, rancorous debate in which William King figured prominently, a resolve was adopted by a 55 to 10 vote instructing those present to "exert their influence in the Legislature to procure an order directing the several towns in Maine to give in their vote . . . for or against separation" ³⁴

"The squatters are about to manage their affairs in their own way," lamented one Federalist upon hearing of the decision reached by the caucus. "Who knows amidst the revolutions that are impending what may await us? Governor King! Chief Justice Widgery!!! How do they Cook together?" ³⁵

& many others had no other bed than a blanket & the floor. A great many people came into town from Boston, Salem, Portland etc. & many very respectable. All were extremely anxious [that] tomorrow should be good weather.

Mr. Widgery rode in the stage with me to Brunswick. It is disgrace to the Commonwealth that such a man should be one of its Council . . . that such men should surround the amiable & excellent Govr. Strong. He must feel as though his friends were torn from him & he [is] placed among his enemies. And indeed [is] this true when such men as Knox, Cobb, Dexter, Ward, Pickham, etc. are removed to make room for Widgery & his associates." Diary of Leverett Saltanstell, Saltanstell MSS, (M.H.S.). Vol. 3. For details on Widgery's career see Willis, The Laws, the Courts, and the Lawyers, pp. 272-274.

³⁴Boston Repertory, February 17, 1807; Moses Greenleaf to Eleazer Jenks, February 10, 1807, printed in Edgar C. Smith, Moses-Greenleaf, Maine's First Mapmaker, (Bangor, Maine: Printed for the De Burians, 1902), p. 88.

³⁵Greenleaf to Jenks, Ibid. "Cook together" was an allusion to Orchard Cook.

The General Court agreed to the request and designated April 6, 1807, the date of the election for Governor, as the day on which the vote was to be taken.

The decision to authorize another poll of separation sentiment in the District was greeted among Federalists of Massachusetts proper with mixed feelings. It was obvious to many that James Sullivan was likely to defeat the Federalist incumbent Caleb Strong for the governorship in April and that Republicans would retain control of both houses of the legislature, a fact that revealed dramatically the extent to which Federalism had declined in the state. With this expectation in mind, the Federalists of Berkshire and Norfolk counties located amidst Republican throngs in Western Massachusetts, supported separation. For as they reasoned, it was the large Republican majority in Maine that, in the final analysis, would throw Massachusetts into the grips of Democracy. With them out of the way, the Federalist majority in Massachusetts proper could hang on for a few more years.

Many Boston Federalists agreed that separation "would leave [Massachusetts] decidedly federal in all branches of the Government," but they were of the opinion that very little support existed in Maine for the dissolution of the

³⁶P.G., March 23, 1807. At the April election for Governor, Sullivan lost Massachusetts proper to Strong by nearly 2,000 votes. Sullivan's 4,300 majority in Maine gave him the election. Returns of Votes for Governor and Lieutenant Governor, 1800-1819, Massachusetts Archives.

union. Besides, the whole idea of a separation, they generously conceded, clashed with the best interests of Maine people in the long run.³⁷

In Maine, the Federalist Portland Gazette, originally the vigorous supporter of separation, led the opposition masking their fear that separation would relegate Federalism to a position of a perpetual minority status, with the arguments that independence would be too costly; that the District had too few talented individuals to staff a new government; and that the coasting trade would suffer.³⁸

The Eastern Argus, which supported separation, reminded the writers for the Gazette that the same objections had been heard years before but that the Gazette then rejected them as inconsequential if not untrue.³⁹ Speaking on behalf of the squatters of Kennebec and Lincoln counties, the Argus reminded its readers that Maine owed little to the paternal care of her parent. "For the sake of a very few cents," Massachusetts had deliberately sold large tracts of unimproved land to individuals and corporations, and "have thus entailed on this devoted country litigations for centuries to come."⁴⁰

The election resulted in the worst defeat for the

³⁷[Boston] Repertory. March 13, 1807.

³⁸P.G., March 23, 1807.

³⁹E.A., April 2, 1807.

⁴⁰Ibid.

separationist in the long history of the movement. Of the 150 towns returning votes, about 100 voted against a separation, a complete reversal of previous votes.⁴¹ The total vote gave the anti-separationists 9,404 to only 3,370 for the separationists. In comparison to previous elections, when separation gained the nearly unanimous support of inland towns, this time many of the same towns rejected independence. Only the towns carved out of the Kennebec Purchase, in which many squatters lived, showed anything like the level of support that had been manifested for the question in the past, and even in these towns there were a number of defections.

In coastal communities where anti-separation sentiment was traditionally strong, only three towns out of nearly fifty voted for separation. They were Bath, William King's baliwick, Lincolnville, and Belfast. Otherwise, the picture was a bleak one for proponents. A tabulation of the votes in fifteen of the largest towns in Maine, all but one a coastal town, reveals that a vote of 2,446 to 0 was recorded against the question.

On the same day that the people rejected a separation, they elected the Republican James Sullivan governor by a 12,324 to 8,010 margin. Clearly, despite the efforts of

⁴¹Statements about returns are based on an analysis of the vote as contained in Votes Respecting Separation of Maine, 1807. Massachusetts Archives. For a list of votes, see Appendix V.

King, Cook, Widgery, and other Republicans, separation was far from being a partisan issue. But this fact does not explain why the question was defeated so soundly. The most satisfactory answer seems to be that the people who were enjoying unprecedented prosperity--the Embargo was not enacted until eight months later--were no longer as concerned about a number of economic grievances that had formally plagued them. In addition, some, no doubt, were confident that the tide running strongly in favor of Democracy would produce legislation in answer to their more pressing problems.

In any event, the defeat was a severe blow to the prestige of William King and others who had backed the cause. The Federalist Boston Repertory gleefully informed
42
its readers:

Mr. King and Mr. Widgery are really to be pitied. These individuals with a few of their associates, who wished to be greater men than even their own party, taking the state together, were willing to make them, had supposed themselves of sufficient influence to persuade the inhabitants of Maine to request a separation; and thus make a new little Empire for these aspiring demagogues. Whether the correct judgment of the people, who consulted their own interests--or the unpopularity of [separation in] the quarter in which the proposition originated, had the greater weight; we know not; but it seems that Maine is far from inclined to dissolve her connexion with Massachusetts proper.

Chiding King for his alleged opportunistic con-

⁴²[Boston] Repertory. April 14, 1807.

version to Democracy the Repertory continued:

Mr. King's motives, in this as well as several of his political steps have been more obvious than he probably imagined. A gentleman should not set himself up for a great intriguer, who has so little talent at concealing his selfishness. Aha! Say the democrats--that was what produced such a miraculous conversion, was it?"

A month before, the Repertory had printed a letter charging King with duplicity and a cynical exploitation of the squatter-proprietor conflict in the District, to advance his own selfish ends.⁴³ The basis for this charge was the product of a "deal" to which King was a party.

The Republicans led by William King in the General Court had for some time been pressing that body to void the contract between William Bingham and the Commonwealth by which Bingham purchased over two million acres in Maine. Bingham, it was charged, had failed to live up to the terms of the contract, which stated that twenty-five hundred settlers had to be placed on the lands before 1803 or the sum of thirty dollars paid the Commonwealth for each settler short of that figure. Bingham's heirs, after his death, had no desire to pay over \$70,000 due for non-compliance with the terms.

With David Cobb, agent for the Bingham interests, as the President of the Senate, nothing was done to obtain compliance with the terms until 1807, the first year in

⁴³Ibid... March 16, 1807.

which Republicans controlled both Houses.⁴⁴

The letter that the Repertory printed charged that King sold out to the Bingham interests; that he had agreed to accept, with several of his close business associates, three townships in the lower range of Bingham's "Kennebec Million" acres, in exchange for his assumption of the settling duties, previously contracted by Bingham, to be paid within a six year period. That King had done precisely this, and in addition had given the Bingham heirs a promise of protection against future unjust demands by squatters is beyond all question.⁴⁵ As a result, his sincerity as a spokesman for the squatter interests was questioned. In answer to the charge, King denied receiving any land and, furthermore, stated that the Bingham heirs were still obligated to meet their settling obligations.⁴⁶ The only reason that this defense was not a total falsehood was that, at the time he wrote it, the deal had not been officially consummated.

If this incident damaged King's standing with the settlers, and there is no evidence that it did, he was to establish himself, for all time, as their undisputed champ-

⁴⁴For an excellent discussion of this subject, see, Allis, op. cit., II, pp. 1175 to 1223. My own account of King's role in the affair will be forthcoming.

⁴⁵Ibid., p. 1216.

⁴⁶E.A., March 26, 1807.

ion by his successful effort to obtain the passage of the "Betterment Act." This act passed in 1807 provided that proprietors could not evict squatters who had lived on their lands for six years unless they paid the squatters a fair price for improvements to the land. If squatters were allowed by proprietors to remain on the land, they were obligated to pay within a year, a price equal to its value before improvements.⁴⁷ Even though the one year credit arrangement proved insufficient time for most settlers, and there were many who were unable to meet the six year residence requirement, both of which led to greater difficulties, King came out of the battle very well. Nor did the enactment damage his position with the party. Governor James Sullivan, no doubt, implied more than he stated when he congratulated King on his victory in obtaining the passage of the law. "You cannot say that you have laboured in vain or spent your strength for nought."⁴⁸

The resounding defeat of 1807 combined with the pre-occupation of everyone with the manifold problems created by the Embargo and subsequent navigation legislation produced a four year hiatus for the separation movement. Not

⁴⁷Laws of Massachusetts . . . 1807-1816.. IV, pp. 19-21.

⁴⁸James Sullivan to W.K., March 9, 1808, WK MSS, (Me H.S.), Box 4.

until the winter session of the General Court in 1811 was
⁴⁹
 the question again revived.

The session convened on January 23 with the Federalists behind their president Harrison Gray Otis in control of the Senate and the Republicans in control of the House by a 282 to 150 margin.⁵⁰ Elbridge Gerry, elected Governor in April 1810, was concluding his first term in office. With the Federalists in control of the Senate, Republican demands for fuller participation in the fruits of governmental largess would have to await another year when the Federalists would lose control of the Senate as well.

The prospect of a legislative stalemate combined with the hope that Federalists, smarting over the Republican revival of 1810, might be receptive to the idea of separation as a means of ridding themselves of, at least, some of their competitors, apparently was the reason that King made another attempt at this time. Also, he had received the encouraging news that sentiment for separation was on the increase in the District. Daniel Rose of Boothbay wrote him in February praising his past efforts on behalf of the beleaguered settlers after which he reported that "the

⁴⁹Lip service by more devout separationists was paid to the cause on occasions like 4th of July celebrations. In Falmouth in 1809, a toast was offered to "The contemplated State of Maine--May she yet become a towering cedar among the trees of the forest." E.A., July 13, 1809.

⁵⁰Columbian [Boston] Centinel, January 26, 1811.

present time is auspicious as the popular current (in this part of the country at least) is in favor of [separation]."⁵¹

King contacted a number of Maine people who were in Boston on business and invited them to meet with those members of the Maine legislative delegation who favored separation in the Senate chamber on the evening of February 19, 1811.⁵² Seventy-four persons responded and with King presiding, the meeting voted 56 to 18 "that measures ought to be taken to effect the separation of Maine from Massachusetts."⁵³

But all was not well. A correspondent writing in the Federalist Columbian Centinel, probably one of the eighteen dissenters, complained that the meeting had not been comprised of more than a third of the members of the Maine delegation and was, therefore, unrepresentative. He further noted that the vote was on the question: "Is it expedient that measures should be taken to effect a separation?" The nature of the measures to be taken was not prescribed. Especially, added the correspondent, no one should conclude that the group voted to give the Maine

⁵¹Daniel Rose to W.K., February 7, 1811, WK MSS. (Me. H.S.), Box 6.

⁵²Columbian [Boston] Centinel, March 2, 6, 1811.

⁵³Ibid.

delegation authority to speak for the people of Maine.⁵⁴

The day following the meeting called by King, a second meeting was held in the Senate Chamber. In attendance, among others, were Joshua Cushman, Senator from Kennebec County; Reuel Williams, an attorney for the Kennebec Proprietors; Samuel Thacher, the arch Federalist from Warren; and most significantly, two of King's former business partners, Peleg Tallman of Woolwich and Moses Carlton, Jr. of Wiscasset, both of whom had broken with King as the result of the latter's ambivalent attitude toward the Embargo which they both vigorously opposed. The group was clearly anti-King as much as anti-separation, although their feelings in regard to a separation would have caused them to oppose an attempt to revive the question at this time even if King had taken no part in it.

This second meeting, the size of which was not reported, was chaired by Cushman. The group concluded that King was plotting a kind of coup d'etat and that he ought not to be permitted to succeed. Accordingly, it was resolved that "it is inexpedient to take any measures at the present time to procure the separation of Maine from Massachusetts."⁵⁵

However, because King's group had agreed to request that the people of Maine be allowed once again to

⁵⁴Ibid.

⁵⁵Ibid.

give their votes either for or against a separation, the Cushman group further resolved that if the people of Maine were to be polled again, they should be polled on the question: "Should the members of the legislature from Maine request the legislature to allow another vote on the subject of separation?"⁵⁶

Before the meeting adjourned, a committee was appointed to recommend a strategy by which the King group could be stymied. On February 22, 1811, with Tallman replacing Cushman in the chair, the group heard the committee's report which was adopted in the form of six resolutions. Admitting that certain advantages would accrue to the District in consequence of a separation, the disadvantages, namely, increased expense and Coasting Law complications, were more compelling. The sixth resolve instructed Cushman to submit the following resolution to the General Court designed to seize the initiative from King:⁵⁷

At the ensuing meeting for the choice of Governor, and etc., the citizens [of Maine] should be called upon to vote for this question: Shall the Senators and Representatives of the District of Maine, make application to the Legislature, for their consent to a separation of the District of Maine from the Commonwealth of Massachusetts, and that the same may be erected into a State.

⁵⁶Ibid.

⁵⁷Ibid.

The resolve was introduced, passed the Senate, but was carried over to the following session in the House. There is no evidence that King bothered to introduce a resolve embodying the views of his group. Instead, when a vote on Cushman's resolve was called for in the Senate on February 28, King, with all other senators from Maine except Cushman absented themselves in an attempt to deprive the Senate of a quorum. This unusual tactic failed, but confirmed the view of one Federalist that Cushman was being victimized by "demagogues and office hunters" who, by legederman, were trying to put something over on the people of Maine.⁵⁸

King was outmaneuvered by the efforts of the Cushman-Tallman group. By working through the legislature, he could avoid a test of the wishes of the people until such time he and others had an opportunity to work on them through the press. Certainly, Cushman's resolve calling for a vote by the people in early April, permitting but a month to discuss the merits of the question, was not calculated to assure a pro-separation vote. John Chandler wrote King that "there can be no question but the motion made by Mr. Cushman . . . was for the purpose of preventing its taking place" Chandler added that he had suspected Cushman of being a Federalist all along and "hoped

⁵⁸Ibid.

in God" that Republicans would put up a candidate to oppose⁵⁹ him who could be trusted.

By 1812, the effort to achieve a separation was nearly thirty years old. During this time, the District had developed from a state of primitiveness to an area quite generally advanced. The leadership of the movement had passed from Federalists to Republicans with the Republicans fairing worse than the Federalists had. The defeats suffered in 1807 and 1811 should have convinced everyone that separation was a lost cause. But they could not have foreseen that within the space of four years, events would occur in connection with the War of 1812 that would make the War a turning point in the history of the movement.

⁵⁹John Chandler To W.K., WK MSS (Me. H.S.), Box.6.

CHAPTER IV

THE WAR OF 1812: A TURNING POINT IN THE SEPARATION
MOVEMENT

The passage of the Embargo Act in December 1807, interrupted and in many cases reversed the growth and prosperity of the Maine seacoast towns from Eastport to Kittery which had grown relatively affluent from the profits derived from the neutral trade. It is true that many merchants circumvented the law by smuggling activities and the deliberate abuse of the privileges of coastal trading. There were even some whose ships, at sea when the law was passed, continued to trade with other countries. The majority of the merchant shippers, however, complied with the law and, as a result, suffered great losses. William King, one of the most successful shippers in the District, estimated that the Embargo cost him at the very least, \$5558 with each passing month.¹ By the time the law was repealed in March 1809, sixty percent of the people of the seacoast towns were unemployed and in the largest town, Portland, where the Embargo was estimated to have produced losses in the excess of one million dollars, soup kitchens were set

¹William King and Mark L. Hill, Remarks Upon a Pamphlet Published at Bath, Me. Relating to Alleged Infractions of the Laws During the Embargo, Non-Intercourse, and War, (Bath: Thomas Eaton, 1825), p. 7. King was accused of smuggling activities by political enemies. There is no doubt that King's ships violated the different navigation laws but it is a moot question whether King or his captains were to blame.

up for the needy.²

Politically, the Embargo placed a severe strain on long standing alliances. Many Republicans in the seacoast towns, like King's former business associates, Moses Carlton Jr., Abiel Wood Jr., and Peleg Tallman, condemned their hand chosen representative to Congress, Orchard Cook, for his vote in favor of the Embargo.³ Nearly every coastal town sent anti-Embargo resolves to President Jefferson.

The Embargo, as is well known, revived the lingering corpse of Federalism in New England. In 1809, Christopher Gore won the governorship of Massachusetts over the hopeless efforts of Levi Lincoln. Gore's victory was due in no small part to the fact that he polled nearly 3000 votes more in the District than he had polled in a losing cause in the year before.⁴ It was difficult indeed to remain loyal to an administration that made life so arduous. Yet, by in large, the ranks of the Democratic-Republican party in Maine held together. With the repeal of the Embargo in March 1809, the worst was over, at least down to the outbreak of the war of 1812.

²Blakely B. Babcock, "The Effects of the Embargo of 1807 on the District of Maine" (Unpublished Master's Thesis, Trinity College, Hartford, Connecticut, 1963), passim; E.A., August 18, 1808.

³Orchard Cook to Messrs. Wood, Carlton, and McCrate, January 14, 1808, WK MSS (Me. H.S.), Box 4.

⁴Returns of Votes for Governor and Lieutenant Governor 1808-1809. Massachusetts Archives. Governor Sullivan died in office in 1808. He was succeeded by Lieutenant

The news that Congress had declared war on England reached Massachusetts in late June, 1812. On June 26, Governor Caleb Strong issued a proclamation calling for a day of public fast and shortly thereafter affirmed his opposition to "Mr. Madison's War" by refusing to honor a request from Washington to allow the militia to leave the state. Strong justified his defiance of the national government on the grounds that the law of 1795, authorizing the President to employ the militia in times of national emergency existed.⁵ This was only the first in a series of acts, some of which contemplated secession, taken by the Federalists of Massachusetts during the course of the war.

In Maine there developed, also, a formidable opposition to the war, particularly along the seacoast. Though the leaders of the predominant Democratic-Republican Party, William King, John Chandler, William Widgery and others, were generally advocates of the national cause, there was

Governor Levi Lincoln.

⁵Gardner Ellis, "Massachusetts in the War of 1812," Commonwealth History of Massachusetts, ed., Albert B. Hart (New York: The States History Company, 1939), III, p. 477. For Strong's position see 8 Massachusetts Reports, p. 548. The legal issue involved here was settled in Martin V. Mott adversely to the position taken by Governor Strong, see 1827, 12 Wheat. 19, 61 Ed., p. 537.

little they were able to do to advance that cause.

Until the summer of 1814, the District was spared the ravages of war. Except for an occasional skirmish like the one that took place in Casco Bay between the Enterprise and the Boxer in 1813, hardly a shot was heard. The British, it appears, planned it this way, recognizing as one Ellsworth native reminded them: "New England may be conquered with kindness."⁶

Many Republicans in Maine could not be so conquered. The Eastern Argus so angered anti-war Federalists in Portland; "that the war men in the Argus office, when they went home late at night, were obliged to arm themselves with the iron cross bars from their chaises, or other implements to protect themselves from attack."⁷

William King who, in addition to his other activities was major general of the 11th Division of the Massachusetts militia, agreed to a request made by Washington to organize several units of volunteers to protect the coast of Maine and to discourage smuggling activities.⁸ In 1813, the War Department, in an attempt to embarrass Governor

⁶George Herbert to John Sherbrooke, enclosure number three in a communique from Sherbrooke to Lord Bathurst, September 10, 1814, Great Britain, Public Record Office, Colonial Office. Nova Scotia and Cape Breton 1814. Dispatches. Secretary of State. Microfilm copies of these records are on deposit in the Public Archives of Canada, Ottawa. Microfilm reads C.O., 217/93. Hereafter, cited by microfilm reference.

⁷E.A., October 2, 1848.

⁸See correspondence between Secretary of War Henry Dearborn and William King in WK Mss. (Me. H.S.), Box 6.

Strong for his contumacy, but which only alienated many of the supporters of the administration in Maine, ordered all the troops manning the United States garrisons in the District to the Great Lakes frontier. According to King, after the soldiers left Maine was defended only by "a few invalids in various garrisons who were retained on account of their indispositions."⁹

The defiance of Massachusetts' authorities encouraged many Maine citizens to cooperate with the British. General George Ulmer was appointed to command the United States garrison at Eastport. Ulmer was instructed to stop the thriving illegal trade with New Brunswick. Arrested on fabricated charges brought against him by irate citizens of the area who resented his effectiveness, he was placed in a Machias jail. He got his release only by appealing¹⁰ to Washington.

Peleg Tallman, who refused to vote for the war as a member of Congress, represented a large number of individuals in Maine who exploited the division of opinion in the District for their own advantage. In 1813, he was appointed Swedish Vice-Consul for the District of Maine in charge of the lucrative "neutral trade" which miraculously

⁹Maine [Bath] Inquirer, February 11, 1825. The General Court rejected a resolve that would have provided the sum of \$100,000 for the defense of the seacoast. P.G., March 8, 1813.

¹⁰See the several Ulmer letters written in 1813 to William King, WK MSS (Me. H.S.), Box 6.

developed in the space of a few months.¹¹

For those who believed that the war was just, the illicit activities of their neighbors were traitorous. One can only conjecture the extent to which the jealousies and hatreds, generated by this abnormal situation, affected the lives of those involved and their relationships with one-another.

The year 1814 marked the crisis point of the war for the New Englanders. In June, the islands of Passamaquoddy Bay were occupied by the British. Further south, the expectation that the British attacks on Falmouth and Scituate would be followed by a bombardment of Boston caused even the Federalists to question the wisdom of further neglect of seacoast defences. The capture of Castine and the occupation of Eastern Maine during the first week of September must have come as a shock to the Boston bankers who had loaned money to the British while denying Washington access to their tills.

William King in his capacity as major general of the IIth Division of the state militia called out his men in June when news first reached him of British advances. Throughout the summer and into the fall his men remained on watch from Belfast to Bath waiting for what all conceded would be a British attempt to conquer all of Maine.

¹¹E.A., December 9, 1813; William Emery, Honorable Peleg Tallman 1764-1841, (Privately Printed, 1935), p. 55.

West of Bath, other division chiefs did likewise. However, as events developed, the area west of the Penobscot, except for an occasional foray by the British, was spared.

Governor Strong commended King for his able generalship at the same time he worried over the expense. Washington revealed its unwillingness, to say nothing of its inability, to pay for the costs of the defense by the militia because of the failure of Massachusetts to cooperate with Washington, making it clear that no money would be forthcoming until such time as Governor Strong agreed to place the militia under federal direction. This, Governor Strong was determined to resist. Consequently, he was forced to convene a special session of the General Court in October 1814 for the purpose of raising needed revenues. The General Court, controlled by a large Federalist majority, dutifully authorized the Governor to borrow as
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needed from the banks of the Commonwealth.

Members of the General Court from the District were especially angered by the failure of Strong during this special session to recommend measures for the expulsion of
13
the British from Eastern Maine. Most of the money to be

¹²P.G., October 17, 1814. The foregoing is a distillation of much research done by the author in a multitude of sources. One of those who protested against Strong's refusal to cooperate with Washington was Albion K. Parris, a Republican senator from Paris, Maine. E.A., October 27, 1814.

¹³Mark L. Hill to W.K., October 27, 1814, WK MSS (Me. H.S.), Packet 25. E.A., Ibid.

borrowed by the Governor, it seemed, was to provide protection for Boston and surrounding towns; the District was to be given second priority. No event in all the previous history of the union of Massachusetts and Maine so blatantly and brutally revealed the extent to which the interests of Maine could be sacrificed to those of Massachusetts proper.

On October 19, Mark Langdon Hill of Phippsburg, senator from Lincoln County and friend of William King, joined by two new faces, John Holmes of Alfred and Albion K. Parris of Paris, asked the General Court to appoint a committee to investigate the possibility of a force being raised to drive the British out of Eastern Maine. After a number of days, Hill concluded that the General Court¹⁴ "meant to say or do nothing about it."

A month later another attempt by Hill to obtain action on his request was again ignored. Niles Weekly Register reported that, in reality, however, it was not the General Court but Governor Strong who was refusing to "assist in rescuing a part of his own state from the hands¹⁵ of a foreign enemy".

At this point, the initiative was seized by Washington. President Madison had decided to exercise the author-

¹⁴Mark L. Hill to W.K., Ibid.

¹⁵Niles Weekly Register. December 31, 1814.

ity invested in the executive branch by an act passed in 1795 to, in effect, nationalize a portion of the Massachusetts militia for the purpose of forming an expeditionary¹⁶ force to be sent against Castine. The troops of the militia were to be summoned, "without the intervention of the state authority," and the man selected to lead the expedition was none other than William King Maine's leading¹⁷ Democratic-Republican politician.

There was only one problem: the national government was without funds to finance the expedition. The only part of the country having a surplus of money to lend was New England! Secretary of War Monroe, caught in a dilemma, instructed General Henry Dearborn to apply to the Boston banks for a loan but the banks which had liberally lent money to the British now found themselves without funds. Monroe was hardly able to contain his fury when he learned of their refusal. "A feeble invasion by a few thousand men only on any part of Massachusetts would have been expelled in a week, at any period of our revolutionary contest", the Secretary wrote to Henry Dearborn. "The cause

¹⁶James Monroe to General Dearborn, November 14, 1814, reproduced in H.A.S. Dearborn, "The Life of Major General Henry Dearborn", an unpublished biography in six volumes located in the Maine Historical Society. The letter cited appears in Volume VI.

¹⁷Henry Dearborn to James Monroe, November 21, 1814, Ibid.; Dearborn to W.K., December 7, 1814, WK MSS (Me.H.S.), Box 12.

is now the same and we look with equal astonishment and¹⁸ concern, at the change of conduct there".

At this juncture, Dearborn, commander in charge of the New England theatre of the war, ordered William King to Boston to confer with Strong. King was instructed to ascertain from the Governor what assistance he was prepared to offer to guarantee the success of the expedition. Specifically, the Governor was to be requested to advance a substantial sum of money from the state treasury to finance the expedition, the federal government promising to reimburse the state within two months if possible.¹⁹ The stage was thus set for a humiliating confrontation between an agent of the national government, King, and Governor Strong. It was embarrassing enough for the national government to have to call on a governor of a state to bail it out of a difficult situation, but when the governor refused King's request, it became obvious to all the extent to which the Madison administration was paralyzed. Moreover, the failure of King's mission dramatized the extent to which the fate of the District rested in the hands of a stubborn administration in Boston. As if this humiliation suffered by the national government were not enough, the letter sent by Secretary of War Monroe to the Governor

¹⁸James Monroe to Henry Dearborn, December 1, 1814, Ibid.

¹⁹James Monroe to Caleb Strong, December 1, 1814, Ibid.

informing him of the planned expedition "in some treacherous manner" appeared in the Federalist [Boston] Columbian Centinel the following day after its reception "thus expressing to the enemy, the whole plan and with such celerity was the information thus promulgated, that the enemy, [at Castine] was apprised of it in forty eight hours." ²⁰

Nor was the news of the expedition the only information "leaked" to the British. An anonymous gentleman whom General John Sherbrooke, commander at Halifax, described as "a most respectable inhabitant of the country lying between the Penobscot and the boundary line of New Brunswick and who was a member of the House of Representatives of the State of Massachusetts", met with the General in his office ²¹ on November 20, 1814. This man, who was known personally

²⁰H.A.S. Dearborn, op. cit., VI, n.p. General Sherbrooke, British commander stationed at Halifax received the news of the planned expedition on December 19, 1814. Sherbrooke to Lord Bathurst, December 19, 1814, C.O. 217/93.

²¹Ibid. In reference to the "anonymous gentleman", the following letter from another "anonymous man" to William King dated Machias, November 26, 1814 (WK MSS. Me. H.S., Box 7) is of interest:

"This will inform you who were the traitors that sold this place & invited the British I think their names ought to be known as they have acted Benedict Arnold to perfection. (I shall begin with the name of the greatest villain who says he is going to Boston soon & reports that he has written Gov. Strong informing him of the business he has done in selling this part of the District of Maine, & has received the Gov's. answer approving of his performance -- if so, such Governors ought to be scarce) viz. John Cooper, Stephen Jones, Jacob Longfellow, Ebenezer [Ingbe?], William Chalmer, Stillman Smith, Josiah Harris, & others, who shall be known if ever the time arrives that we are set at liberty again, that it may soon be, is the prayer of

by Sherbrooke and the commander of the British fleet in the northeast, Admiral Griffith, and who was greatly respected by them, announced that he had returned from the special session of the General Court held in October at which time he had met with Governor Strong. The Governor, he claimed, authorized him to make contact with Sherbrooke to determine if New England could expect assistance from the English should a secessionist course be taken by the New England states. Sherbrooke explained the proposition²² to his superior in London, Lord Bathurst, as follows:

It seems that the New England States are very apprehensive that if Great Britain should conclude a Peace with the general Government their interests would be sacrificed -- And as the President has refused to repay expenses already incurred by the Northern Commonwealth for the purposes of defence, the Executive of Massachusetts has resolved to withhold all pecuniary Aid from the General Government And to apply the Amount of Taxes raised for the defence of their own Frontier....

your friend & humble serv't., a true American in bondage hoping that the time may come that I shall be at liberty to sign my name".

Of those mentioned, only Jacob Longfellow was a number of the General Court at the time. No evidence has been found to suggest that he was the "anonymous gentleman" who met with Sherbrooke. As for Cooper, he was not a member of the General Court; however, that Cooper and Longfellow were conspiring together is a distinct possibility.

²² John Sherbrooke to Lord Bathurst (Secret and Confidential), November 20, 1814, C.O. 217/93. A copy of this letter and subsequent correspondence between the two men can be found in J.S. Martell, "A Sidelight on Federalist Strategy During the War of 1812", AHR, XLIII (1937), pp. 559-566.

Notwithstanding the Custom which prevails of Calling these 'Federal States', It is right your Lordship should be informed that there is a very strong democratic Party in each of these Commonwealths [New England states] And as they will in the event of any attempt being made to separate New England from the Union most probably be assisted by the General Government in resisting the Measure. It appears that the Federal Party wishes to ascertain at this early period whether Great Britain would under these Circumstances afford them military assistance to effect their purpose should they stand in need of it.

Maine Republicans were not aware of this meeting between the Governor's emissary (if indeed he was the Governor's emissary for we have only his word that he was) and Sherbrooke. They suspected, however, that a number of prominent Federalists were in contact with the British. One of those whose activities came under suspicion was president Jesse Appleton of Bowdoin College. William King wrote Appleton the following note in the fall of 1814 which he signed not with his name but with the pseudonym "Enquirer":²³

Sir, The object of your late visit to his Magistracy's [sic] Governor General at Castine [Sherbrooke] has become a subject of enquiry.

The person who now addresses you has not the honor of a personal acquaintance [untrue - King was an Trustee of the College]. He therefore chooses to communicate with you in the way he deems most interesting to the country.

²³"Enquirer" [William King] to Jesse Appleton, n.d., 1814, WK MSS (Me. H.S.), LBC Box. Three volumes of Appleton letters in the Bowdoin College Library shed no further light on Appleton's activities.

Public men, sir, are the property of the Public; none more so than those literary men who have the charge of our youth; to you, Sir, as to a fountain whose streams are either pure or impure the public look with anxiety; - the least departure therefore from a correct course of conduct will not be submitted to.

As our Country is now at war with Great Britain the following questions will not be considered uninteresting either to the public or yourself.

Have you, sir, visited Castine since the British took possession of the place?

Had you a passport or other document to authorize such a procedure?

Was your object in making this visit Political?

And if so, have you succeeded in your Negotiations?

Will you state the conversation which took place between His Magistracy's [sic] Governor and yourself?

And will you publish the results of your visit for the benefit of the people and the satisfaction of an Enquirer.

As a result of the forgoing actions and suspected actions, it is understandable that the news that a convention of New England Federalists was to take place in Hartford in December was received among these friendly to the war with deep concern. Maine sent two delegates, Samuel Wilde of Hallowell and Stephen Longfellow of Portland, father of the poet and the son of Stephen Longfellow Jr., who participated in the first phase of the separation movement, both of whom had a reputation of being the most staunch Federalists in the District. When taken together, all of these events produced in the District an atmosphere of extreme apprehension.

By December, many in the District were in desperate pursuit of some means by which the tide of events could be turned in a direction more to their liking. On December 8 and 9, 1814, there took place in the custom house at Port-

land a most significant meeting of several of these people. In attendance were many of the leading Republicans of the District and a few Federalists who were disgruntled with the actions of their more extremist brethren, among whom were William King, William Widgery, Joshua Wingate Jr., son-in-law of General Henry Dearborn; Asa Clap and Woodbury Storer, important shippers of the Portland area; and Samuel K. Whiting, Samuel Ayer, and William Pitt Preble, all of whom would become leading separationists within the year. Widgery was elected to preside.

The meeting produced a sober and frank appraisal of the defenceless position of the District. The conclusion was reached that only an appeal to the President of the United States could save the District from the "Treach-
 erous" policies emanating from Boston. A committee was appointed, headed by Samuel Whiting, a Bangor lawyer, to²⁴
 draft such an appeal, the text of which read as follows:

Three months have now transpired since the belligerent power with whom we are contending has had undisturbed possession of one third of our territory. Longer to remain silent upon the effects resulting from this state of things; and the conduct of our state authorities relative to the same, would be a tacit assent to all their measures - would be an abandonment of all our rights. We have seen the Executive of the Commonwealth tamely submitting to the invasion of his territory without making one effort to repel the foe. We have seen our state legislature assembled

²⁴A copy of the committee report which was, presumably sent to President Madison, can be found in WK, MSS (Me. H.S.), LBC BOX.

for the express purpose of taking into consideration the peculiar state of affairs, and instead of calling out the energies of our country to drive out the invaders from our soil, instead of giving us that aid, rejected with indifference every motion urged for our relief; they passed over in almost total silence the occupation of our District by the enemy and adopted those measures only, which had tendency to embarrass the General Government - to organize faction - and encourage the enemy in their mad sickness of conquest.

And the more effectually to restrict our exertion, the governor, encircled by his Board of War, has it in contemplation of passing an order, that no Maj. General shall march his troops out of his own District, without an order from the Commander in Chief: thus bound we shall be destroyed in detail, we shall be presented a living sacrifice, without the power of resistance. Thus abandoned by the state authority, we view with serious alarm the situation in which we are placed - having the enemy in the bosom of our country - and an extensive seaboard unprotected; we shall soon become an easy prey to the savage attacks of our foe. Such is the situation of our District, and such the force of our laws, that the most unrestrained and unlimited intercourse with the enemy is carried on. We have become the general thorough-fare through which the unprincipled carry on the most illicit traffic - and thru which our domestic foes carry on their 'traiterous correspondence.' The collectors on our frontier in vain raise their arm of authority, our revenue laws are too insufficient to support them. The officers of the Militia call upon their Troops. Governor Strong controls their operations.

Significantly, several days later, after it became obvious that the national government was powerless to assist its friends in Maine, Samuel Whiting from his home in Bangor
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wrote King as follows:

If Massachusetts won't cooperate and the Federal government is unable to, then the crisis has arrived when the District of Maine ought to Legi-

²⁵Samuel K. Whiting to W.K., December 21, 1814, Ibid.

slate for herself. Released from the thralldom of Boston influence, we would not suffer this Eastern section of the country to sink into the insignificance ... if we can get no assistance let us make an effort ourselves.

On December 28, 1814, a convention of Republicans from several towns in Oxford county met at Paris and concluded that the authorities of Massachusetts had conducted themselves in a manner "unbecoming the representatives of a free people." It was further resolved, "that it is inexpedient that the District of Maine constitute a part of the state of Massachusetts - no longer than the state of Massachusetts gives support to the union."²⁶

This meeting, coming as it did during the winter session of the General Court, was designed, undoubtedly, to support the efforts of the Senator from Oxford County, Albion Parris. Parris, failing to obtain sufficient support for a proposal he had offered that would have resulted in the raising of a state force to drive the British from Eastern Maine,²⁷ on February 6, 1815, (the war ended in December, 1814, but word would not reach Massachusetts until Februar 15), introduced in the Senate a resolution calling for legislative authorization of a district-wide convention to be held in Maine. This convention was to be

²⁶E.A., January 19, 1815.

²⁷Parris offered an amendment calling for the raising of a state force to a committee report commending the efforts of the Hartford Convention delegates. His amendment was defeated 17 to 10 in the Senate. E.A., February 9, 1815.

given the power to "consult upon the expediency of the separation of the District ... and the forming ... of an independent state and it shall have further power, should such separation be, by them judged expedient, to frame and report a constitution of government, and to recommend all things;" necessary to effect the objective.²⁸ While the resolve was being debated, news of the peace was received from Ghent and on February 25 by a 17 to 10 vote the Senate rejected Parris's resolve.²⁹ The question now was whether the "separation fever" produced by the virus of war would subside, or continue to rise to a point where only major surgery would extirpate the cause of the illness.³⁰

²⁸Ibid., February 23, 1815.

²⁹Ibid., February 30, 1815.

³⁰Actually, the revival of the separation question has to date from June 6, 1814 when the House of Representatives appointed a committee to study the question. Nothing came from the effort, however. Stanwood, op. cit., p. 139. The Weekly [Boston] Messenger, December 30, 1814, commented on the rumor that separation was to be revived because of the calamitous effects of the policies pursued by the state administration on the District of Maine:

"Inhabitants of Maine! there are no doubt emissaries among you, busy in propogating the doctrine of separation. Beware of their insidious arts. You have nothing to gain, but much to lose by such a course. Would you at once confound your seducers, point to your impoverished country, and say to them, 'here are the fruits of your past care for us; we beg to be saved in future from such counsellors'".

CHAPTER V

SEPARATION BECOMES A PARTY QUESTION

When I had the pleasure of passing a few weeks with you in Boston last winter, I recollect that one of the many subjects that we discussed was relative to getting up the Eastern Argus upon a more respectable standing and giving it a more general circulation. Since I have located myself in this town [Portland] I have thought more on the subject, and am fully of the opinion that if we could get the paper enlarged, interest the leading Republicans in the District in giving it support and have the paper devoted to such local matters as would be interesting to all, it would be a great service to our political operations. I know of no better mode to get up a proper organization of the Republican interest in the District than this. If we intend to obtain a separation from old Massachusetts this would be a powerful organ properly managed, and in all our future elections the advantages would be very great. We are extremely deficient in system, we ought to adopt some mode whereby we can rally all our forces, and I think to get up this paper judiciously, and with proper spirit, would be a grand stepping stone to effect this object.¹

This letter, written by Samuel Whiting to William King in June 1815, can be described as the opening volley in the most concerted effort yet made by separationists to achieve the independence of Maine. The letter is also evidence that the animosities produced by three years of contention between old Massachusetts and Maine were more than surface hatreds that would disappear with a return to normality. The experience of seeing a portion of their territory occupied by the enemy coupled with the refusal of their elected representatives to defend them would not soon be forgotten. A point of no return had been reached. The question was no

¹Samuel K. Whiting to W.K., June 13, 1815, WK MSS (Me. H.S.), Box 6.

longer: should Maine be separated?, but when would it become separated?

One of the more pressing problems that faced the separationists was that the war had so long employed their energies that they were now, as Whiting said, "deficient in system". The Democratic-Republican party was in disarray. Clearly, there would have to be extensive planning and direction for any project as ambitious as separation to succeed. To a man, separationists were agreed that only William King had the resources and interest to do the job, but there was question about his willingness to assume the mantle of leadership.

Francis Douglas, who became the owner and editor of the Eastern Argus in 1809, was anxious to "get up his paper on a different plane".² He lacked, however, that indispensable commodity, money, or as one of the separationists put it, "ready rhino." Whiting sent Douglas to Bath to see King who at first pleaded poverty and referred the editor to Asa Clap, a Portland merchant who, it was assumed, had a good deal of ready cash. Clap, however, pleaded an even greater poverty due to his heavy losses during the war; King finally consented to loan Douglas enough money for the latter to go to New York where he purchased the

²Ibid.

necessary machinery to enlarge his operation.³ For this assistance Douglas willingly placed in King's hands complete control over the contents of the paper.⁴ More importantly, King was now committed to the cause.

Even before efforts were initiated to revitalize the Eastern Argus, another effort was made to provide for a less "deficient system". At the winter session of the General Court [1814-15] Republicans had discussed the possibility of forming a "Union Society" to counteract what they considered Federalist tendencies toward disunion. The Portland Gazette upon hearing this spoke for a number of Federalists when it labeled the projected society the "Jacobin Club", or Union of Sans Cullottes, referring to those "vile dregs of society" like Marat who had formed a society to further the radical cause during the French Revolution.⁵

Nothing was done at the winter session to form such a society, but at the close of the summer session of the General Court, June 7, 1815, a meeting of Republicans was held in Boston at which it was agreed that two societies should be formed: one in Boston styled the "Union Society

³Francis Douglas to W.K., June 26, 1815; Samuel Whiting to W.K., June 21, 1815, WK MSS (Me. H.S.), Box 6.

⁴Samuel Whiting to W.K., June 21, 1815, Ibid.

⁵P.G., January 30, 1815.

Society of Massachusetts"; a second in Portland styled the "Union Society of Maine". From these two trunks many⁶ branches were expected to grow.

The announced purpose of these societies was "to organize Republican interests -- to call into action all the energies -- guard against every attempt to sever the Union of the States...."⁷ The real purpose was to further the cause of the separation.⁸ By combining the cause of union -- by this time in no danger -- with separation, the leaders of the movement hoped to snare a number of citizens who would respond to appeals to save the Union when they would not raise a hand to promote separation as a cause by itself.

The gentleman who organized the Union Society of Maine was Dr. Samuel Ayer of Portland. Ayer asked King to be its president but the "Sultan of Bath" thought it unwise to be so prominently displayed. In his place, Ayer selected John Holmes of Alfred.⁹ The fact that the membership of the Portland Society was "made up of very heterogeneous ma-

⁶Circular-Subscription list, dated Portland, August 14, 1815. WK MSS (Me. H.S.), Box 6. The text of the Circular can be found in Appendix VII.

⁷Ibid.

⁸Ibid.

⁹Samuel Ayer to W. K., June 21, 1815, WK MSS (Me. H.S.) Box 12.

materials" requiring "much delicacy and caution and prudence¹⁰ to keep along with harmony." may have accounted for the King's refusal. In any event, the slow development of the main trunk was more than matched by the even slower development of the branch societies. By January 1816, only the Oxford Central Union Society which met in Paris, under the direction of Albion K. Parris, and the Bath-Brunswick Branch of the Union Party of Maine, probably promoted by¹¹ King, were going concerns. Nevertheless, with the Argus in the process of revitalization and with some organization, albeit a shaky one, the men who were to lead another attempt to win the independence of Maine were ready to take the offensive by the fall of 1815. Before the reader proceeds with these men into the fourth phase of the separation movement, it may be helpful to pause to consider the men who now assumed leadership of the movement.

As a group, the leaders who pursued the goal of a separation between 1815 and 1820, were a mixture of old and new faces. William King and John Chandler of Monmouth were representatives from the pre-war period providing as much continuity to the movement as it could claim. The new faces were made up of a number of energetic and aspiring men who, for the most part, had come of age after the triumph of Madison in 1808, and on whom the experiences of the war left an indelible mark.

¹⁰Samuel Ayer to W. K., June 26, 1815, Ibid., Box 24.

¹¹E. A., February 20, 1816.

One of the new leaders was Albion K. Parris. Born in the District at Hebron in 1778, the only child of Judge Samuel Parris, a Federalist, Albion entered Dartmouth in 1803. Graduating in 1807, he came to Portland where he studied law with Ezekiel Whitman, a Federalist politician of some renown. Only 21 years old when he was admitted to the Bar of Cumberland County in 1808, he soon made a reputation as an able advocate. In 1811, he moved to Paris in Oxford County, and in the same year was named Oxford County Attorney. The War of 1812 caused him to shed whatever Federalist tendencies his previous experience had given him. In 1813, he went to the General Court as a representative and in 1814 moved over to the Senate where he spearheaded the abortive attempt at separation during the winter session in 1815. Although often in Washington as a United States Representative between 1815 and 1818, Parris lent his pen to the cause of separation. His dislike of the King variety of hard political infighting made him, perhaps, the least valuable of the new leaders. He undoubtedly would have taken his greatest satisfaction not from the years of public service that he gave to the new State of Maine, but from the knowledge that "he was one of the most popular men Maine ever produced" and that this popularity resulted in more baby sons being named for him than any other public figure in Maine during his lifetime.¹²

¹²Parris was elected a Republican member of Congress in the fall of 1814 and took his seat in March 1815. Re-elected in 1816, he resigned in February 1818 to become judge of the District Court of the United States for the District of Maine. In 1820, Governor William King appointed

William Pitt Preble was in many ways the opposite of his colleague Parris. If Parris was anxious to please, Preble was not anxious enough. "Tall, erect, well proportioned and aristocratic in his ideas", he impressed some as a man "remarkable for the strength and vigor of his intellectual powers". Others were more impressed with his "almost fearful power of invective" egotistically employed on anyone who crossed his path. It was significant that he never was a candidate for an elective office. His positions were invariably appointed ones.

Preble was born in York, Maine in 1783, two years before separation was first agitated. He graduated from Harvard in 1806 to which his reputation as a mathematician brought him back as a tutor in 1809. In 1811, he moved to Saco and in 1814 was appointed by Madison United States District Attorney for Maine. From 1815 to 1820, he was

him Judge of Probate for Cumberland County. In 1822, he reluctantly consented to be a candidate for governor. He became governor and was re-elected for four successive terms, retiring in 1827 to enter the United States Senate. In 1828, he became a judge of the Supreme Court of Maine. In 1836, he was named Second Comptroller of the United States Treasury, the second Maine man to hold that position [Richard Cutts was the first]. In 1849, he returned to Maine and in 1852 was elected mayor of Portland. He died in Portland in 1857 at the age of 69. For information on Parris' career see Maxim and Lapham, History of Paris, Maine. (Paris: 1884), passim; Albion K. Parris, "Albion Keith Parris", Collections of the Maine Historical Society, IX, second series (1898), pp. 145-146; William Willis, "Albion Keith Parris", Maine Historical and Genealogical Recorder, VII, No. 7 (July, 1893), pp. 117-121. While many Parris letters may be found in the WK MSS and the John Holmes MSS at the Maine Historical Society, there is no Parris collection anywhere.

frequently an editorial writer on the Argus. In that capacity, he worked tirelessly and sometimes even dishonestly¹³ for the cause of the separation.

By far the most colorful and controversial of the new leaders was John Holmes of Alfred. Holmes was born in Kingston, Massachusetts, in 1773, the son of an iron worker. He received his pre-college education as best he could and entered Brown University (then Rhode Island College) in 1793. Graduating in 1796, he read law for two years. In 1799 he resolved to come to Maine "to seek his fortune in the Eastern country, as affording to the enterprising and intelligent adventurer an eminent promise of success".

Holmes, upon arriving in Maine, appears to have placed a moist finger to the wind and found that it was blowing in the direction of the proprietors. Soon he became a leading counsel for their interests. His success in this endeavor brought him the wealth he so fervently desired as

¹³Details of Preble's career can be found in George Emery, "Reminiscences of Bench and Bar", Collections of the Maine Historical Society. VIII. Second Series (1897), p. 115; Willis, The Laws...., op. cit., pp. 597-614. Preble letters are to be found in the WK MSS and John Holmes MSS at the Maine Historical Society. In 1820, King appointed Preble an Associate Justice of the Maine Supreme Court. In 1828, he was appointed Minister Plenipotentiary to the Netherlands to act as the spokesman for the interests of Maine before the King of the Netherlands to whom the Northeast Boundary question had been submitted for arbitration. In the 1840's he and John Poor planned the construction of the Atlantic and St. Lawrence Railroad. Preble was the first president of the corporation. He died in Portland in 1857, only a few weeks after Parris died.

well as the contempt of many Republican politicians who considered him a hired mercenary. It was because of his past associations and his well publicized Federalist political views that Republicans were astonished when Holmes joined their ranks in 1811. Federalists were equally astonished at his defection and were convinced that, like John Quincy Adams and William Gray, both of whom left the Federalist Party in 1809, Holmes' departure was the result of a shift in the political wind rather than because, as he claimed, he could not longer support Federalist foreign policies. Not a few Republicans believed his conversion¹⁴ was "wholly of a mercenary character."

Despite these suspicions, Holmes took his place as a rival of William King for the leadership of the Democratic-Republicans of Maine. In 1813 and 1814, he was elected to the Massachusetts Senate. In the fall of 1814, when the Federalists in Massachusetts behind Josiah Quincy and Governor Strong refused to deliver the state militia to the service of the national government, it was Holmes who arose in the Senate to condemn this refusal. As a result, he endeared himself to many war Democrats in Massachusetts and Maine. Nathaniel Ames, the Dedham Democrat, noted in his diary after Holmes had delivered an especially scathing attack against the "Boston Junto": "John Holmes, a new

¹⁴Maine [Bath] Inquirer. January 8, 1828.

champion of old principles, has sprung in the Senate of Massachusetts; and knocked over Quincy etc., and laid the Boston rebel, Lowell, flat on his back. The Federalists of Boston Stamp, [are] thunderstruck".¹⁵

By 1815, his conversion to Democracy was complete. In an oration delivered at Alfred on July 4, 1815, he out-Jeffersoned Jefferson by declaring that, "agriculture is the favorite employment of Heaven. And in this country, it is the greatest security to national attachments, prosperity, independence and happiness".¹⁶

For his efforts in behalf of the Madison administration, he was rewarded with an appointment as a commissioner under the fourth article of the Treaty of Ghent. His task was to determine the ownership of the islands in Passamaquoddy Bay. In 1816, he was elected to Congress and in 1818 his re-election provided him with the opportunity to play a major role in the passage of the Missouri Compromise. His greatest opportunity to achieve truly national distinction came in 1818 when the trustees of the state controlled Dartmouth College chose him to oppose Daniel Webster before the Supreme Court. William Woodward, a trustee,

¹⁵Charles Warren, Ed., Jacobin and Junto or Early American Politics as Viewed in the Diary of Dr. Nathaniel Ames 1758-1822. (Cambridge: Harvard University Press, 1931), p. 274. For the text of one Holmes' speeches in defense of the war effort, see E.A., February 24, 1814.

¹⁶John Holmes, An Oration Pronounced at Alfred on July 4, 1815.... (Boston: Rowe & Hooper, 1815), p. 19. A copy of this imprint is on deposit at the Houghton Library, Har-

was responsible for the choice of Holmes, whom he described as "extremely ready, of sound mind and a good lawyer, inferior to Daniel Webster only in point of oratory".¹⁷ The case was said to have constituted a turning point in Webster's career. It was certainly a turning point for Holmes. "Holmes went up like a rocket and down like a stick", noted one observer. "Webster acquitted himself with the highest credit...Holmes fell below mediocrity", noted another. Webster, delighted with Holmes' failure wrote to a friend that "upon the whole [Holmes] gave us three hours of the merest stuff that was ever uttered in a county court".¹⁸ For Holmes it was a bitter defeat.

Holmes' inordinate ambition laid him open throughout his career to charges of opportunism, unscrupulousness and hypocrisy. Few men of this period evoked such strong opinions of themselves from their opponents. Rufus King considered him "contemptable and vulgar --- the merest sycophant and hollow hearted man, who has never understood or felt the direction of conscience."¹⁹ Rufus wrote his

vard University.

¹⁷Claude M. Fuess, Daniel Webster, (Boston: Little Brown, 1930), 1, p. 225.

¹⁸Ibid., pp. 233-35.

¹⁹Rufus King to Christopher Gore, April 9, 1820, printed in Charles R. King, ed., Life and Correspondence of Rufus King, (New York: G.P. Putnam, 1894-1900), VI, p.329. Hereafter cited C. King, op. cit. It should be kept in mind that the severity of King's remarks was due, in part, to Holmes' support of the Missouri Compromise which King

brother William in 1818 when Holmes was preparing to take on Webster as well as aspiring to the speakership of the House that he:

had heard much of him in your political controversies, in which he may be skilled and capable, but as an able public man, as one possessed of information and judgement concerning the great interest of the Nation, as a statesman whose words would be wise and salutary, I have no evidence that can have me rank him in this class -- on the contrary he appears to have taken his hat with a great deal of prepossession in his favor, and with a generally entertained opinion that he would become leader of the House of Representatives, and has left us under the Universal impression of a complete failure and disappointment -- as a man of influence he is lost -- and for reputation sake, he would have done wisely not to have appeared in this theatre.

Holmes was, until late in life, a heavy drinker. This propensity to imbibe produced a emaciated facial appearance that opponents made the object of ridicule. Martin Van Buren dismissed Holmes as a "reckless inebriate".²¹ The only national political figure who grew attached to Holmes was Henry Clay and even Clay confessed that Holmes was truly an unfortunate man: "fact or principal was always against him".²²

adamantly opposed on moral grounds. The two men were quite different; Holmes the compromiser, King the believer in eternal principles. How could they get along?

²⁰Rufus King to W.K., April 22, 1818, WK MSS (Me. H.S.), Box 8.

²¹John Fitzpatrick, ed., The Autobiography of Martin Van Buren, American Historical Association, Annual Report for the year 1918 (Washington: G.P.O., 1920) II, p. 520.

²²James F. Hopkins, ed., The Papers of Henry Clay. The

In addition to Parris, Preble, and Holmes, mention must also be made of two minor characters who joined the movement in 1814-1815, Samuel Ayer and Samuel Whiting.

Ayer was born in Concord, New Hampshire in 1786. He was at Dartmouth with Parris and upon his graduation in 1808, he was made a tutor at the college where he lived with President Wheelock. Having earned an M.D., he moved to Portland in 1811 where he established a practice. Medicine soon gave way to politics, and in 1815 Ayer seems to have found the cause for which he had long been searching. His commitment to the separation movement was fanatical, and for some of his colleagues he proved to be an added burden. His major contribution was writing articles on separation for the Eastern Argus and engaging in organizational work as secretary of the Union Society of Maine.²³

Of Whiting's career little is known. He was a lawyer who lived in Bangor in 1814. As previously noted, he attended the meeting held in Portland on December 8 and 9, 1814, and was chairman of the committee that drafted the appeal for assistance to President Madison. He became an

Rising Statesman 1815-1820 (Lexington: University of Kentucky Press, 1961), II, p. 656. Except where other sources have been cited, information on Holmes is from Willis, The Laws, The Courts, and the Lawyers of Maine, pp. 276-286. Two volumes of Holmes papers are located in the Maine Historical Society. Microfilm of these volumes is on deposit in the University of Maine Library. Another collection of Holmes MSS is located at the New York Public Library.

²³A brief sketch of Ayer's career is presented in James A. Spaulding, Maine Physicians of 1820 (Lewiston:

avowed separationist and moved to Portland in 1815. Once in Portland, he became instrumental in the re-vitalization of the Eastern Argus. Like Ayer, he wrote for the paper, but in the late 1816 his failing health forced him to seek relief in a Southern climate. In the Spring of 1817, his death deprived the separation movement of one of its most²⁴ indefatigable workers.

Together, these men, known as the "Junto" by their opponents, constituted the most formidable array of talent that the cause of separation had ever claimed.

The Argus office will this week be removed from the present stand to Fore Street on the second and third floors of the store on the left passage to Ingraham's wharf, where the next Argus will be issued. Our patrons will notice that this alteration is necessary for the enlargement of the paper and the new arrangement of our concerns....²⁵

This announcement, appearing in the Argus of October 11, 1815, signaled the completion of the re-vitalization program made possible by the loan of King and marked the beginning of the year-long campaign conducted by the Argus to effect the separation of Maine. Both Ayer and Whiting

Lewiston Journal Co., 1928), pp. 11-14.

²⁴This sketch of Whiting's activities has been gleaned wholly from letters contained in the WK MSS (Me. H.S.), especially from Box 7.

²⁵E.A., October 11, 1815.

had solicited articles from "the Knights of the Quill" in the District to insert in the first issue. "The campaign will be opened", Ayer informed King, "with the project of separation. Other objects will be embraced and discussed, and such political information generally communicated as will tend to rouse the exertions of the inactive, confirm the wavering, and strengthen the hands of the Republicans.... We ought to break off our slavish dependence on Boston for all our politics...."²⁶

The November 8, 1815 issue of the Argus contained the first in a series of thirteen articles promoting separation. The articles, all of which were written by junto members appeared under the general heading, "The District of Maine". The first two were written by Parris before he left for Washington in the Fall to take his seat in Congress.²⁷ They contained an appeal to opponents to discontinue their opposition to a separation and to unite for the common good with the forces of independence. Parris accused the opposition of preferring its selfish interests for material gain before the public interest, observing that "such sordid motives may well fit the seller and the purchaser, but ill became the citizen".²⁸

²⁶Samuel Ayer to W. K., June 21, 1815, WK MSS (Me. H. S.), Box 24.

²⁷Samuel Whiting to W. K., November 28, 1815. Ibid. Box 6.

²⁸E. A., November 8. 1815.

The third article written by Sam Ayer advanced the simple argument that Maine's population of close to 270,000 was justification enough for a separation. Ayer also contended that the emigration of farmers to Ohio, an exodus that proved alarming to speculators in Maine lands, would diminish with independence.²⁹ The fourth article written by Sam Whiting elaborated on the "Ohio Fever" theme.³⁰

The succeeding articles written by Sam Whiting and Ayer, who were generously supplied with ammunition by King, restated the now familiar arguments that had been employed by separationists from the beginning: Maine had a plenitude of talent to staff a separate government; the expense of running a separate government would be less; separation would allow for a more equitable taxation system [absentee land owners would be taxed at the six percent rate assessed on the settlers, rather than the rate of two percent]; the value of public lands would increase. One of the more effective weapons employed was the quoting of passages from petitions presented to the legislator at previous attempts to obtain independence by individuals who now, as Federalists, opposed separation. Whiting argued that the

²⁹E. A., November 22, 1815.

³⁰E. A., November 29, 1815. King a land speculator in his own right was deeply concerned by the exodus. A number of articles written by him imploring farmers to remain in Maine appeared in the Argus at this time, e.g., "To the Farmers of Maine," December 5, 1815.

same arguments that obtained in 1792 or in 1803, were even more relevant in 1815.³¹

By December 1815, the junta had decided that they would appeal to the winter session of the Genral Court for an authorization to test sentiment in Maine on the question the following Spring. In order to impress on the members of the General Court the popularity of separation among the people of Maine, it was decided that the Argus should print a circular letter and petition to be sent to each town in the District. "This will not only flood the legislature with petitions", wrote Whiting, "but it will wake [the people up]."³² Unfortunately, there developed a difference of opinion between King and other members of the junta over the wording of the petition. King desired to see an aggressive stand adopted while others pushed for a more diplomatic approach in order not to offend the more sensitive members of the General Court.³³ As a result of this difference of opinion, the circulation of the petitions was delayed. Mark L. Hill, from Phippsburg, whom King had selected to lead the separation forces in the General Court [King was not a member at that time], reported that the delay in the circulation of petitions produced

³¹For example see E. A., November 15, 1815; January 3, 1816.

³²Samuel Whiting to W. K. December 16, 1815, op. cit., Box 6.

³³Ibid., December 27, 1815, Box 8.

a corresponding delay in their being³⁴ sent to the legislature to the detriment of the cause. In spite of this,

the General Court, controlled by the Federalists, finally³⁵ consented to the holding of a vote on May 20, 1816.

Should there be a bare majority in favor of separation, the legislature retained the right to deny separation. A large³⁶ majority in favor, it was admitted, could not be denied.

The fact that a Federalist dominated legislature authorized such an election was a normal political reaction to the changing political realities of the day. The Federalists of the Massachusetts business community after the conclusion of the War of 1812 were determined to reconcile themselves to the Democratic Republican dominance on the national level by playing down intense party feeling. The election of Monroe in 1816 made this approach all the more appealing for as William Tudor, editor of the Federalist North American Review confided to the President: "I think on the principles now acted upon at Washington that [Federalists]³⁷ have no dispute to maintain". The President, anxious to unify the country, agreed with Tudor that there

³⁴Mark L. Hill to W. K., January 17, 1816, Ibid., LBC Box.

³⁵E. A., February 13, 1816.

³⁶Boston Commercial Gazette, February 12, 1816.

³⁷George Dangerfield, The Era of Good Feelings. (New York: Harcourt, Brace & Co., 1952), p. 88.

was every reason to cultivate "an era of good feeling". Monroe would even tour New England in 1817 as a means of encouraging this rapprochement with the Federalists.

The Federalist strategy placed the Republicans of Massachusetts in an awkward position. Attacks on Federalism now became, by implication, attacks on their own party leadership in Washington. The strategy was now clear: Republicans would cooperate with Federalists to achieve some³⁸ if not all of their objectives, and this they did even before Monroe assumed the Presidency. With Massachusetts Democracy "bought off", only the threat of the Maine Democracy remained and this threat could be easily handled by allowing them to separate from the main body. It is true that not all the Federalists of Old Massachusetts looked at the question in this way. There were those like Josiah Quincy who argued that a separation, while virtually guaranteeing "a smug little Federal State for the rest of our lives," would also reduce Massachusetts to a second rate state. New York, he argued, would then emerge as the leading Northern state and as the center of Northern opposition³⁹ to Southern Democracy.

In Maine, where a number of the leaders of the Demo-

³⁸John Chandler to W. K., March 26, 1816, WK MSS (Me. H. S.), Box 7.

³⁹Edmund Quincy, Life of Josiah Quincy (Boston: Ticknor & Fields, 1868), p. 374.

cratic Republican party, including King, Chandler, and Parris, were supporters of William H. Crawford of Georgia whom they considered the only legitimate heir to Jeffersonian principles.⁴⁰ the response to the amalgamationist tendencies of the Republicans of Massachusetts was one of alarm, for without the active support of the Massachusetts Republicans, Maine Republicans could see no chance of recapturing the state government. The only escape from a perpetual condition of servitude was a separation.

Some Maine Republican leaders thought their brethren in Massachusetts were incredibly naive not to see that the Federalists were employing the consensus device in order to achieve their own advantage. These Republicans predicted that when Federalists found it to their advantage to sacrifice Republican interests they would do so without apology. Then Massachusetts Republicans, especially those in Essex and Suffolk counties, would realize the danger inherent in consensus politics. John Chandler, an old party war horse whose memories of the bitter campaigns he waged against Federalism in Kennebec County precluded his becoming duped by Federalist overtures to forgive and forget, wrote William King after it had become clear that the Boston Republicans, especially, found themselves completely subservient

⁴⁰A. K. Parris to W. K., December 8, 1815, WK MSS (Me. H.S.), LBG Box.

to Federalist dominance, that he regretted⁴¹

the present situation of the Republicans of Massachusetts but they may thank themselves for it. Had they acted like men, had they taken a bold and determined stand against their opponents, instead of a mean, grovling, temporising system, all would have been well; they had the whole of the United States to back them and support them, but the Boston Republicans, poor souls, always temporising, were willing to believe, that when the Federalists talked of uniting, that they were in earnest and that they were willing to unite on principles of reciprocity; no such thing ever entered the hearts of their leaders, their ideas of union were neither more or less, that we must unite in their principles and hostility to the General government, thus far will their leaders unite and no further. They find it necessary to sooth and quiet the public mind, that they may the better come out in a new shape and perhaps by a new name. They will know that the public mind has been worked up to the highest pitch, and that their continuing their open opposition would strengthen our ranks under the existing circumstances of our public affairs. They know that by ceasing their open opposition they disarm us, and that tranquillity for any length of time would render it difficult, and require time to organize public opinion against them while they were acting under a different name from their former one, and their opposition in a different shape. All this we shall find true, and it will require much exertion and union amongst the Republicans to array public opinion against them as well as it might have done, if we had not been duped into an opinion that they had given up entirely their opposition to our Republican institutions and government. In fact, I doubt if we shall ever do anything as it ought to be done, while we are connected with Massachusetts proper. It is not only the Republicans of Boston who act like the devil, but those out of Boston are not made up of the same materials as the Republicans of Maine are. My own opinion is that our whole strength should be exerted to sever ourselves from [Massachusetts] as soon as possible, until that takes place the people of Maine will do little for themselves or have little done for them.

⁴¹John Chandler to W. K., March 26, 1816, op. cit., Box 7.

Mark Hill reported to King that the Republicans of Massachusetts were of no assistance in aiding the cause of separation, "In the town of Boston the Republicans are worse than dead"⁴². And if William Tudor was any authority even the Federalists considered them "utterly contemptible ...cringing and subservient... in reality ready to betray those who have fostered them."⁴³

The Democratic-Republicans of Massachusetts were, of course, in an impossible situation. To support a separation was to bring it about and this could only result in relegating them to a position of a permanent minority. To support amalgamation, however, was to surrender to Federalist domination and there was no certainty that this course might not result in political disaster also. It is true that there were some Republicans in Massachusetts who rejected amalgamation in favor of fighting the Federalists to the very end if necessary but even these persons offered little encouragement to the separationists of Maine. The truth was that these few Massachusetts Republicans needed the Republicans of Maine more than the Maine Republicans needed them as the following account written by a Massachu-

⁴²Mark L. Hill to W. K., January 17, 1816, Ibid., LBC Box.

⁴³Dangerfield, op. cit., p. 98. In spite of his contempt for the course adopted by the Republicans of Massachusetts, King consented to run for the lieutenant governorship in 1816. While he may have hoped for a miracle it is more likely that he was seeking exposure. If separation were effected, he hoped to become the state's first governor

setts Republican of the non-amalgamationist stripe reveals. The gentleman had just returned to Boston after a trip⁴⁴ through Maine in January 1816:

"From a regard to the political welfare of our state, and the prospect of our being able at future elections, to regenerate that deadly policy, which of late has swayed its councils [Hartford Convention], I endeavored to persuade my Republican brethren to delay the contemplated measure for the present, but they will not hear of it. Indeed it was no party thing with them. Federalists and Republicans are all united in bringing it about....I could wish... that they might be induced to hang on a little longer, and help us get rid of our present misrulers. We might then expect a change in that policy, more especially as it regards [Maine] which has now become so odious to them [Federalists], and is so loudly complained of.

Men like Ayer and Whiting of the Argus were able to endure what they considered a sellout of their interests by their party colleagues in Massachusetts up to a point. Finally, two weeks before the election was to be held on May 20, they unleashed a pitiless attack against the Republican papers of Boston, the Yankee, Independent Chronicle and the Patriot, for their opposition to the cause. "In fact", said the Argus, "the Centinel [Federalist Columbian Centinel] has been the only paper in Boston that has treated the subject with any degree of candor or fairness".⁴⁵

The Yankee admitted that the angry outburst of the Ar-

⁴⁴[Boston] Independent Chronicle, January 18, 1816.

⁴⁵E. A., May 7, 1816.

gus editors was justified for Maine had always been treated "illiberally" by the rulers of Massachusetts. The editor of the Yankee observed that circumstances were such, however, that the Republicans of Massachusetts were forced to put their interests first. "Our first question of course would be, how will the interests of this part be affected by the proposed measure? And we must say that we can read in it⁴⁶ nothing favorable to the interests of Massachusetts proper". A separation would mean as Quincy had said, that Massachusetts would "sink, never to rise again". Portland would soon challenge Boston as the financial capitol of New England and the taxes in Massachusetts would rise \$70,000 a year. It was sad indeed, continued the Yankee, to contemplate losing Maine with its great agricultural potential, "the richest part of New England... [and]⁴⁷ lost by our own fault and folly."

The Independent Chronicle was deeply offended by the attack of the junto in Portland. Its refusal to advocate separation, the editor said, should not have obscured the fact it did not oppose it either. The reason for its "neglect was simple... we supposed our feeble aid was not called for... [and besides] we are too crowded with matters

⁴⁶[Boston] Yankee, August 16, 1816.

⁴⁷Ibid.

of a general nature to volunteer in a more local discussion⁴⁸ then is called for by our friends at large."

The only result of the exchange was to bring the split of the Maine and Massachusetts Republicans into the open for all to see, which, perhaps, was where it belonged.

The Federalists of Maine could not help but be confused by the alignment of forces in the contest. A majority of them, despite reports that separation was a non-partisan cause, opposed the independence of Maine for the same reason as the Massachusetts' Republicans -- fear of becoming a permanent minority. They could expect no help from most of their political friends in Massachusetts. Their only hope was to encourage defections from the ranks of the Republicans in Maine, while at the same time they were discouraging defections from their own party. This latter problem was a real one for there existed in Maine a number of influential Federalists like Nathan Kinsman of Portland who were not so anchored to the District that they could not leave if developments resulting from a separation warranted. Kinsman explained his attitude in regard to the proposed separation to his Federalist friend Leverett Saltonstall of Salem, a supporter of separation in⁴⁹ the General Court:

⁴⁸Independent Chronicle, May 7, 1816.

⁴⁹Nathan Kinsman to Leverett Saltonstall, May 27, 1816, Leverett Saltonstall MSS (Me. H. S.), VI, No. 61.

As to separation..., I can only promise myself an experiment, which I should perhaps be unwilling to try if I were obliged to remain here in case it proved unfortunate---

I can not call myself an advocate of separation, but confess myself willing to see the experiment. I am not to continue many years longer in a province... so far remote from the capitol or will exclude me from all the influences of the various advantages attending the seat of the government when placed in a large commercial town-- in case of separation, should our capitol go farther East, or in case Portland should be agreed upon, and should not give a spring to business to equal my expectations, Maine would no longer continue to be my place of residence.

Kinsman added that those who fear the rule of King and Holmes should take comfort in the knowledge that "in two or three years after [Maine] became an independent State [she] would be at least as Federalist as old Massachusetts".⁵⁰

The Portland Gazette, lineal descendent of the Falmouth Gazette in whose columns pro-separationist arguments had once abounded, led the campaign against separation. At first, the movement was not taken seriously by the Gazette attributing the agitation to "40 or 50 dear lovers of the people, who hover around the Union Societies like eagles over a dead carcass".⁵¹ But once it became evident that

⁵⁰Ibid.

⁵¹P. G., January 23, 1816; On January 1, 1816 the Gazette sarcastically dealt with the separation cause in an extract from a "Carrier's Address".

"There is, it seems, in operation
A scheme that causes agitation.
Its object is to separate
This district from its parent State!

the movement had gained considerable momentum, the Federalist organ came alive. A series of articles prepared by "Aristides" was the paper's answer to those prepared by Parris, Whiting, and Ayer for the Argus. The time worn arguments that separation would prove expensive, that the state had not enough men of talent, that Maine would lose her interests in the public land and that the evils complained of by separationists were rectifiable by legislation were advanced. By far the most effective argument raised by the Gazette and repeated by her sister newspaper the Hallowell Gazette was the old bete noire of the separationists, the coasting law objection. Shippers were reminded of the fact that they would have to enter and clear at ports all along the Atlantic coast if independence were achieved, a prospect which the Gazette hoped would cause many seaport towns to remain in the ranks of the unionists.

The junta recognized the potential effectiveness of this objection and did all in their power to counteract it. Finally, the editor of the Argus took the position that the

And thus to add, by calculation.
 A star to our bright constellation.
 Now should an eastern star thus honor
 Our valiant country's starry banner,
 Then will such furious joy abound
 As will unnumbered worlds confound."

coasting law objection was really a specious one employed by scheming individuals as a weapon of convenience by which they could defeat a separation, and without regard to economic facts of life:⁵²

It is well known to every man possessing common sense, that we never have carried on the coasting trade without entering and clearing every trip; except to ports in our own state, or to New Hampshire or Rhode Island.

It is a fact well known, that about two thirds of the coasters that go from Maine to Boston, are obliged to enter and clear either in going up or down, owing to the amount of foreign articles they have on board, [the coasting law did not apply to carriers of foreign manufactures].

It is also a fact, that in consequence of the scandalous and unprincipled surveys of lumber in Boston this trade with them is fast decreasing -- it is now carried on with New York and the Southward, where our merchants receive a better price and an honest survey of their cargoes. This trade, which we have for so many years carried on with Massachusetts, has been but very little benefit to our District or with the individuals concerned in it -- it has only served to enrich a few rapacious Jews and speculators of Boston.

For those who remained unconvinced, there was no reason, continued the Argus, to suppose that Congress would not grant Maine shippers relief as had been done for Rhode Island in 1795 in order that her trade with Long Island would not suffer from inconvenience.⁵³

In spite of the opposition, the leaders of the separation movement were sanguine about the prospects of success.

⁵²E. A., February 13, 1816.

⁵³Ibid.

As the May 20 date approached, the leaders became even more encouraged by the announcement that Nathan Kinsman, Ezekiel Whitman, and three other Federalist lawyers of Portland were supporting separation.⁵⁴ From Saco, William Moody confessed to William King that his "attachment to olde Massachusetts has lessened a considerable extent since last winter", and he believed that others in York, a traditional anti-separationist stronghold, felt the same way.⁵⁵ Another encouraging development took place in Portland on May 6 when voters elected six pro-separationist Republicans to the House of Representatives. "This is the first real triumph we have ever had in Portland", wrote Whiting elatedly.⁵⁶

Even with these favorable portents, King and the junto were determined not to slacken in their efforts. At King's urging, separationists from Wiscasset, Bath, and vicinity drew up a "circular letter" that was sent to selected individuals in the counties of Somerset, Kennebec, and Lincoln inviting them to attend an open convention to be held at the Augusta Court House April 24. The objective of the meeting was, as the signers frankly admitted, to confront

⁵⁴Samuel Whiting to W. E., April 13, 1816 WK MSS (Me. H. S.), Box 7.

⁵⁵William Moody to W. K., May 1, 1816, Ibid.

⁵⁶Samuel Whiting to W. K., May 7, 1816, Ibid.

opponents of separation with the facts hoping thereby to
⁵⁷convert them to the cause.

On the 24th at 10 a.m., representatives from half the towns in Lincoln, from two thirds of the towns in Kennebec and nearly half of the towns in Somerset, met in Augusta. It was estimated that four or five hundred jammed into the court house with as many left outside. The meeting was moved first to the "town house" and then to the meeting house of the Congregational Church before all the representatives, including a few who were convinced anti-separ-
⁵⁸ationists, could be accommodated.

The venerable Dan Cony, Augusta's leading citizen, presided and Mark L. Hill was elected secretary. The convention then proceeded to select a committee of twenty-six from the three counties, who were instructed to draw up a report that could be submitted to the convention as a
⁵⁹whole for debate and action. The committee, over the objections of its dissenting members, produced a report recommending, without qualification, the independence of Maine for the often mentioned reasons. Significantly, however, a number of pledges were also adopted, no doubt to

⁵⁷E. A., April 16, 1816. The signatories were Samuel Davis, Mark L. Hill, Abiel Wood, Samuel Cony, Erastus Foote, Nathaniel Coffin. The last two named were members of King's family by marriage. Hill, Wood, and Foote were close friends of King.

⁵⁸E. A., April 30, 1816.

⁵⁹Ibid., The names of the members of the committee of

appease the more vehement objectors and to re-assure those who believed that separation would result in what they called "democratic excesses".

Among the pledges given by the majority were: (1) that the constitution of Maine would secure the rights of persons and property (2) that in the selection of the judiciary only "learning, virtue, and talents" would be considered, [the presumption was, with the Federalists, that since they possessed these qualities they would not suffer from loss of office]. (3) that the "rights and immunities of our colleges, academies, manufacturing, and monied institutions" would be guaranteed and religion would be fostered.

That these pledges were considered as "sops" by King and his cohorts, there can be little doubt. In 1820 and 1821, despite similar pledges made in 1819, King, as Governor of Maine, was not deterred from instituting measures to the contrary, particularly in regard to education. Moreover, by paying lip service to the demands of some of the opponents, the separationist succeeded in obtaining

twenty six were: Lincoln County; Thruston Whiting, William King, Samuel Davis, Samuel Cony, Joshua Wingate, Jr., Erastus Foote, Nathaniel Coffin, David Otis, John Neal, E. Ford; Kennebec; John Davis, Nathan Weston, Jr., Henry Fuller, John Chandler, Elias Bond, E. T. Warren, Lemuel Paine, Benjamin Dearborn, Thomas Eldred, Joshua Gage; Somerset; William Kendall, Nahum Baldwin, Andrew Groswell, Philip Leavitt, Benjamin Adams and Joseph Haskell. See also, Bangor Weekly Register, May 18, 1816.

the signatures of these people on the report adopted by the convention as a whole, which was what they wanted after all. Needless to say, no expense was spared in circulating copies of the report to all quarters.

Not to be out done, the opponents of separation, led by Moses Carlton Jr., of Wiscasset, a former business associate of King, held a meeting in Nobleboro on May 7. Proponents as well as opponents had been invited and to the dismay of the latter, the proponents came in such force that they put through a report reaffirming in detail the action taken at Augusta.⁶⁰ Stunned by the quick turn of events, Carlton hastily called another meeting for the 8th of May at which his own report, prepared for the previous meeting, was adopted. Carlton's report contained the now familiar objections including the "coasting law" one.⁶¹

The men in the Argus office, Preble, Whiting, and Ayer, concluded their eight month campaign by preparing a pamphlet containing the reasons why one should vote for a separation. The pamphlet was distributed to most towns in Maine by circuit riders hired expressly for that purpose. With this last effort, Samuel Whiting leaned back

⁶⁰E. A., May 15, 1816.

⁶¹P. G., May 14, 1816.

in his chair to await the results, fearful that, despite their efforts, the "junto" had placed too great a reliance "on the goodness of our cause" and too little on efforts⁶² to get the people to the polls.

The returns of the May 20, 1816 vote confirmed Whiting's fear. Only 17,000 of nearly 38,000 eligible voters in the District bothered to vote. From a population that, by 1816, approximated 270,000, this figure represented only about six percent of the people of the District. Consequently, even though separation votes out-numbered anti-separation ballots by nearly 4,000, it was clear that only the most determined separations could claim a clear-cut victory for their cause.

FIGURE III

VOTES IN MAINE FOR GOVERNOR, 1816^a

County	Dexter and King (Dem)	Brooks and Phillips (Fed)
York	3273	1883
Cumberland	2720	2565
Lincoln	2786	2194
Hancock	1798	1088
Kennebec,	3020	1751
Oxford	1946	1020
Somerset	1010	754
Washington	223	287
	16,776	11,542

a. Source: Returns for Governor and Lieutenant Governor 1816. Massachusetts Archives.

⁶²Samuel Whiting to W. K., May 7, 1816. WK MSS (Me. H. S.), Box 7.

FIGURE IV

a

VOTES BY COUNTY ON SEPARATION - MAY 20, 1816

County	Yeas	Nays	Legal Voters
York	1363	899	6917
Cumberland	2065	1487	7509
Lincoln	1428	1772	6952
Penobscot-Hancock	906	684	3994
Kennebec	2316	667	6934
Oxford	1446	566	3524
Somerset	758	288	2228
Washington	109	138	670
Totals	10,393	6501	37,828

a. Source: P.G., September 10, 1816; E.A., September 11, 1816.

FIGURE V

SEACOAST TOWNS IN SOUTHERN LINCOLN COUNTY:
VOTES FOR GOVERNOR, APRIL 1816, COMPARED WITH
VOTES FOR AND AGAINST SEPARATION MAY 20, 1816.^a

Towns	Votes-Separation		Votes-Governor	
	Yeas	Nays	Dexter-King (Dem)	Brooks-Phillips (Fed)
Wiscasset	78	95	143	105
Alna	24	48	57	56
Newcastle	21	52	61	41
Edgecomb	16	28	81	33
Boothbay	10	52	80	66
Georgetown	17	35	112	22
Bristol	73	98	132	103
Totals	239	408	666	426

a. Source: P.G., September 10, 1816; E.A., September 11, 1816.

FIGURE VI

TOWNS LOCATED IN THE INTERIOR ON LANDS CARVED FROM
THE KENNEBEC PURCHASE: VOTES FOR GOVERNOR APRIL
1816 COMPARED WITH VOTES FOR AND AGAINST SEPARATION,
May 20, 1816.^a

Towns	Votes-Separation		Votes-Governor	
	Yeas	Nays	Dexter-King (Dem)	Brooks-Phillips (Fed)
Sidney	57	57	75	94
Vassalboro	84	52	88	104
Augusta	248	24	115	168
Harlem (China)	47	23	79	51

FIGURE VI (CONT'D)

Fairfax (Albion)	60	12	79	64
Winslow	59	1	66	24
Unity	85	2	82	6
Freedom	77	0	77	12
Palermo	70	8	87	22
Totals	786	179	748	545

a. Source: P.G., September 10, 1816; E.A., September 11, 1816.

FIGURE VII

TRADITIONAL FEDERALIST TOWNS: VOTES FOR GOVERNOR, APRIL 1816, AND VOTES FOR AND AGAINST SEPARATION, May 20, 1816^a

Towns	Votes-Separation		Votes-Governor	
	Yeas	Nays	Dexter-King (Dem)	Brooks-Phillips (Fed)
Wells	27	151	136	415
Lyman	4	107	49	138
Waldoboro	8	262	59	248
Blue Hill	0	59	19	70
Castine	3	49	21	78
Totals	42	628	284	949

a. Source: P.G., September 10, 1816; E.A., September 11, 1816.

FIGURE VIII

TRADITIONALLY REPUBLICAN TOWNS: VOTES FOR GOVERNOR APRIL 1816 AND VOTES FOR AND AGAINST SEPARATION MAY 20, 1816.^a

Towns	Votes-Separation		Votes-Governor	
	Yeas	Nays	Dexter-King (Dem)	Brooks-Phillips (Fed)
Clinton	50	0	134	9
Dearborn	18	0	55	0
Unity	85	1	82	6
Mt. Vernon	127	0	150	19
Malta	50	0	73	16
Totals	330	1	494	50

a. Source: P.G., September 10, 1816; E.A., September 11, 1816.

An analysis of the vote reveals a number of significant patterns:

(1) For the first time in the history of separation elections, the vote was divided roughly along party lines. Samuel Dexter and William King had captured 60% of the vote in the District in the April 1816 gubernatorial election [Figure III]. A month later, 61.5% of the votes cast were cast for a separation [Figure IV]. This does not mean that in selected towns there was a one to one correlation between Republican votes and pro-separation votes. Rather, it means that taken as a whole such a correlation existed.

(2) The greatest opposition was recorded in the seacoast communities. A cluster of seven towns in southern Lincoln County [Figure V] had voted Republican in April 666 to 426, but on May 20, separation was defeated by a vote of 420 to 241. Obviously, even in Republican seaport towns, the fear of the effects of the "coasting law" on commerce hurt the separation cause.

(3) Conversely, the greatest support for separation came from inland towns especially in Oxford, Lincoln, Cumberland and Kennebec counties. A cluster of nine towns carved out of the Kennebec Purchase where squatter troubles had been centered [Figure VI] gave Dexter and King 748 votes to 545 for Brooks and Phillips, the Federalist candidates. But in the same towns, a vote of 786 to 179 was recorded in favor of separation. In these seven towns as in many other Republican communities, Federalist defections to the cause of separation offset the Republican defections to the opponents of separation in the seaport towns.

(4) In most traditionally Federalist towns separation was overwhelmingly defeated. In five selected towns [Figure VII] that had given Brooks and Phillips 949 to only 284 for Dexter and King [78% of the vote], anti-separationists voted 628 to 42 against independence [94%]. Conversely, in most traditionally Republican towns separation sentiment was nearly unanimous. In five such towns [Figure VIII], all located inland, Dexter and King won by a 494 to 50 margin [90%]. In the same towns 330 votes were given for separation while only 1 [one] was given against [99.7%].

(5) By counties [Figure IV], as expected, the inland counties of Oxford, Kennebec, and Somerset went heavily for separation 4520 to 1521 [75%]. The coastal counties which contained both inland and seaport towns saw closer contests but only Lincoln County of the more populated counties, voted against separation. York county, traditionally an anti-separationist stronghold swung into the separationist ranks to stay.

(6) In summary, the vote of May 20, 1816 divided roughly along party lines. In many inland towns, separation was supported solidly by Republicans with a few Federalist defections. In seaport towns anti-separation was supported solidly by Federalists and a few Republican defectors. Next to political considerations, geography was the most important factor. Maine was clearly divided between the Republican hinterland and the Federalist coastal area.

The fact remains, however, that the separationists had

won the election. The question remaining to be answered was whether the General Court would accept the results as a fair representation of the wishes of the people of Maine?

Federalists controlled both houses of the General Court that convened on May 29, 1816. Governor John Brooks, also a Federalist, in his address to the legislators conspicuously omitted any mention of separation.⁶³ The "junta" of King, Parris, Preble, and Holmes was in Boston throughout the month-long session to plead its case. Only Holmes, however, was, at the time, a member of the General Court. It is possible, indeed, that the others were in the capitol to act as watchdogs over Holmes. The "Duke", as the gentleman from Alfred was unaffectionately called, had concluded at least for a while, after the May 20 vote, that he had more to gain personally from a continuation of the union with Massachusetts than by a separation.⁶⁴ Left to himself, it was possible that he might have attempted to sabotage what little chance separation had with the General Court. Only after Holmes consented to draw up a memorial in favor of separation which was signed by 112 of the approximately 150 members of the General Court from Maine were the minds of the remaining members of the "jun-

⁶³E. A., June 12, 1816.

⁶⁴Samuel Whiting to W. K., May 29, 1816. WK MSS (Me. H. S.), Box 7. Possibly the fact that Holmes' town of Alfred voted against separation 40 to 10 may explain his attitude.

to" eased.⁶⁵

According to Samuel Whiting, the opponents of separation, who constituted a minority of Maine's representatives to the legislature, would take the position before the legislature that the people who remained at home on May 20 were under the impression that their absence was to be interpreted as opposition to independence.⁶⁶ If the General Court swallowed this entirely unprovable assertion then separation was clearly dead.

On June 6, the results of the May 20 vote were brought before the House. A committee was appointed, made up of representatives from Massachusetts, chosen by "the votes of Maine separationists"⁶⁷ which was merged with a Senate committee headed by Harrison Gray Otis, to form a joint committee of both houses. The joint committee was to study the returns and to report to the General Court its conclusions as to the action the legislature should now take on the question of separation.

The joint committee, dominated by Otis, reported to the Senate on June 13 a bill giving the consent of Massa-

⁶⁵E. A., June 26, 1816.

⁶⁶Samuel Whiting to W. K., op. cit.

⁶⁷Edward Stanwood, "The Separation of Maine from Massachusetts," Massachusetts Historical Society Proceedings 1907-1908. I (1907), p. 147.

chusetts to a separation, providing for the election of delegates to a constitutional convention, and presenting the terms of separation. Otis subjoined to the bill a report written by him and described by John Holmes as "one of the ablest state papers he ever heard."⁶⁸ Otis declared in his report that it was true that the size of the May 20 vote indicated indifference to a separation by many Maine people but to refuse separation for that reason would create a regrettable sense of bitterness among the proponents. Conversely, to grant independence would produce a similarly regrettable reaction among the opponents. The only alternative, continued Otis, was to authorize as the bill did, a convention to be held in Brunswick on August 26, 1816. If the delegates to the convention chosen by elections, voted for a separation, then that fact would be taken as proof that Maine desired independence. The delegates would then proceed to draw up a constitution and then petition Congress for admittance into the union.⁶⁹ The following terms were included in Otis's bill:⁷⁰

- (1) All lands and buildings located within Massachusetts proper were to be retained by Massachusetts.
- (2) All public lands located in the District were to

⁶⁸Ibid.

⁶⁹Ibid., p. 148; E. A., July 3, 1816.

⁷⁰E. A., June 26, 1816.

be divided equally, with Massachusetts' share being exempt from taxation as long as she retained them.

(3) If the national government reimbursed to Massachusetts the nearly \$900,000.00 plus interests for the costs of defense assumed by the state during the war, and if after the debts were paid, money was left, Maine would be presented with one-fourth of the residue. If the sum reimbursed should fail to cover the debts incurred by the war, Maine would be obligated to assume one-fourth of the debt remaining.

(4) All grants of land, franchises, corporate immunities and otherwise, and all contracts made by Massachusetts before the separation would continue to be honored after the separation.

(5) No taxes, actions, limitations or remedies would be passed by the new state that discriminated between resident and non-resident proprietors of land.

(6) The terms would be considered ipso facto incorporated in the constitution of the new state and could not be annulled or modified except by the consent of the legislatures of both states.

The willingness of Otis and other Federalists who were members of the committee to treat the cause of separation liberally when at almost any time previously such a small turnout at the polls as occurred on May 20 would have been deemed sufficient cause to have scuttled the project, can be taken as demonstrating the desire of the Fed-

eralists in Massachusetts, generally, to rid themselves of the Republican albatross around their necks.

The support of Otis was also crucial. As president of the Senate, he was spokesman and whip of his party. A year earlier he had indicated his willingness to support separation to William King. Otis and King, it will be recalled, cooperated with one another as leaders of their respective parties in 1807 to save the heirs of the Bingham interests in Maine a \$50,000 to \$60,000 penalty payment to the state for failure to place on their lands a sufficient number of settlers. King and Otis, with the participation of several friends of each, had agreed to assume the settling duties of the Bingham heirs to be met within a six year period in exchange for three townships in the lower range of the Kennebec million acres.⁷¹ To the state, both King and Otis had given a \$75,000 bond guaranteeing the duties. King and Otis were no more successful in obtaining settlers on the land than Bingham had been. In 1813, the General Court gave them both until 1817 to fulfill their pledges or pay \$30 a head for every person short of 2500 required settlers.⁷² As the year 1817, approached, Otis became concerned. The extension had helped but little

⁷¹Frederick Allis, Jr., ed., William Bingham's Maine Lands, 1790-1820, Collections of the Colonial Society of Massachusetts, II (1954), pp. 1220-1221.

⁷²From a manuscript in the W. K. MSS (Me. H. S.), Box 9, dated February 20, 1820.

in meeting the settling duties and both he and King would have to pay over \$30,000 if something were not done to encourage settlement. "...thirty dollars a head is a dear [price] for a white man in our case", he wrote King in June of 1815.⁷³ The salvation of both men, he concluded, was to erect Maine as a separate state; then, hopefully, thousands of settlers would flock to take up land.⁷⁴ Admittedly, this was a gamble on Otis's part but it was worth a try even if it meant another close association with King, a man whom Otis personally abhorred because of what he called King's lack of "political conscience".⁷⁵

The bill introduced by Otis's committee was considered by both the Senate and the House on June 14. In the House a number of motions designed to defeat the bill were themselves defeated.⁷⁶ One amendment of crucial importance was, however, accepted. To placate those members who were in reality opposed to separation but who contended that the people of the District should be given an opportunity to be heard again on the question, it was agreed that the delegates elected to the constitutional convention should

⁷³Harrison Gray Otis to W. K., June 24, 1815, Ibid., Box 6.

⁷⁴Ibid.

⁷⁵Harrison Gray Otis to Mrs. Otis, February 11, 1816, Harrison Gray Otis MSS. Massachusetts Historical Society.

⁷⁶P. G., June 25, 1816.

not alone have the power to declare a separation to exist. As an added check the people were to be allowed to vote on September 2, 1816 for not only delegates but also on the direct question of whether or not they desired a separation. This amendment, therefore, took from the delegates the discretionary power given them in the bill as first reported.⁷⁷

A further refinement was also added to the bill that was to prove extremely significant later on. Some believed that only a majority of votes cast should be required for a separation, others demanded as much as a two-thirds majority. A compromise, offered by John Holmes, requiring a majority of "five to four at least" was adopted.⁷⁸ Only if that figure were achieved would the delegates to the convention, now scheduled for Brunswick on the last Monday of September, be authorized to draw up a constitution.

The bill as amended was passed by the Senate and House and approved by Governor Brooks.⁷⁹ In the Senate,

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹The Text of the "Act of Separation" adopted by the General Court in June 1816 can be found in Appendix VIII.

the vote was 35 to 1. Only Josiah Quincy, the future President of Harvard, voted against the measure. John Quincy Adams, years later referring to this occasion, remarked to Quincy, "And that was not the only time, Mr. Quincy, that you played the part of Abdiel". Indeed, it⁸⁰ was not.

⁸⁰Edward Quincy, op. cit., p. 375. Abdiel was the "servant of God," son of Guni. The name appears in I Chronicles, 15:5.

CHAPTER VI

THE SEPTEMBER ELECTION AND THE BRUNSWICK CONVENTION
OF 1816.

Never in the long history of the separation movement was interest among the citizenry of the District higher than in the summer months of 1816. Separationists appreciated the importance of the eight week interlude between the end of June and the September 2 election. There was, they realized, a limit to the number of opportunities they could reasonably expect, even from a sympathetic General Court, to effect their objective. A defeat in September would probably deliver the coup de grace to their cause. Similarly, the opponents of separation realized that failure to stop the separationists now would mean the end. There would be no appealing over the heads of the Maine citizens to a sympathetic Legislature. This was their last chance as well.

Cognizant of their "do or die" situation, opponents initiated a concerted effort to win the confidence of the people. Led by Moses Carlton Jr. and General David Payson of Wiscasset, a shipping town that suffered a severe economic setback during the War of 1812, the opponents, at first, stressed the time worn arguments that independence would result in higher taxes and a sharp decline in the profits of the coasting trade.

It soon became apparent to the opposition, however, that a criticism of the terms of the separation contained

in the Otis Bill and accepted by the General Court had greater vote getting appeal in the District as a whole than did the traditional arguments. At a meeting held on June 22, at Castine, a seaport town that was evacuated by the British a year earlier, Carlton and Payson joined with gentlemen from Hancock, Washington and Penobscot counties to denounce the terms of the separation as "incompatible with the interest and highly derogatory to the honor of Maine".¹ Meetings patterned after the one at Castine were held through out the District during the summer. The most important one, however, was assembled at Brunswick on August 1.

Peleg Tallman, who, with Carlton, was a former business associate of King was elected president of the Brunswick anti-separation meeting. In addition, a number of the leading Maine Federalists were in attendance including: Stephen Longfellow Jr., Benjamin Orr, a Brunswick lawyer who, as Attorney for Bowdoin College, was an avowed antagonist of William King,² William Ladd of Minot, a former sea captain turned gentleman farmer who in 1828 was to found the American Peace Society, and David Payson of Wiscasset who had been associated with William King as a

¹P. G., July 9, 1816; Independent (Boston) Chronicle, July 11, 1816.

²Louis Hatch, The History of Bowdoin College. (Portland: Loring, Short, and Harmon, 1927), p. 42.

regimental leader of King's IIth Division of the Massachusetts militia during the War of 1812.

The convention adopted a report that claimed separation would cost the people an additional \$40,000 annually in taxes and would produce a debt of \$180,000 just to construct the public buildings needed by a new state. These assertions were followed by an item analysis of the terms of the separation³ which were described as "ruinous to the people of Maine." The report pointed out that Maine would receive nothing from the value of public property and buildings located in Massachusetts proper, the cost of which had been borne in part by Maine people; that Maine would receive nothing from the money reimbursed to Massachusetts by the national government for expenses incurred by the state during the War of 1812 because the total amount that was due was encumbered by debts; and that the tax exempt status accorded the lands to be retained by Massachusetts in Maine was not only fiscally unwise but amounted to an abridgement of state sovereignty.

The greatest threat to the hopes of the Argus junto was not the machinations of the opposition, although these could not be taken lightly, but, rather, the overconfident attitude of some of the advocates of separation. The four thousand majority gained in the May election represented to many the irreducible minimum strength of the

³P. G., August 20, 1816.

cause in Maine. William King, ordinarily an extremely shrewd observer, wrote to his brother Rufus in July that⁴ he

"was inclined to think the majority in favor of the separation of Maine, will be much larger when the question is again taken, then it was last time. It is not considered a party question at all, and will, unless I am mistaken, have a tendency to do away with the asperity of party in the District: it is intended in the case of our being separated to organize the government without reference to the party and I feel confident it will be effected"

So sure of victory was King that he invited his brother to send him his thoughts on the kind of constitution that Maine should adopt.

John Holmes, a notoriously poor judge of such matters, reported to William Pitt Preble that separation was gaining many adherents in York County where a large pro-separation vote was needed.⁵

The men in the Argus office were less sanguine. "Depend on it there is more reason to fear a failure than you seem to apprehend," Preble wrote Holmes. "There is an extensive organization of opposition and whatever zeal, desperation, juntoism and falsehood can do will be done".⁶

Samuel Whiting, a keen observer of shifting winds who had access to more intelligence than most in his capacity as

⁴Charles King, op. cit., VI, p. 28.

⁵William Pitt Preble to John Holmes, July 17, 1816, John Holmes MSS (N. Y. P. L.).

⁶Ibid..

one of the editorialists in the Argus office, informed King, "There is much of a current setting against the terms. The people are afraid and nothing will accomplish the object, but a constant, persevering and active exertion".⁷ So suspicious was the Argus junto to the presumed diabolical propensities of the opposition, that when the Portland Gazette offered to open its column to pro-separation scribes if the Argus would reciprocate, the offer was rebuffed on the grounds that the Gazette people⁸ could not be trusted.

Throughout the summer, Whiting and Preble ground out articles in an attempt to combat the criticisms of the terms of the separation emanating from the reports made public by opponents of the several meetings held throughout the District. For Preble, the task appeared at times futile because, as he wrote King, "the truth is they are opposed to separation upon any terms. They would oppose it even if they could themselves make the conditions."⁹

The "junto" made much of the fact that one of the most respected men in Maine, Cyrus King of Saco, the brother of William King, announced his support for separa-

⁷Sam Whiting to W. K., July 9, 1816, WK MSS (Me. H. S.), Box 7.

⁸P. G., July 16, 23, 1816.

⁹William Pitt Preble to W. K., August 17, 1816, WK MSS (Me. H. S.), Box 7.

tion at a York County meeting attended by over 300 people. King, a Federalist representative to Congress who had unseated Richard Cutts in 1812, condemned the arguments advanced by opponents as specious. King confessed that he had been always a separationist at heart who resented the fact that Maine had been originally taken over by Massachusetts by "forcible and violent measures". The speech by King was made all the more poignant by the fact that most people knew that he was dying from an incurable affliction that would take his life the following year while he was in the prime of his career. Consequently, what he said was considered the product of a disinterested man who only desired to leave the world in better condition than he found it. He concluded with this following impassioned appeal:

Much as I venerate the institutions, much as I honor the statesmen of Massachusetts, I must be allowed to cherish a stronger attachment to Maine. I was born here. My family, my children were born and live here. The ashes of my father lie buried here.... It is but few weeks that I followed to her grave a much loved mother. And my feeble health and constitution admonish me that the period cannot be distant when my dust must again mingle with theirs. I have no private plans or views to answer. As I said on a former occasion and in a

¹⁰E. A., August 14, 1816. Cyrus's and William's mother, Mary Black King, an admirable person, died in 1816. Cyrus King MSS can be found at the Essex Institute, Salem, Massachusetts; Columbia University Libraries; and the Maine Historical Society.

different place, I can say with respect to any future government in Maine ...I expect nothing -- I ask nothing -- I want nothing -- God is my witness -- I act from other and I trust higher motives. And may the God I envoke smile upon the doings of this meeting, that they may contribute toward effecting the INDEPENDENCE OF MAINE.

As welcome as Cyrus King's support was, it was no substitute for an offense vigorously pursued to convert large numbers of the people to the separation cause. To counteract the influence of the meetings held by the opponents required similar meetings. As a result, during the month of August pro-separation conclaves were held in such diverse locations as Belfast, Waterville, Whitefield, and
¹¹
 Gray.

It was necessary as well to retain what support separationists had enjoyed, particularly from the squatter elements in the interior sections. This would necessitate reminding the settlers of the evil designs of their ancient adversaries, the proprietors. Many non-resident proprietors, including the Bingham heirs, were apprehensive over the possibility that independence would prove harmful to their interests. They especially feared that profits from speculation would decline because of higher
¹²
 taxes. Whether they actively supported the opposition to separation at the time is, at this date, uncertain.

¹¹E. A., August 7, 28, 1816.

¹²Allis, op. cit., 11, p. 1222.

Whiting and Preble, however, believed they did or wanted settlers to believe so. The Argus readers were reminded of the past "sins" committed by the men of "lordly dictation" who had made squatters pay as many as three times for their lands thereby contributing to their "over-grown fortunes".¹³ It was further charged by the Argus editors that a number of lawyers and sheriffs were the servants of the proprietors and deserved as much condemnation as their proprietor friends. Nevertheless, it was the men who lorded over the tenants who were the object of curses emanating from the Argus office:

Gentlemen, your objects are apparent
Startle not at my rudeness, for though your names are graced with high sounding titles, though you roll through the country, with your gilded chariots and silver lackeys, you are not ... elevated so far above the "ignoble throng" as to escape the weapons of truth.¹⁴

Proprietors refused to be lured into battle by these provocative remarks; it was probably well that they didn't for there was little that they could have said that would have been received with any degree of understanding.

Hardly a voice was heard during the summer from Massachusetts. The Republican [Boston] Yankee persisted in

¹³E. A., July 24, 1816.

¹⁴E. A., August 14, 1816.

lamenting the "narrowness, illiberality, and selfishness" of the authorities of Massachusetts which, the editor claimed, produced the separation fever in Maine. But even the Yankee found consolation in the belief that the Massachusetts Republicans would survive the loss of their Maine friends. It was certain, the newspaper asserted, that the corpse of Federalism would survive only a couple of years longer anyway.¹⁵ The Federalist press maintained an aloofness which betrayed their pleasure in contemplating the day when no longer would civilization be endangered by subversive elements from the District of Maine. For in truth, to paraphrase Adam Smith, the leading Federalists of Massachusetts, as well as of Maine, desired nothing more than the "preservation of their own importance". Verbal exchanges similar to those above continued down to the day upon which all were waiting, September 2, 1816 when Maine people would once again go to the polls to register their feelings on the question of a separation.

"It is greatly to be feared that we shall be under the necessity of continuing our vassalage to old Massachusetts",¹⁶ wrote the editor of the Portland Gazette sardonically as the returns from the September 2 election dribbled into his office. And it was true, for although the

¹⁵(Boston) Yankee. August 23, 1816.

¹⁶P. G., September 10, 1816.

vote was close, 11,927 for to 10,539 against, it was clear that the requisite five-ninths majority was not obtained [Figure IX]. Instead of the 55.5% needed, the separationists received only 53% of the vote as was officially recorded by the newspapers.

FIGURE IX

VOTE BY COUNTIES - SEPARATION ELECTION SEPTEMBER 2, 1816,
COMPARED WITH THE MAY 20, 1816 VOTE TOTALS^a

County	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
York	1784	1712	1363	899
Cumberland	2369	2162	2065	1487
Lincoln	1752	2357	1428	1772
Hancock	407	1257	906	684
Penobscot	504	204		
Washington	55	176	109	138
Kennebec	2646	1175	2316	667
Oxford	1563	828	1446	566
Somerset	847	668	758	288
Totals	11.927	10.539	10.393	6501

a. "Proceedings of the Convention of Delegates, Held in Brunswick Maine, 1816", Massachusetts Legislation Documents, 1813-1816. No. 45. For complete voting returns see, Appendix V.

FIGURE X

SELECTED FEDERALIST-ANTI-SEPARATION TOWNS - VOTES FOR AND AGAINST SEPARATION MAY 20, 1816 AND SEPTEMBER 2, 1816.^a

Towns	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
Wells	47	374	27	151
North Yarmouth	71	394	48	316
Waldoboro	11	306	8	262
Blue Hill	0	77	0	59
Castine	7	65	3	49
Totals	136	1216	86	837

a. Source: Ibid.

FIGURE XI

TOWNS IN YORK AND CUMBERLAND COUNTIES WHERE LARGE ANTI-SEPARATION VOTES WERE CAST, VOTES FOR AND AGAINST SEPARATION, MAY 20, 1816 AND SEPTEMBER 2, 1816.^a

Towns	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
Wells	47	370	27	151
Freeport	74	160	59	107
Arundel	16	106	23	63
Lebanon	29	128	21	41
Minot	80	159	89	108
Brunswick	93	144	61	90
Totals	339	1067	280	560

a. Source: Ibid.

FIGURE XII

HEAVILY SEPARATIONIST TOWNS LOCATED INLAND. VOTE TOTALS FOR MAY 20, 1816, AND SEPTEMBER 2, 1816 ELECTIONS.^a

Towns	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
Clinton	110	4	50	0
Dearborn	32	0	18	0
Unity	86	3	85	1
Mt. Vernon	135	1	127	0
Malta	56	0	50	0
Totals	419	8	330	1

a. Source: Ibid.

FIGURE XIII

HEAVILY SEPARATIONIST TOWNS LOCATED INLAND AND WITHIN THE BOUNDARIES OF THE KENNEBEC PURCHASE TERRITORY - VOTES FOR AND AGAINST A SEPARATION - MAY 20, 1816 AND SEPTEMBER 2, 1816 ELECTIONS.^a

Towns	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
Sidney	65	124	57	57
Vassalboro	76	64	84	52
Augusta	258	39	248	24
China	36	65	46	23
Albion	103	22	60	12
Winslow	57	3	59	1
Unity	86	3	85	2
Freedom	73	4	77	0

FIGURE XIII (cont'd)

Palermo	78	20	70	8
Totals	832	344	786	179

a. Source: Ibid.

FIGURE XIV

TOWNS IN SOUTHERN LINCOLN COUNTY WHICH WERE GENERALLY
REPUBLICAN BUT WHICH OPPOSED SEPARATION. VOTE TOTALS -
MAY 20, 1816 AND SEPTEMBER 2, 1816.^a

Towns	September 2, 1816		May 20, 1816	
	Yeas	Nays	Yeas	Nays
Wiscasset	68	123	78	95
Alna	22	65	24	48
Newcastle	22	67	21	52
Boothbay	12	64	10	52
Georgetown	13	33	17	35
Bristol	76	142	73	98
Edgecomb	24	32	16	28
Totals	237	526	239	408

a. Source: Ibid.

An analysis of the returns of the September 2 election reveals that the separationists lost the election not because of the defections from their own ranks [Figures XII, XIII] but, rather, because of the spectacular increase in the vote of towns that had voted against separation in May. This was especially true in the counties of York and Cumberland where the pro-separation margin was cut from nearly a thousand in May to less than three hundred in September. Nearly five hundred votes of the May victory margin were erased in six towns located in the two counties alone [Figure XI].

In Hancock and Penobscot counties anti-separationists doubled their May total while the separationists gained

only five votes [Figure IX]. As in the counties of Cumberland and York, the increase was due to the heavy turnout in anti-separation towns. For example, the towns of Deer Isle and Ellsworth, which had voted against independence in May 154 to 0, recorded a September vote of 260 to 4, a net gain for the foes of separation of 102 votes.

Once again seaport towns contained the bulk of the opposition. Those that were nearly unanimously Federalist in politics produced one sided votes against separation [Figure X]. Even seaport towns which were generally Republican in politics continued to oppose separation, a fact that suggests that the coasting law objection was still an important factor in those towns. In seven southern Lincoln County towns [Figure XIV] which were generally Republican in politics and were seaport communities (except Alna, and even Alna depended upon commerce for its prosperity), separationists lost two votes while opponents gained over one hundred more votes than were cast for them in May.

In contrast to anti-separation towns where the votes increased sharply between May and September, the vote in Republican strongholds generally remained about the same or rose ever so slightly [Figure XII]. Separationist strength continued to be greatest in inland communities. However, in a number of inland communities, the anti-separationists managed to cut into the margin of victory rolled up in May. This was especially true in the towns

carved from the "Kennebec Purchase" where proprietor-squatter conflicts were historically most pronounced [Figure XIII]¹⁷].

In summary, the District remained divided along geographic lines in regard to separation, the coastal region being predominately opposed, the inland areas being predominately in favor of separation. Politically, the lines were not so sharply drawn as in geography. Nevertheless, on the whole, with a few exceptions, the majority of the Republicans continued to support separation; the majority of the Federalists continued in opposition. Separationists lost the election of September 2, 1816 because anti-separation Federalists got their followers to the polls.

The increase in the anti-separationist Federalist vote was not matched by a corresponding increase in the vote of the Republican separationist towns. Federalists turned out nearly all of their voters; Republicans, as Samuel Whiting feared, could not claim as much.

Why this sudden reversal of fortune for the cause was not clear. One explanation is that the coastal towns

¹⁷This was, no doubt, partly due to the fact that in the year 1816 the proprietors of the Kennebec Purchase auctioned off all the rest of the patent, except for what each proprietor took for himself. The company, however, dissolved in 1816. See Robert H. Gardiner "History of the Kennebec Purchase" Collection of the Maine Historical Society. 11, 1 st Series (1847), pp. 269-295.

feared the effect of the "coasting law" on their already greatly diminished prosperity. The difficulty with this explanation is that if people in the coastal towns were concerned why had they turned out in so few numbers the previous May? Another explanation that has some validity is that the opposition, for the first time, appears to have made a strenuous effort to defeat the measure. Certainly more anti-separation meetings were held during the summer of 1816 than at any time in the past.

The result of the election stunned the leaders of the separation movement. "I am as much disappointed...--and can hardly keep cool", declared Samuel Whiting, "but we must not desert the ship".¹⁸ Incredulously, Albion K. Parris asked, "what shall we do if the majority should not be quite five-ninths? Will not a handsome majority decide the question as effectually, as if it amounted to that number?"¹⁹ Desperately the "junto" members searched for a way by which victory could be salvaged from what appeared to be certain defeat, and they soon deluded themselves that they had found it.

Believing that the official vote count would reveal that they had fallen short of the five ninths majority required for a separation by a meager 200 votes, instead of

¹⁸Samuel Whiting to W. K., September 7, 1816. WK MSS (Me. H. S.), Box 7.

¹⁹Albion K. Parris to W. K., September 14, 1816. Ibid.

nearly 1000 as opponents claimed, several junto members were convinced that the General Court would take the position that the vote was close enough to justify granting a separation, especially if the delegates elected by the voters to attend the Brunswick Convention took a determined stand in favor of such a liberal view.²⁰ The problem with this approach, as no doubt William King realized, was that it assumed that the people of Maine had elected a substantial majority of pro-separation delegates to attend the Brunswick Convention. If this were, in fact, the case, then there was a modicum of hope that victory might yet be realized. And, of course, there was always the possibility that such a majority could find enough illegal anti-separation ballots so that the five-ninths majority would be obtained. In any case, all hope rested on the complexion of the delegation and it was useless to make any plans until that complexion was determined.

Accordingly, William King furiously set about to make that determination. He decided that the Fall meeting of the District Court for Lincoln County scheduled to convene in Wiscasset on September 12, would provide a splendid opportunity to meet a large number of people. Lawyers and court officials from throughout the District, many of them separationists, would be assembled under one roof.

²⁰ Samuel Whiting to W. K., September 24, 1816, W. K. MSS (Me. H. S.), Box 6.

On the 12th, King, having traveled to Wiscasset, called a secret meeting of gentlemen who were at the Court. Thomas G. Thornton, United States Marshall for Maine was chosen presiding officer. King, undoubtedly, explained the purpose of the meeting to those in attendance. The session resulted in the appointment of one person from each county to serve as an agent "to ascertain the names and so far as possible the views of the delegates in his respective County", the information to be communicated to King and the other agents.²¹ The agents selected reveals to what extent the project was under the complete control of separationists:

YORK.....	William Pitt Preble (Saco)
CUMBERLAND.....	William Widgery (Portland)
OXFORD.....	Albion K. Parris (Paris)
LINCOLN.....	William King (Bath)
KENNEBEC AND SOMERSET.....	John Chandler (Monmouth)
HANCOCK.....	Benjamin Whitten (Belfast)
PENOBSCOT.....	David Farnham (Brewer)

Before adjourning, the group also voted that it was "expedient that those friendly to separation although not members of the Brunswick Convention, should attend at Brunswick."²² A committee was chosen to invite such persons who fitted the description among whose members were Cyrus King of Saco, Thomas G. Thornton of Saco, Juda Dana of Paris and William Williamson of Bangor.²³ Presumably

²¹The minutes of the meeting recorded by Samuel Smith of Massachusetts, later Governor of Maine (1830-1833) are preserved in the WK MSS (Me. H. S.), Box 24.

²²Ibid.

²³Ibid. Williamson later became Governor of Maine and one of Maine's first historians.

those who accepted the invitation would engage in lobbying activity to persuade the unpersuaded of the justice of the cause.

Within two weeks King had received from the agents information that indicated a majority of the delegates elected to go to Brunswick were probably in favor of separation. John Chandler reported that in Kennebec County he believed that only one of the twenty elected delegates to be definitely opposed to separation. He added that he had seen "but few of them but believe that should there not be a 5/9 [majority] they would generally be in favor of pressing the legislature by memorial to give consent to a separation upon the [grounds of] the majority twice obtained....--²⁴ William Pitt Preble wrote King that in York County twenty five delegates were in favor of separation while thirteen "will go to all lengths" to oppose, and three were "weake in the faith".²⁵

In spite of Preble's encouraging report to King, it is clear that he thought little of King's strategy. Either he was convinced that a majority of delegates to the Brunswick Convention, even though they were separationists, would refuse to ignore the fact that the five-ninths requisite majority had not been obtained, or he believed that the General Court would not ignore the fact. For

²⁴John Chandler to W. K., September 22, 1816, Ibid., Box 7.

²⁵William Pitt Preble to W. K., September 21, 1816, Ibid., LBC Box

Preble, the only certain way to victory was to make sure that the five-ninths majority was obtained, even though one had to resort to chicanery to produce such a result. The length to which the former tutor of mathematics at Harvard was prepared to go to obtain his goal is revealed in the following note he penned to King:

Cannot the votes at Bath be helpful at home [forgotten] or lost? Though the majority is in our favor, by losing them we again gain twenty seven.²⁶ Cannot the same be done in Thomas Town and Camden? You must not expect any aid from us this way for all our towns are sharply looked after- And stories about mis-conduct prove to be idle tales. I have made particular inquiries as to Wells [Wells defeated separation 374-4]. There is nothing which we can avail ourselves of. We must therefore depend on your quarter for aid and materials out of which to make a justification. The more I reflect the more I am convinced that if from a too rigid regard to punctilios the question is now lost - we have little to hope for from Massachusetts.²⁷

The Brunswick Convention of 1816

On September 30, 1816, 185 delegates representing 137 towns assembled at the Congregational Meeting House in Brunswick. Weeks of contentious squabbling in the press

²⁶Bath voted 146 to 138 for separation, a majority of only seven. Since this amounted to less than five-ninths, it was, in fact, a defeat for separation. By losing the vote, separationists would gain twenty-seven votes, the margin of victory of the opponents.

²⁷William Pitt Preble to W. K., op. cit. Unfortunately, King's reply, if there was one, is not extant.

and rumors that separationists were prepared to resort to trickery, if necessary, to achieve their objectives, produced an atmosphere that was decidedly unchristian.

The convention was split into two major factions. There was the "junto" group at full strength represented by Parris, Preble, Holmes, King, Chandler, Widgery and Whiting, some of whom were resolved to achieve a separation even if the rules of the game had to be violated. Secondly, there were the opponents who were determined to veto any action designed to frustrate the will of the people, as they called it. Included in the ranks of the opposition were an undisclosed number of "mild" separationists who would have nothing to do with their militant brethren. Politically, as near as it is possible to determine, the opponents were mostly Federalists while the more determined of the proponents were Republicans.

On the morning of the 30th of September, the first day of the convention, confusion reigned. Neither faction seemed to know what move should be made first, mainly because neither side was certain of its relative strength. Finally, the convention recessed in order to allow time for the grouping of forces. Opponents met at Eastman Hall where they chose Colonel Lathrop Lewis of Gorham as their spokesman. Separation advocates chose William Widgery as their acting chairman.²⁸ Presumably each group agreed on

²⁸ William Allen, "Brunswick Convention of 1816," Collections of the Maine Historical Society, Second Series (1891), p. 130. Allen was an opposition delegate to the convention.

a strategy to be followed during the convention. At the adjournment of both caucuses the strength of the two groups was assessed and the separationists were found to have a majority of twelve,²⁹ somewhat fewer than King had counted on.

The delegates returned to the meeting house where Widgery was declared temporary chairman of the convention "but he did not seem to know how to do it", so the convention was again recessed, this time until the afternoon.³⁰

At two o'clock, with Widgery again in the chair, the convention was finally declared in session. Peleg Tallman of Woolwich, an opponent of separation, introduced a motion to elect a secretary but was opposed by John Holmes and Albion Parris who suspected that the opposition had smuggled into its ranks a number of unauthorized people to increase its voting strength. Holmes demanded that a committee on credential be appointed as the first order of business to seat only duly elected delegates. Tallman withdrew his motion, Widgery appointed the committee, and the convention was then adjourned until the following morning.³¹

During the evening of the 30th, both sides caucused

²⁹Ibid... p. 131.

³⁰Ibid.

³¹P. G., October 8, 1816.

to choose their candidates for president of the convention. The anti-separationists, as a tactical move, indicated their willingness to support a "friend" of separation from their ranks "provided he were an honest and capable man."³²

Accordingly, they chose Ezekiel Whitman of Portland a Federalist member of the Governor's Executive Council of Massachusetts who would be elected to Congress the following November.³³ The proponents, not surprisingly, chose William King as their candidate.

When the convention opened the next morning, King was elected President by a vote of 97 to 85.³⁴ Balloting for secretary then followed, and Samuel Whiting, an observer at the convention and the man King backed, was elected. Jesse Appleton, president of Bowdoin and a devoutly "religious" man for whom King had little if any respect was permitted to invoke the blessings of the Deity on the delegates. It was his fervent wish, he said, that God would, "prevent animosity and strife from predominating, and that wisdom instead of cunning intrigue should be their guide."³⁵

³²Ibid.

³³Willis, The Law's op. cit., pp. 603-604; 633-634.

³⁴P. G. October 8, 1816.

³⁵Henry Chapman, "Early Movements to Separate the District of Maine from Massachusetts, and the Brunswick Convention of 1816," Collections of the Pejepscot Historical Society. Vol. I, Part I (1889), p. II. On the whole, Chapman's account is unreliable.

With this formality disposed of, the separationists turned their attention to a more crucial concern-- the official tabulation of the votes of the September election. If, as the unofficial returns indicated, the five-ninths majority had not been obtained, then, according to the "Act of Separation", the convention would have no choice but to adjourn. Obviously the "junto" had a stake in seeing that this did not happen. William King, who as President named the members of the committees, proceeded to appoint thirteen delegates to the "Committee to Examine the Returns". With Preble's admonition about a regard to "punctilios" doubtless fresh in his mind, he appointed nine separationists and four opponents. John Holmes was appointed chairman, and Chandler, Parris, Preble, and Widgery were also named members. Clearly, the committee was stacked. The minority complained that the committee was unfairly weighted against them but to no avail. Particularly galling to them was the appointment of the aged Dummer Sewall of Bath, a member of several conventions held in the 1790's and an old King nemesis, as one of the four minority members. Sewall, they complained, was worse than useless since he was deaf and could not as a result be expected "to do business or correct mistakes".³⁶

An attempt by the minority to add two of their own

³⁶Ibid., P. 12; P. G., October 8, 1816.

members to the committee failed of adoption,³⁷ but a second motion was passed providing that the votes should be announced in open convention and recorded by the Secretary, before being delivered into the hands of the committee.³⁸ The passage of the motion was certainly a defeat for the "junto" for it made the manipulation of the returns much more difficult, if, as Preble suggested, manipulation was contemplated.

For the next several days the convention was engaged in trivia. Behind the scenes, however, an interesting drama was unfolding as the "Committee to Examine the Returns" did its work.. Preble was charged with collecting the returns from towns where known separation majorities had been polled; a member of the minority did the same for the towns that fell into the anti-separation column. William Allen of Skowhegan, a member of the convention, who later wrote an account of the proceedings of the convention, claimed that Preble was constantly on the look out for any evidence of wrong doing among the minority. When Allen received the returns from Avon and Phillips from a friend of his, both nearly unanimous for a separation, Preble accosted the friend and scolded him for his indiscretion. Allen, said Preble, was a known opponent and the "returns would be withheld or destroyed."³⁹

³⁷Ibid.

³⁸Ibid.

³⁹Allen, op. cit., p. 133.

Allen claimed, further, that when the returns were all collected it was discovered that returns from five or six towns were missing, one of which was from Lyman in York County where separation had been rejected 179 to 6. "The return," continued Allen,

was traced into two or three hands and lost in the fog. Preble was challenged and denied he had it. I thought he equivocated, and as he had suggested that I ought not to be trusted, I thought of the motto attached to the sign of the Order of the Garter. 'Evil to him who evil thinks.' When a committee was appointed the next day to make search for returns that were missing, I kept my eye on him until I saw him pass that from Lyman to a respectable clergyman, a member from the county of York, behind the corner of the meeting-house as we were coming in at the afternoon session, and whisper a verbal message to him. I followed the bearer in and saw him lay the return on the secretary's table without any ceremony. When the convention was called to order the secretary passed the document to the president and said he found it on his table, and did not know how it came there. The contents were announced and the return passed to the committee, but this was not the end of it. It was rejected by the committee.⁴⁰

Allen asserted that Preble was responsible for the burning or losing of several other returns. Whether Allen's account was accurate in its details is now impossible to establish. He wrote it fifty years later and if the reliability of other such reminiscences is any guide, it probably was not. However, considering Preble's willingness to disregard "punctilios," it is not, perhaps, unfair

⁴⁰Ibid.

to presume that Allen was correct in the substance of his remarks. Indeed, one delegate who was appalled at what he observed at the convention supported Allen's charges when he wrote to the Portland Gazette that certain "desperadoes" may employ "fraud, violence, and usurpation" to achieve their end, but that there were enough men in the convention who favored separation "upon just and lawful grounds" only, so that those who would steal the prize⁴¹ would be frustrated. Further evidence that Preble was not above resorting to the very chicanery that he espoused⁴² in his letter to King, was provided in the report of the Committee to Examine the Returns which was presented to the convention on Monday October 6.

The report⁴³ presented by Holmes was addressed to two major questions: the legality of votes cast and the determination of whether or not the five-ninths majority had been obtained. On the first question, the committee found "that a very large proportion of those votes are incorrectly or illegally returned." In nearly half the towns, the committee found, "the question which was to have been submitted to the people, was imperfectly or erroneously

⁴¹P. G., October 8, 1816.

⁴²Supra. p. 204.

⁴³The report appeared in the E.A., October 16, 1816 and the P.G., October 15, 1816. For the complete text see Appendix IX.

stated."⁴⁴ In addition, evidence suggested that in a number of towns a large percentage of the votes cast were cast by non-qualified voters, i. e. voters who were ineligible to vote for state senators. In other towns eligible voters were denied their suffrage. The committee, thus discrediting the election returns, nevertheless, concluded that all the returns, except those from Lyman, should be certified. In the case of the town of Lyman, to which Allen referred, the committee felt obligated to make a judgment in as much as one John Low, Jr. of the town had sent a memorial to the committee demanding that the votes be rejected. According to the report,⁴⁵ the situation in Lyman on September 2, was as follows:

... after the meeting [called for the purpose of balloting] was opened, a motion was regularly made, and put, and carried, that the voters be polled to see who were for and against the separation: that though this course was objected to, it was carried into effect. Thus in a town where the majority was against the separation (179-6), were its advocates designated and pointed out, before they were allowed to carry their written votes. Thus were a portion of the citizens deprived the privilege of expressing their opinions without inspection, and subjected to the influence of powerful men, and the censure or disapprobation of a vindictive majority--your committee have therefore rejected the return from the town of Lyman."

The decision of the committee raised a storm in the convention led by John Low, Sr., the father of the memori-

⁴⁴ Ibid.

⁴⁵ Ibid.

alist, who charged that his son, in effect, did not know what he was talking about. The protest~~s~~ was ignored; the report was adopted.

On the second question--was a five-ninths majority obtained?--the committee dropped a bombshell. The majority on the committee decided, apparently, that the scrutinous eyes of the opposition made it unwise to attempt the manipulation of returns by various means to obtain a five-ninths majority. Consequently, it was necessary to adopt an alternative approach that would bring about the desired result while seemingly remaining within the bounds of legality. It was the ingenious mind of Preble, the former tutor of mathematics at Harvard, that produced the answer⁴⁶ to the problem.

According to the Act of Separation, if it appeared to [the delegates at the Brunswick Convention] that a majority of five to four at least of the votes returned were in favor of a separation, then, and only then could the convention proceed to draw up a constitution.⁴⁷ The report of

⁴⁶The authority for stating that Preble, not Holmes as has been often claimed, devised the scheme is William Willis who in his The Law, The Courts, and The Lawyers of Maine, op. cit., pp. 268, 609, says it was Preble. No further supporting evidence has been found by me. The P.G., believed King to have been responsible, [March 25, 1817], but there is no reason to believe he was the originator.

⁴⁷P.G., June 25, 1816.

the committee pointed out that it had been a "popular construction" that five ninths meant five-ninths of the votes returned, but that this construction "has prevailed rather from the use of an expression not contained in the act,⁴⁸ than from a necessary import of the words themselves."

The report continued;

The meaning of the rod majority is doubtful--this word is sometimes understood to mean the excess of one number over another, and sometimes the excess of half the whole number. Exclude the words 'a majority of'---and no doubt remains but five yeas to four nays, or five ninths of the votes returned, would be required. But your committee [Preble] do not feel authorized to say that those words have no meaning.

In the report of the Committee [the Otis Committee] prefixed to the act [of separation], it appears to have been the intention, that the expediency of separation should have been decided by 'an assembly of men,... meaning no doubt a convention of delegates chosen by towns. Here the delegates would have been in proportion to the aggregate majority of all the votes returned.

It is understood that the bill as first reported to the Legislature authorized the delegates to decide on the expediency. It was however so far amended as that on the day of the choice of delegates, the inhabitants of the towns, districts and plantations, qualified to vote for senators, were to give in their written votes on the question proposed in the act, and a majority of five to four was required--as the delegates must be apportioned according to the respective majorities of their towns, so on the question of separation, the majority of yeas in the towns...in favor must be, to the majority of nays in those opposed as five is to four, of the votes returned. The corporate majorities of yeas must be placed in one column and those of nays in the other and each added. Then, as five is to four so is the aggregate majority of nays in

⁴⁸See Appendix IX.

those opposed.--In this way only can your committee give a meaning to the word majority as contained in the second... section of the act.

The whole number of votes returned...is:	22,316
The yeas are	11,969
The nays are	10,347
The whole aggregate majority of yeas in the towns in favor is...	6,031
The whole aggregate majority of nays in the towns opposed is....	4,409

Then as five is to four so is 6,031 to 4,825, the nays required. But the majority of nays is 4,409 only. Hence it appears that upon this construction of the Act there is a majority of five to four at least....⁴⁹

The incredible audacity of Preble, and of the committee that accepted his sophisticated reasoning was outdone, if this were possible, in the following portion of the report which contained the assertion that since Maine people had in May and September by majority votes elected to separate, it was inconceivable that their wishes should be denied by giving a construction to the wording of the Act of Separation that denied them what was rightfully theirs anyway. The committee, therefore, concluded that "where the act is doubtful, it should receive such interpretation,⁵⁰ as shall best comport with the public will."

The report next recommended to the convention that before any action was taken the General Court should be consulted for its opinions and if the court accepted the

⁴⁹Ibid.

⁵⁰Ibid.

construction offered, "as they undoubtedly will", or modified the law so that the construction would prevail than much disputation and contention would be avoided. However, if the General Court should refuse to honor the action of the convention, then the convention could reassemble to act "as may be thought proper."

Finally, the report recommended that president William King appoint committees to draw up a constitution; to apply to Congress for admission into the union; to appeal to Congress to amend the coasting law in a manner that would not leave Maine commerce inconvenienced as a result of separation; and to apply to the General Court for its consent to independence.⁵¹

The opposition may have been dumbfounded as Holmes read the committee report but they soon regained their senses. After Albion Parris moved that the report be accepted, pandemonium broke loose. After the situation was brought under control, the opposition commenced an unmerciful attack on the report and on John Holmes whom the critics mistakenly thought to be its author. The substance of the attacks was represented by the remarks of the former sea captain, William Ladd of Minot, a Federalist in politics and an orthodox Calvinist in religion:⁵²

⁵¹Ibid.

⁵²P.G., October 22, 1816.

I am more used to the tumults of the ocean, than of this assembly. I am a sailor, sir, and this is the first deliberative assembly I ever addressed. Sir, I cannot understand that report: I cannot catch the points of it. I might as well chase a mosquito in the Pacific Ocean. I wish the report may be made as plain as a pike staff, and straight as a hand spike, and capable of demonstration to every hand before the mast. Is it by a majority of 5/9ths, or 5/9ths of a majority, we are to be separated?... Now it is evident, that there are not 5/9ths of the votes in favor of separation. If I lay 9 dollars on your honor's table from which I take 4, are there more than 5 left? The case is self-evident. It reminds me of the philosophers of the dark ages, who decreed there was no motion, while their tongues incessantly moved to prove it. We now look on them and their arguments with pity and contempt. But a set of modern philosophers, by jumbling logic with mathematics come at a result still more contemptible. They are not to be argued against....Sir, the motives of the majority are to be found in the deception of the human heart. The heart is deceitful above all things, and I may add, desperately wicked. [Called to order by Holmes]. Our conduct shews a rottenness in the very bud, which like original sin, will stick to our posterity.

William Widgery in concert with John Holmes defended the report as a classic defense of majority rule and written with the best of motives. On Tuesday the motion of Parris to accept the report was carried by a vote of 103-⁵³84. On Wednesday, the day of adjournment, the opponents entered a minority opinion on the record. Signed by 71

⁵³Chapman, op. cit., p. 18. It was doubtful that this was the actual vote recorded. There were originally 182 delegates. If Chapman's figures were accepted than there would have had to be 187 delegates present. It is possible that there were late arrivals.

of the 84 dissenters, the protest condemned the majority report as the work of ambitious and scheming men bent on obtaining their objective by any means. The minority report also condemned what they thought was the disrespectful attitude manifested by the majority toward the General Court and concluded by invoking the blessings of God on their virtuous stand against the forces of evil.⁵⁴

The last business before the adjournment of the now highly controversial Brunswick Convention was the naming of personnel to the committees recommended in the majority report. King complied with the expectations of his partisan friends by packing the committees with the friends of independence. To the committee to report a constitution, he named Holmes, Widgery, Chandler, and several others who outnumbered the opposition two to one; to the committee to make an application to the General Court, he appointed five proponents including Preble, Chandler, and John Davis of Augusta. Finally, he appointed himself, Holmes, and Chandler as a committee to make application to Congress.⁵⁵ The convention then adjourned until after the winter session of the General Court when it would be known if a reconvention of the group would be necessary.

Before the "junto" left Brunswick to return to their homes, they held one last conclave at which it was agreed

⁵⁴ E.A., November 6, 1816; P.G., October 22, 1816. See Appendix XI for complete text.

⁵⁵ P. G., October 15, 1816.

that Holmes, Preble, and John Davis should prepare an address to the people of Maine in answer to the protest of the minority and in anticipation of protests from the people at large which, they were sensible enough to realize would be forth coming.⁵⁶

The abuse that greeted the result of the week long deliberations at Brunswick was unprecedented in its severity. The New York Columbian labeled the Holmes committee report a "very clever piece of sophistry."⁵⁷ The [New York] Courier described it as "the greatest Yankee trick ever practiced."⁵⁸ From Boston, the Yankee, a Republican antiseperation organ called the entire proceedings "outrageous."⁵⁹ Nathaniel Willis, former editor of the Eastern Argus turned mystic, wrote in his Boston Weekly Messenger that now history has the Brunswick Convention "the Rump Parliament will no longer be an object of division, nor the National

⁵⁶The "Address" appeared in the E.A., November 6, 1816. The address was a much more cautious statement than was the minority report, pointing out that the convention had expressed a "preference", but not a decided opinion." in favor of the Holmes committee's construction of the five-ninths clause. As for the charges of fraud, the "Address" denied that they were true and that what fraud existed, was found in the great number of illegal ballots cast on September 2. The "Address" concluded with what was tantamount to an assertion that God was, after all, a separationist who favored the action of the majority. See Appendix XII for complete text.

⁵⁷New York Columbian. quoted in the P.G., October 29, 1816.

⁵⁸[New York] Courier. Ibid.

⁵⁹[Boston] Yankee, October 11, 1816.

Assembly of France the subject of detestation."⁶⁰ The [Boston] Daily Advertiser described the report "as one of the most contemptibly absurd documents that ever received the sanction of a public body of men."⁶¹ Predictably, only, the Eastern Argus stood out as a defender of the proceedings.

Many Federalists in Maine were elated at the storm created by Preble's arithmetic for he had given them a life that all their efforts could not have achieved. William Abbot of Castine, who signed the minority report, wrote to the Federalist supporter of separation in the Massachusetts General Court, Leverett Saltonstall of Salem. Saltonstall was a member of the Otis committee that drew up the "Act of Separation" and it is clear that Abbot knew he had an issue, perhaps for the first time in his life, that would cause his Federalist political friends in Massachusetts to bail Maine Federalism out of serious trouble:

I hope you in Massachusetts proper will do your duty....I am surprised that you are willing to lose your consequence in the great national point of view. And to turn os over to be buffeted by Satan is not just. You see into what a state we should fall if left to ourselves--I hope you will take firm ground and all good men will con-

⁶⁰Boston Weekly Messenger, October 31, 1816.

⁶¹[Boston] Daily Advertiser, October 17, 1816.

sider the subject at rest. Let the union be perpetuated. You will want us hereafter. Maine is destined to save Massachusetts. If John Holmes & Co. will let the Governor issue his proclamation to disperse them [the convention], and if they refuse let them be accused of treason, tried and hung. As a legislator remember your oath to protect and defend the Commonwealth against traitorous conspiracies and all hostile attempts whatever.⁶²

From York, Isaac Lyman, also a Federalist member of the Otis committee, expressed similar sentiments. "We shall, at our next session, Lyman wrote Saltonstall, "give this subject its quietus and I hope an eternal one."⁶³

Most of the leaders of the separation movement in Maine were badly shaken by the criticism heaped on them, a number of them concluded that Preble's scheme was not only ill advised but would damage the cause irreparably.⁶⁴

Others were more angry than regretful at what they thought was the amateurish management of the business. Still others were infuriated more by the fact that the leadership at Brunswick "did not now cut the cord, than because the report went too far."⁶⁵

⁶²William Abbot to Leverett Saltonstall, October 22, 1816, Leverett Saltonstall MSS (M.H.S.), Vol. VI, No. 58.

⁶³Issac Lyman to Leverett Saltonstall, October 22, 1816, Ibid., Box 7.

⁶⁴Samuel Whiting to William King, October 23, 1816, WK MSS (Me. H. S.), Box 7.

⁶⁵Ibid.

Ironically, the man who was responsible for the awkward situation in which separationists now found themselves escaped the brunt of the abuse. It was John Holmes, as chairman of the Committee to Examine the Returns, who presented the report to the convention and was its most assiduous defender, who was considered by opponents the man responsible for the report. "Mr. Holmes," reported Sam Whiting, "feels himself placed in rather an unpleasant situation, but will not shrink. The federal lawyers (in Portland) all direct their malice against Holmes. Parris, Preble, and others escape." As for King, Whiting added, "his manner of presiding is approved, even by these federalists, with the exception of appointing that committee on
66
votes."

While Holmes stoically shouldered more than his share

⁶⁶Ibid. Whiting was exaggerating the extent to which King's conduct was approbated. The following Spring, 1817, King was a candidate for the post of Lieutenant Governor. The Portland Gazette, the mouth piece of Maine Federalists, revealed the contempt in which King was held by many of that party, when it wrote of King's conduct at the convention: "His inconsistent decisions to favor his schemes and particularly his selection of committees mortified even his friends: and came finally very near rousing a sense of shame even in him. The famous construction to make out the five to four majority was originally a maggot of his brain. This he has denied to be sure. But members can attest that they heard him first broach the absurdity; and urge it as the true construction without ever imputing its origins to anyone else". (March 25, 1817).

of the criticism, others were less willing to do so. William Widgery, who was criticized for his participation in the convention, and for his contention that the convention was, in reality, a confrontation of two classes, debtors and creditors, wrote a long letter that appeared⁶⁷ in the Argus reaffirming that belief.

Nathan Weston of Augusta, later to become~~chief~~ justice of the Supreme Judicial Court of Maine, thought it necessary to explain that while he had misgivings about endorsing the Holmes' committee report, he did so because he sincerely believed that old Massachusetts really intended that only a simple majority be required for a separation; that the five-ninths amendment was adopted to satisfy recalcitrant opponents of the independence of⁶⁸ Maine. Weston was, undoubtedly, right in claiming that the General Court, as a whole, desired only a simple majority but if this were true it was irrelevant to the situation that arose at Brunswick. Separationists who held Weston's view had chosen the wrong battlefield. They should not have permitted the adoption of the five-ninth requirement in the first place, a requirement, ironically⁶⁹ enough, that was proposed by John Holmes.

⁶⁷E.A., October 30, 1816.

⁶⁸E.A., October 30, 1816.

⁶⁹P.G., June 26, 1816.

The Weston line of reasoning was adopted by Holmes, Chandler, Preble, and John Davis in the memorial that they drew up to accompany the majority report that was submitted to the Otis committee when the General Court convened on November 13, 1816.⁷⁰ They also pointed out that opponents in Maine had shamelessly circulated lies in regard to the terms of separation which not only harmed the cause but reflected unfavorably on the intelligence of the members of the Otis committee. Significantly, the memorialists made no effort to defend the Preble construction of the five-ninths clause contained in the report itself. They did, however, appeal to the General Court to permit another test of separation sentiment in Maine on the principle of a majority, if separation were now refused.

The Otis committee found itself in an awkward position. Many of the members for political reasons, notably Otis, were not averse to letting Maine go. But to permit separation at this time and under present circumstances would have been to raise the lid on Pandora's Box. The committee would have exposed itself to the wrath of many in Massachusetts as well as Maine who would have charged that it accepted the specious reasoning contained in the Preble construction of the five-ninths clause. It came as a surprise to no one, therefore, when on November 16, Otis

⁷⁰The memorial is printed in full in Appendix X.

For the committee, reported the following:

...the committee have no hesitation in expressing their full conviction, that the [majority of the Brunswick Convention] misconstrued the act by which their powers were defined: That the word 'majority' refers to the majority of votes returned, and not to the aggregate of local and municipal majorities: That this is a self evident position, resulting from a perusal of the act, and not susceptible of illustration or contravention by any argument. That of consequent, the contingency, provided by the act as prerequisite to the formation of a Constitution, and as a condition of the consent of this legislature, to the separation of Maine, has not occurred, and that the powers of said convention are at an end.

In respect to the request that another test of sentiment be arranged, the committee observed that such a request could not be honored for the reason that there was no evidence that opinion in Maine had changed since the September vote. As for revising the original bill to allow a separation on the principle of a simple majority, the
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committee noted:

Should...the same Legislature which has once and so lately adjusted the principles, and with great deliberation fixed the terms and conditions which appertain to the dismemberment of the State, revise the fundamental provisions of its act without any new occasion, they might be considered as betraying an undue solicitude to accelerate the partition, and as regardless of the feelings and interests of a large and respectable class of their fellow citizens.

71The committee report appeared among other places in the E.A., December 10, 1816. The full text is printed in Appendix XIII.

On December 4, 1816, the General Court passed two resolves, one dissolving the Brunswick Convention, the other declaring it inexpedient to adopt any further measures in regard to separation,⁷² and thus, the curtain fell on what proved to be the most bizarre episode in the long struggle to achieve the independence of Maine.

In retrospect, and even at the time, it is clear that the leaders of the separation movement very badly mismanaged the entire affair. It would have been wiser as well as more honorable to have accepted the defeat and to have returned to the General Court to try again unmarked by charges of corruption and fraud. The General Court, given the disposition of Otis and other Federalists toward separation might have conceivably permitted another test of separation sentiment in Maine or, perhaps, have recommended that a separation be permitted, notwithstanding the failure to achieve the five-ninths majority, on the ground that a majority bound to the jurisdiction of another state against its wishes makes for an unhealthy body politic. Moreover, even if such a strategy failed, the end result could not have been more injurious to the cause than the result of the course that was chosen. However desirable their objective, the means employed were inappropriate, morally and rationally, and once adopted, were employed

⁷²E.A., December 10, 1816.

with the dexterity of a first class bungler. In the first real test of their political leadership ability, the junto was found embarrassingly wanting.

CHAPTER VII

THE JUNTO TRIES AGAIN

With the demise of the cause in December 1816, the "junto" avoided all talk of a separation for several months. The prolonged battle evidently had worn them down; they were more than prepared to seek a respite from further discord.

Holmes and Parris went to Washington as congressmen where they developed new interests to command their attention. Holmes, indeed, aspired to become a figure of national prominence and within two years had achieved his objective.¹ King, likewise frustrated by his failure to win independence for the District, sought from President-elect Monroe the post of Secretary of the Navy only to be disappointed when Monroe retained Benjamin Crowinshield,² a Salem merchant, in the position. Sam Whiting, whose health was not improved by the experiences of the previous months, borrowed \$300 from King, left his desk at the Argus office, and went South for the Winter only to die there in the Spring of 1817.³ Preble returned to Saco

¹Holmes, by 1818, was prominently mentioned as a candidate for the speakership of the House of Representatives. In that year, also, he opposed Webster before the Supreme Court in the Dartmouth College Case.

²Henry Dearborn to W.K., December 25, 1816, WK MSS (Me. H.S.), Box 7.

³Samuel Whiting to W.K., October 23, 1816, Ibid.

where he remained occupied in his capacity as United States District Attorney for Maine. Only Sam Ayer was left in Portland to agitate political questions and to pity himself because his friends deserted him without public office.⁴

But if separation was no longer seriously entertained, politics was, for only if the Commonwealth could be returned to the control of the Republicans could the union of Maine and Massachusetts be long tolerated. Given the tendency of the Republicans of Massachusetts to amalgamate with the Federalists, the likelihood of a Republican resurgence was doubtful. Yet, what alternative was there but to try to resuscitate the party state-wide?

The party in the District was still strong and the leaders meant to keep it that way. The Eastern Argus had contributed greatly to the strength of the party through the years and it was important that competent and correct men were retained to manage it. Upon the death of Whiting in the Spring of 1817, Samuel Ayer and William Pitt Preble induced Ashur Ware to come to Portland to lend his bril-

⁴Ayer sought from Parris and Holmes aid in obtaining the post of collector of customs at Eastport, Belfast, and Portland. Frustrated in this desire, he was named finally in 1821, Surveyor of the port of Eastport. See Samuel Ayer to W.K., February 24, 1818, Ibid., Box 24; Ayer to John Holmes, December 20, 1820, John Holmes MSS. (Me. H. S.).

liant pen to the cause of promoting the party.⁵ Ware was the nephew of the celebrated Unitarian Professor of Divinity at Harvard, Henry Ware. Ashur graduated from Harvard in the class of 1804 and in 1807 became a tutor of Greek from which position he was promoted to the rank of professor in 1811. It was while he was a tutor that he came to know Preble, himself a tutor ~~in mathematics.~~ Among Ware's students were the future notables: George Bancroft, Caleb Cushing, William H. Prescott, and Edward Everett. However, the sedentary life of a college professor was unable to satisfy his insatiable interest in political controversy. As a consequence, he left Harvard in 1815, studied law, and was admitted to the bar. In 1816, he became an associate editor of the [Boston] Yankee, a Republican organ that opposed separation to the consternation of the Argus junto. It was, ironically, from the Yankee that Ware came to Portland in 1817 to write for the Argus while he practiced law as time permitted.⁶

⁵Ayer to W.K., February 7, 1817, Ibid., LBC Box.

⁶For an account of Ware's career, see, Willis, The Laws, The Courts, and the Lawyers of Maine, op. cit., pp. 634-646; and George Talbot, "Ashur Ware", Collections of the Maine Historical Society, I, Second Series (1890), pp. . Ware and King got along famously. In 1820, he was made King's Secretary of State. In 1822, he succeeded Albion K. Parris as a judge on the U.S. District Court for Maine, a position he held for forty-four years. Regrettably, Ware's personal papers were destroyed in the great Portland fire of 1866. An Oration Delivered Before the Republicans of Portland, July 4, 1817, printed by the Argus, a copy of which is located in the Houghton Library at Harvard University, was Ware's first effort on behalf of Maine Republicanism. The oration was a defense of democ-

Despite all the efforts of Maine Republicans to reunite their party on the state level they soon discovered the Massachusetts Republicans were so impossibly divided that any hope the party could regain control of the state soon vanished. With this realization came a feeling of utter frustration and desperation which produced in them a greater feeling of alienation from their political friends in Massachusetts. The extent to which the alienation went was revealed in the reaction of Samuel Ayer upon learning that the Republicans of Massachusetts had succeeded in naming the aged General Henry Dearborn as their candidate for Governor in 1817. Dearborn was chosen only after William Gray, a wealthy Salem merchant, refused to accept the nomination. Dearborn, even though he was with Maine connections, was considered a loser with little if any chance of ousting the incumbent John Brooks. Ayer's response also revealed that separation had not disappeared completely from the calculation of Maine Republicans as an answer to their peculiar situation:⁷

cracy against its enemies as far back as Plato. In the United States we believed that democracy had become second nature to most people. "The great body of the people in this country without distinction of political party, are unquestionably republican. But in every society there will always be some who prefer the crooked and pimping politics of a Court, to the integrity and plain dealing of freedom...." (p. 11).

⁷Samuel Ayer to W.K., December 31, 1816, WK MSS (Me. H. S.), Box 25.

With our present candidate for Governor, we have really a gloomy prospect before us. When Mr. Gray's name was announced, all hearts seemed to be encouraged, and the fullest confidence was expressed, that he would be elected, and that separation would soon be accomplished as a matter of course.

... But when it was afterwards announced that General D. was the candidate by Mr. Gray's declining, the news came like a thunderclap. A perfect apathy, indifference, disgust, or despair seems to have ensued or taken hold of the Republicans generally. To say the least, Gen. D. is unpopular, and in many places exceedingly so. In the present state of parties our candidate ought to be one, who will unite the whole Republican strength, to afford any reasonable prospect of success. This cannot be expected in the present instance. What then is to be done?

Ayer, then, proceeded to answer his own question:

A project has occurred to me- to set up a new candidate in Maine. This might be done in our County conventions. Let Cumberland, for instance, start soon with the nomination, and such arrangements made in other Counties, as they follow it up. A sufficient excuse might be found in the right of Maine to a Candidate, having never yet been honored with one. This might perhaps be a sufficient ease off for the present one.

This course, I think, is dictated by sound [party] policy under present circumstances. If no other man is held up, I should not be surprised that there should be a falling off of 5 to 10,000 votes on the Republican side from last year.* It will at once be sounded abroad that the party is going down. Whereas a split in the candidates will be sufficient explanation of the falling off, if any there be. Such a move might, if it took well, possibly prevent a choice, and by means of the Legislature we could get the Governorship.

... There may be also many objections as to its practicality. But I think of none, which over balance in my mind the reasons in its favor. I have mentioned to a few only-who are pleased with it. But shall not go a step farther until I can have your opinion. Holmes ... affected to be much pleased with it. He says that D [earborn] will not run at all in York County. He further stated, that had he

*The Republican vote in 1817 fell to 38,128 from

and the other members from Maine not come away [from the caucus that nominated Dearborn] before they knew Gray had declined 'no other man but Gen. King should have been the Candidate for Governor'.

King rejected Ayer's plan. Instead he agreed to run with Dearborn as the candidate for Lieutenant Governor in the hope that he would attract enough votes in Maine to offset the Federalist vote in Massachusetts. He failed in this and emerged from the contest more dejected than ever. The Republican vote fell off by more than 3000 in Maine and by 9000 in the state at large. The strength of the party was now the weakest it had been since before the days of James⁸ Sullivan.

The next year, 1818, brought an even greater decline in the fortunes of the party. In February, a caucus of Republicans held in Boston chose Dearborn again as the candidate for Governor though only by a "naked majority".⁹ Angered by criticism leveled at him in the caucus, Dearborn summarily refused to accept the nomination thereby¹⁰ throwing the caucus into chaos. Levi Lincoln Jr. of Worcester, son of Levi Lincoln, Governor of Massachusetts in¹¹ 1809, was then chosen but he declined as well. The caucus

47,321 in 1816. Ayer was a fair judge, at least in this instance.

⁸Returns for Governor and Lieutenant Governor. 1817.
Massachusetts Archives.

⁹Mark L. Hill to W.K., February 7, 1818, WK MSS (Me. H. S.), Box 8.

¹⁰Hill to W.K., February 4, 1818, Ibid.

¹¹Hill To W.K.. February 9, 1818. Ibid.

then offered the nomination to Benjamin Crowninshield of Salem who at first declined but who finally agreed to
¹²
 accept.

While this spectacle of Republicans engaging in a game of musical chairs amused Federalists who saw in it a promise of certain victory for their candidate John Brooks, Maine Republicans were left bemused. William King, again offered the nomination for Lieutenant Governor, refused to be a party to such amateurish conduct in spite of appeals to him to accept the nomination for the sake of
¹³
 party unity. Maine Republicans were convinced that the blame for the sad state of affairs rested wholly with the Republicans of Massachusetts whose amalgamating tendencies were pursued in utter disregard of their effect on the party statewide. Joshua Wingate Jr. of Bath, a member of the General Court and the son-in-law of General Dearborn, in a letter to King predicted certain defeat for the Republicans in the April elections: "And in fact, I am inclined to believe, our political friends in Mass't. proper, as they are improperly called would sooner aid the Federalists [of Massachusetts] than the Republicans of Maine". For

¹²Joshua Wingate to W.K., February 17, 1816, Ibid.

¹³Hill to W.K., February 21, 1818, Ibid.

Wingate, as for others, the time had arrived "for the inhabitants of Maine to decide whether they will protect themselves, their rights & privileges, or become the vassals and slaves of Mass't. proper."¹⁴

For Sam Ayer, from his perch at the Argus office, matters looked worse than ever. "Our chance for succeeding in this election under present circumstances with [Crowninshield] to head the list, is not worth a sixpence" he wrote King, and added that he thought it absurd that year after year the Republican nomination for governor goes a begging while King "who has so long stood foremost in our ranks, and who has done more & has more ability" than all who had been nominated was denied the nomination by the Republicans of Massachusetts because they thought him unfit.¹⁵ "Ashur Ware and myself", Ayer informed King, "have frequently put our heads together but the only result is, every time we attempt a conversation, a chapter of lamentations over the worse than wretched condition of our state politics".¹⁶ But, of course, the greatest frustration came from the knowledge that in any election Maine Republicans would capture at least sixty per cent of the total vote in the District.

If Ayer believed Crowninshield an unfortunate choice,

¹⁴Wingate to W.K., February 17, 1818, Ibid.

¹⁵Ayer to W.K., February 20, 1818, WK MSS (Me. H.S.) Box 24.

¹⁶Ayer to W.K., February 24, 1818, Ibid.

he thought the nomination of the innocuous Thomas Kittridge for lieutenant governor disastrous. Enraged, he proposed that Maine Republicans offer Mark L. Hill of Phippsburg instead of Kittredge, not because he thought Hill could win¹⁷ but to embarrass the leaders of the party in Massachusetts. When Ayer received word from King that Hill would not consider running, the Portland physician could no longer restrain himself: "Is there any chance to try separation again? The question is continually asked by persons from¹⁸ all sections of the District."

No doubt separation had occurred to King as a possible answer to the problems faced by Maine Republicans, but it is apparent that he considered the time not yet propitious so soon after the debacle of 1816. Moreover, King had always believed himself to have more influence in the political life of Massachusetts than he in fact enjoyed. If anyone could restore the party to its rightful place within the Commonwealth, it appears that he thought it was he. It was because of his belief that the Republicans could yet recapture control of the state machinery that he ran for the state senate in April 1818 and won. For Ayer, who could only think of separation, King's decision was disappointing, but even Ayer agreed that it was worth a try. "By going into the senate," he wrote King, "it is possible your genius may strike out some system of opera-

¹⁷Ayer to W.K., March 2, 1818, Ibid.

¹⁸Ayer to W.K., February 24, 1818, Ibid.

tion, which under your direction may not only revive the present despairing hopes, but eventuate in the complete regeneration of the state." The only problem in this plan, thought Ayer, was that King was needed in Congress as well- "in fact we want you everywhere".¹⁹

Behind King's move was his belief that a more rational alignment of political forces in the country could be brought about. Specifically, he seemed to think that "true" Jeffersonian Democrats under the leadership of William H. Crawford, Monroe's Secretary of the Treasury from Georgia, should form the basis for one of the parties with the Monroe Democrats and the remnants of the Federalist party forming another. In Massachusetts, King thought he saw such an alignment already a fact with many of the Republicans actively cooperating with Federalists in support of such departures from pure Jeffersonianism on the national

¹⁹Ibid. It is significant that in his nearly thirty years of public employment, King ran for Congress only once, in 1802. He could have gone to Washington anytime after 1806, but he chose, instead, the statehouse at Boston as his arena. The reason for this was that he considered Boston rather than Washington the city where the important decisions were made. In the present era when the national government has assumed such an important role in the lives of citizens, it is understandable that many believe that it was always so. The fact is, however, that in the period under discussion the state governments were considerably more powerful than they now are.

level as the enactment of the tariff of 1816 and the chartering of the Second Bank of the United States. King hoped to cultivate a close relationship with Crawford and thereby emerge as the leader of the "true" Jeffersonian party in Massachusetts. Having once achieved this position, it then could be decided if a separation would prove advantageous to Maine Republicans.

No sooner had the "Sultan of Bath" taken his seat in the Massachusetts General Court at the June 1818 session, than it became apparent that whatever the validity of his analysis of the political situation nationwide, he was not going to play an important role in Massachusetts. The Federalist Party was much stronger than many had thought. It is not improbable that King, faced with this discouraging situation concluded that however much he wanted it to be otherwise, the Maine Republicans were destined to play a minor role in the future course of Massachusetts' political life as long as Maine remained connected to Massachusetts. The logical, indeed the only alternative to at least another decade of bitter frustration was to separate

²⁰W.K., to Rufus King, March 22, 1818, in Charles R. King, op. cit., VI, p. 128. William was unhappy for a time with Crawford's handling of the tariff but he soon forgave him. See W.K., to Rufus King, February 24, 1818, Ibid., pp. 117-118.

the two areas. Even though past experience offered little encouragement that a separation was a realistic alternative, one could never be sure until one tried.

William Pitt Preble, who had withdrawn from his active role in party affairs after the debacle of 1816 for which he was largely responsible, surveyed the political landscape in the Spring of 1818 and concluded that it was now time to resume where he had left off. A move from Saco to Portland allowed him the opportunity to associate himself more closely with Ayer and Ware on the Argus. Ayer was of the opinion that unless separation was revived "we are down forever, nothing else I am confident will²¹ rouse the people". After listening to Ayer and Ware predict the worse, Preble decided that the situation demanded a letter to William King. He told King that their friends were getting restless. Everyone, said Preble, looked to King to give the go ahead signal. "We depend on your experience and influence to do something to call forth the sleeping energies of Republicans. Our last legislature administered nothing but soporifics. There was not an animated soul among them". Preble informed King that a decision would have to be reached soon. "Will you ... attempt to resuscitate the republicans of the whole

²¹Ayer to W.K., April 8, 1818, WK MSS. (Me. H.S.), Box 24.

state? or do you think favorably of marshalling and bringing into the field the friends of the Independence of Maine?" If separation were decided on, continued Preble recalling 1816, "To use your idea; let us not by a want of proper arrangements or understandings among ourselves be again disappointed."²²

Shortly after hearing from Preble, King received a note from another separationist urging him to revive the question. The correspondent informed King that sentiment for a separation was increasing in the District and that "the subject ought to be brought before the state legislature next winter so that before taking the next census we can have the thing settled".²³

Actually, King had never given up on his hope for a separation. It was always a possibility but he seemed not to want to jeopardize the prospects of success by prematurely raising the issue. In any event, as Preble's letter suggested, he was determined not to duplicate the disaster of 1816. If the question were to be revived, it would be revived only after the most careful planning had guaranteed success. Any factors that contributed to defeat in 1816 would have to be effectively dealt with.

²²William Pitt Preble to W.K., April 7, 1818, Ibid., LBC.Box.

²³James Irish to W.K., May 17, 1818, Ibid.

All agreed that the bete noire of the separationists since the 1790's, the coasting law objection, was the most important factor in the defeat of 1816. Consequently, something must be done to answer those who raised this objection if separation was to have any chance of success. Accordingly, King, even before he was elected to the state senate, contacted the Maine congressional delegation and asked them to initiate an effort to revise the coasting²⁴ law. The attempt was made but was defeated largely because of the opposition of the Federalist representative from Portland, Prentice Mellon, who correctly charged that the effort was "merely a lure to the citizens of Maine to²⁵ separate from Massachusetts".

The opposition of Mellon seemed to produce a more determined attitude among many of the leaders who became very encouraged by the evidence that sentiment among Maine people had definitely swung toward a separation. In October 1818, John Chandler wrote King that he was now convinced that the friends of independence should introduce the question in the General Court that convened in December. "I have attended the Supreme Court this week, and I assure you that I have never before seen so strong a

²⁴Enoch Lincoln to W.K., February 8, 1818, Ibid., Box 8.

²⁵Ibid.

current... in favor of a Separation as at this time- many, very many who were before opposed to the measure now come out freely and unequivocally in its favor...."²⁶

As a result of such assurances, King decided to travel to Washington in the latter part of October to confer with a number of his friends, including his brother Rufus, and Secretary of the Treasury William Crawford. The object of his mission was to gain support of key individuals for a renewed effort to obtain a revision of the Coasting law. It was an important mission for even opponents of a separation admitted that a revised coasting law that answered the objections of opponents would ensure the triumph of separation.²⁷

King found his brother Rufus more than happy to assist in any way that he could. Crawford, likewise, indicated that he would do all in his power to achieve the desired result. The support of the Secretary was especially valuable since without it, the Congress would not likely agree to a revision for as Secretary of the Treasury, Crawford was in charge of administering the laws regulating the coasting trade. Moreover, a revision in the coasting

²⁶John Chandler to W.K., October [8?], 1818, Ibid., Box 8.

²⁷Preble to W.K., January 23, 1819, Ibid., LBC Box.

law was bound to result in a decrease in revenue, something that Treasury secretaries would not be expected to welcome.

Crawford was one of several men in Monroe's cabinet who desired to succeed the President when he stepped down. As the man "whom Thomas Jefferson would have selected as Monroe's successor",²⁸ Crawford laboriously cultivated support for himself in the different states by assuming the mantle of leadership of the "old Republicans", though his support of such "new Republican" programs as the tariff of 1816 and the Second Bank of the United States caused many to question his credentials.

For some time, Crawford had looked to William King as his staunchest supporter in Massachusetts. With the immense patronage power of the Treasury at his disposal, Crawford²⁹ deferred to King on appointments in the District as well as making certain that a sizable government deposit was maintained in King's bank at Bath.³⁰ With his eyes, no doubt, focused on Maine's electoral vote should she also

²⁸George Dangerfield, The Era of Good Feeling. (New York: Harcourt, Brace, and Company, 1952), p. 103.

²⁹W.K. to William H. Crawford, July 21, 1817, Frank Fellows Mss. The Fellows collection is located in a vault in the office of Mr. John White, Coe Building, Bangor, Maine. See also, Crawford to W.K., May 25, 1819, Jane Stevens Mss. Bath, Maine.

³⁰W.K. to Crawford, July 16, 1818, American State Papers: On Finance, IV, p. 1026; Mark L. Hill to W.K., March 7, 1820, WK Mss (Me. H.S.), Box 9.

become independent, the Secretary claimed to be in complete accord with King that "the only inducement to continue the connection [with Massachusetts] is the expectation of revolutionizing the state. If that is abandoned, the sooner separation shall be effected the better."³¹ Assured by King that the latter was now the case, he promised to support a change in the coasting law and there can be no doubt that his efforts in this regard were decisive.³²

His mission a complete success, King returned to Maine to find events moving rapidly. John Chandler, in December, called for a meeting of interested citizens to be held in Augusta. From the meeting came the following letter addressed to the leading persons in a score of towns in central Maine:³³

At a meeting of Gentlemen, citizens of [Kennebec] County, convened, on notice, to consider the ever interesting subject of erecting Maine into an independent state, the subscribers were appointed a Committee to correspond with the members of the Legislature, and others, supposed to be

³¹Crawford to W.K., May 25, 1819, Jane Stevens MSS.

³²Ibid.

³³December ?, 1818, WK MSS (Me. H.S.), Box 8. Daniel Cony sent a copy of the circular to John Adams who replied in a letter dated February 1, 1819. Adams reply is printed in full in Jeremiah Perley, The Debates, Resolutions, and Other Proceedings of the Convention of Delegates... 1819. (Portland: A. Shirley, Printer, 1820), pp. 299-300. Adams opposed the separation.

friendly to the measure; with a view to interchange opinions, and if practicable, to fix upon some time and mode to bring the question anew before the people and the Legislature.

We have therefore taken the liberty to address you, and invite your attention to the subject. We have no hesitation in giving as our decided and deliberate opinion, that the best interests of Maine will be essentially promoted by giving it the control of its own energies.

But as to the time and manner of agitating the question, we wish to collect the sentiments of its friends throughout the District, whether it will be expedient to petition the Legislature of the next political year, is deserving much consideration, and we are not, at this time, prepared to give an opinion. Yet, if, on inquiry, such a course shall be deemed most eligible, we can assure our friends, that this section of the District will cordially co-operate.

We will thank you to ascertain, as far as is convenient, the public mind in your section of the country, and write the result to the chairman of this Committee at Monmouth. As the friends of the measure contemplate a general meeting in Boston, during the winter, it is desirable, that your communications be received as early as possible.

We are, with respect, yours, etc.

John Chandler
James Bridge
E.T. Warrent
Timothy Boutelle
Nathan Cutler
Reuel Williams

Replies to the circular letter arrived soon after the letter was sent. The contents of nearly all confirmed Chandler's contention that separation was gaining ground with each passing day. From Readfield and Hallowell, it was reported that the opponents of independence in past years were now in favor of it.³⁴ Mount Vernon reported that

³⁴Jonathan Hunton, Edward Fuller, to John Chandler, January 28, 1819, Frank Fellows Mss.; E. Warren to John

separation was supported unanimously.³⁵ A correspondent from Vassalboro wrote that his town "would be in favor of separation to a man."³⁶ Silvanus Low of East Andover sent the welcome news that the people "had laid aside those local prejudices which a few years since proved a bane" to independence.³⁷ James Irish reported from Gorham, a stronghold for the opposition in 1816, that he found no opposition except from "brave Col. [Lathrop] Lewis....Oh, that Salary for Nothing."³⁸

In Portland, William Pitt Preble was, at first, alarmed by the sudden flurry of interest in a separation fearing that proponents were proceeding too rapidly.³⁹ Within a month, however, even he was optimistic, reporting to King that so strongly was public opinion in all sections running in favor of separation that they might "be compelled to take up the subject this year" even if the coasting law was not revised by Congress.⁴⁰

Chandler, January 23, 1819, WK MSS (Me. H.S.), Box 8.

³⁵Nathan Price, John R. Robinson, Daniel Thing, et.al. to John Chandler, January 23, 1819, WK MSS (Me. H.S.), Box 8.

³⁶Abijah Smith to Chandler, January 29, 1819, Ibid.

³⁷Silvanus Low to Chandler, January 15, 1819, Ibid.

³⁸James Irish to W.K., January 20, 1819, Ibid.

³⁹William Pitt Preble to W.K., January 2, 1819, Ibid.

⁴⁰Preble to W.K., February 18, 1819, Ibid.

Preble's reference to the coasting law was prompted by the decision of King not to introduce in the General Court at the winter session a resolve calling for a separation unless Congress revised the law. King, it appears, believed that victory depended on the passage of a revised coasting law. By the first of February, the winter session nearly over, the Maine delegation led by King, concluded that if the revision was enacted by Congress, it would not occur until after the General Court had adjourned. Ignoring Preble's suggestion to introduce a resolve calling for a separation anyway, King decided that it would be more prudent to appoint an interim committee to plan for the action to be taken at the May session of the General Court by which time it was expected that a revised coasting law would have passed Congress.

Accordingly, on February 2, 1819, with King presiding, a large caucus attended by the Maine delegation to the General Court met in the Senate chamber. An interim committee consisting of a member from each county in the District was appointed and instructed to report to the group on the day the legislature adjourned "what is expedient to be done, the ensuing season, relative to this important subject".⁴¹

⁴¹E.A., February 23, 1819; P.G., February 9, 1819. The Gazette, with evident disgust, announced to its readers that news of "office seekers at their dirty work again," had been received from Boston. "Will nothing satisfy the cravings of Mr. King's maw but the Gubernatorial

The committee, it was soon discovered, was unable to agree precisely on what was expedient. While the members were all separationists, there were some who wished to wait until 1820, after the census was taken, before the question was pressed again. John Chandler, who like King had no intention of waiting longer than was absolutely necessary, was disturbed upon hearing the news that the committee was divided. His concern prompted him to write King recommending to the leader of the movement that he employ a little muscle: "I hope you will so manage at the next meeting... as to appoint a committee, who will not be afraid to agitate the question when the proper time shall come... circumstances may exist & probably will, which will warrant an attempt at the [May session], and as very much will depend on the committee, it is not only necessary that they should be prudent... and wise, but nerve will be necessary...."⁴²

On February 18, the day the General Court adjourned, the group met as scheduled in the Senate chamber to hear from the committee. But the committee did not report. Rather, William King opened the meeting with the announce-

chair? Can't he name something which he will consent to as a substitute, and thus permit the District of Maine to rest in peace a little longer...."

⁴²Chandler to W.K., February 15, 1819, WK MSS. (Me. H.S.), Box 8.

ment that his brother Rufus had successfully guided a revised coasting bill through the Senate and that passage of the bill in the House was imminent despite attempts by opponents led by Prentice Mellon to amend it to death.⁴³

King then appointed a new committee consisting of eighteen men "wise, prudent, and with nerve", who were authorized, upon receiving news that the House had passed a revised coasting law bill, to take such measures as they judged most efficacious for bringing before the people of Maine the question of separation at the May session of the General Court.⁴⁴

Word was received on March 8, 1819 that the House had approved the bill on March 2. The new law did away with the division of the coast along state boundaries. Instead, the Atlantic and Gulf coastline was divided into two districts, one running from Eastport, Maine to the Perdido River, the boundary line between Florida and the Alabama Territory; the other, running from the Perdido to the

⁴³W.K. to Enoch Lincoln, February 24, 1819, Enoch Lincoln MSS (American Antiquarian Society), VIII.

⁴⁴E.A., February 23, 1819; March 2, 1819. The members of the Standing Provisional Council were: Lincoln, William King, David Payson; Cumberland, Albion K. Parris, Mathew Cobb; York, William Moody, George Thacher Jr.; Kennebec, James Bridge, John Chandler; Oxford, Enoch Lincoln, Samuel Small; Hancock, Alfred Johnson, Moses Judkins; Penobscot, William Williamson, Robert Parker; Somerset, Judah McLellan, Warren Preston; Washington, James Campbell, Stephen Thacher.

Louisiana-Texas boundary.⁴⁵ As Ashur Ware explained in the Eastern Argus, the new law threw the entire Atlantic seaboard into one district "so that a vessel may go from Portland to Savannah with out being under any necessity to enter and clear.... The admission of Maine into the union as a separate state, will not in the smallest degree effect
⁴⁶
 our coasting business".

On March 12, Moses Carlton jr., of Wiscasset, who had led the opposition to a separation so successfully in 1816, after perusing the contents of the law, sat down to his desk and penned a note to his old business associate over at Bath, William King. Carlton, a near illiterate, whose father had set him up in a lucrative shipping business, had learned from General David Payson who worked with Carlton in 1816 to defeat separation, that King had sent a note to Payson asking the latter to work on Carlton in order to get him to support separation. In his letter to King, Carlton
⁴⁷
 wrote:

I have seen a letter from you to Gen'l Payson wheare you menchen my name. I think the Seperation stands bettor now than heretofore and I think it would be well for you to come over on Monday and we

⁴⁵U.S. Statutes at Large, 15 Cong., 1 Sess., Chap. 48.

⁴⁶E.A., March 16, 1819.

⁴⁷Moses Carlton Jr. to W.K., March 12, 1819, WK Mss. (Me. H.S.) Box 8.

will have an understanding about the thing- I think the Genal will be governed some by me and if we were all together I think we can give the thing a favorable turn.

Ten days later the following insertion was placed in a number of newspapers including the Eastern Argus:⁴⁸

The undersigned, when the question of separation was a subject of consideration in 1816, considering the terms in relation to the wild lands in Maine to have been objectionable;- considering also the many inconveniences which would result to the coasting interest of the District- for these considerations we were of opinion that it was not expedient to separate from Massachusetts proper.

The Bill which has passed Congress, and which permits coasting vessels to proceed from Maine to Georgia without entering or clearing, does away with all the coasting objections.

Presuming that different arrangements can be effected in relation to a division of the wild lands, which, while they will be more interesting to Maine, will be also mutually advantageous, our objections therefore to the separation cease.

Moses Carlton Jr.
David Payson

The appearance of the Carlton-Payson letter represented another turning point in the separation movement. Not only had these men led the opposition in 1816, but as representatives of the mercantile community in which opposition had always been especially strong, their support could be, and was, interpreted as the most decisive development for the cause of separation in many years. It was true that the two men qualified their support but this was made little of in the discussions the letter produced.⁴⁹

⁴⁸E.A., March 23, 1819.

⁴⁹See comment by Ashur Ware in Ibid.

In retrospect, it is clear that the passage of the revised coasting law resulted in everthing that King said it would. From that moment on, the opposition was reduced to the hard core Federalists who constituted only an ineffectual minority in the District. William Williamson reported to King that the enactment of the coasting law bill had produced a number of conversions to the cause in the Bangor area and that as a result separation "is thought⁵⁰ in this quarter to be certain". John Chandler writing from Kennebec County noted that while many former opponents still reserved the right to object to the terms, most of⁵¹ them now accepted the inevitability of the outcome. Similar reports were received from other places in the District. From Washington, came the word from Secretary of Treasury Crawford who informed King that the coasting law revision would prove more costly to the national treasury than he supposed, but he was quick to add that "so far as the measure may facilitate the separation... I am persuaded that the public interest [and Crawford's?] will be promoted. It is a source of satisfaction to have been instrumental in effecting the object".⁵²

⁵⁰William Williamson to W.K., April 19, 1819, WK MSS. (Me. H.S.), Box 8.

⁵¹John Chandler to W.K., April 7, 1819, Ibid.

⁵²William H. Crawford to W.K., March 25, 1819, Jane Stevens MSS.

The situation looked so promising to the proponents that they should have concluded that, at last, success has been all but achieved. William Pitt Preble, however, recalling that appearances sometimes confound realities as they did in 1816, admonished against over optimism reminding King that there were still opponents who presented a challenge to the cause. Some of them Preble claimed, were already writing letters to "different parts of our District stirring or attempting to stir up opposition
⁵³
"

Even William King, now having the advantage of hindsight, could not rest assured of success until he was convinced that the Federalists did not have sufficient influence to frustrate the final drive toward independence. Thinking that a statement from his brother Rufus, who was the titular head of the Federalist Party nationally, in support of the separation might cinch the question once and for all, he asked him to write such a statement containing his reasons for his support. "They can be published in a pamphlet form [and] it is confidently expected
⁵⁴
 they will do away with the last remnant of opposition...."

⁵³ William Pitt Preble to W.K., March 17, 1819 WK MSS (Me. H.S.), Box 8.

⁵⁴ W.K. to Rufus King, March 5, 1819, in Charles R. King, op. cit., VI, p. 218.

Rufus replied that he felt it necessary to refuse his brother's request not only because Maine people would resent interference from outside the District but also because⁵⁵

I... have a feeling for these persons in Maine who belong to the [Federalist Party]. I am aware that this is a ship wrecked party, and that the Rats are daily quitting their old friends & forming new ones- still I shall be consistent, and cannot concur to take a part that may materially & disadvantageously offend old and deserving political friends.

As an afterthought, Rufus, whose efforts to prohibit slavery in Missouri the following year caused his brother many moments of anguish, advised William "to instruct yr. senators [to be] to vote agt. the admission of Slavery in any State west of the Mississippi, admitted into the Union".⁵⁶

Of course, even if Rufus had consented to lend his pen to the cause of separation, the hard core Federalist opposition would probably not have dissolved. The real threat as both Preble and Chandler saw it was that this hard core would retreat to the chambers of the General Court and there, by some means, throw an obstacle in the path of the separation bill that was to be introduced at

⁵⁵Rufus King to W.K., March 23, 1819, WK MSS (Me. H.S.) LBC Box.

⁵⁶Ibid.

the May session.⁵⁷ It was in anticipation of such a move that King called a meeting of the Provisional Standing committee to be held in Portland on April 8, 1819.⁵⁸ A number of the eighteen members of the committee informed King that they were unable to attend. However, a few of those unable to attend authorized King to sign their names to the report that emerged from the session.⁵⁹

Among those who did attend the April 8 meeting were Chandler, Preble, and Parris. The group agreed with King that a circular letter should be sent to the selectmen of the several towns and plantations in the District explaining the objectives of those who supported separation. The letter that was drawn up stated that with the passage of coasting law revision, the most discussed objection to a separation was eliminated. Nevertheless, it was admitted that there were many who still opposed separation, particularly Federalists, because they feared that the influence of party feeling would produce a constitution and a state government inimical to their interests. The committee assured those who were thus concerned that the Republicans intended to conduct themselves with the spirit of the "era

⁵⁷ John Chandler to W.K., April 7, 1819. Ibid. Box 8; William Pitt Preble to W.K., March 17, 1819, Ibid.

⁵⁸ W.K. to Enoch Lincoln, March 25, 1819, Enoch Lincoln MSS (American Antiquarian Society), III.

⁵⁹ William Williamson to W.K., April, 1819 WK MSS (Me. H.S.), Box 8.

of good feeling" and that reason rather than party passion would prevail. "We disavow party feelings as having any⁶⁰ influence in this question".

The response from the Federalist camp was immediate; the Portland Gazette viewed this appeal for a kind of political ecumenicalism as nothing more than a cynically designed scheme to disarm Federalist opponents to be operational only until after separation was achieved.⁶¹ There was, no doubt, considerable truth to this claim.

The Hallowell Gazette, for years the defender of the status quo against the dangerous incursions of Republicans and squatters, was especially invectious in its denunciation of the contents of the circular letter. Recognizing that a separation was, at last, likely to succeed, the editor offered the following "Very Valuable and Curious Articles for the New Constitution";⁶²

Article 1: No one of the authors and finishers of the Brunswick Convention report, or the President of that Convention [King], who volunteered his votes in support of that false trick shall ever be entrusted in any public station, except for the three years of the new government. [Evidently, three years was the expected life span of the new government to be erected by the separationists].

⁶⁰This circular letter appeared in a number of newspapers including the E.A., April 20, 1819 and the P.G., April 20, 1819.

⁶¹P.G., April 20, 1819.

⁶²Hallowell Gazette, quoted in the Bangor [Maine] Weekly Register, April 19, 1819.

2. Any committee who shall hereafter be trusted with public concerns and shall adopt any false rules of arithmetic whereby to attempt to cheat the public [and] shall be detected therein, shall be liable to indictment and on conviction shall ever after be incapable of holding any office of honor or profit in the new government.

3. No man shall ever be a candidate for Governor who can not speak his mother tongue as correctly as Sancho Panza spoke the Spanish. [King was the subject of much ridicule from his political enemies because of his alleged ungrammatical utterances. This author has found that the allegation was greatly exaggerated]*

4. Every false pretender to the promotion of the interests of religion, with a view to degrade all religious denominations, shall be put in with the Pope to be dealt with according to his sins. [King and other Republican leaders were accused by their political enemies of being hostile to organized religion].

5. Every man who attempts to promote his own glory by more lies than would sink a ship and as much vanity as would render him as bouyant as a goose, shall never be eligible to any office above Hog constable, after the first three years of government.

6. The seat of government for the first three years shall be at Owl's Head**, and all deliberations of the assembly shall be held in the night, and all important questions shall be decided by Hoot and Toot instead of yeas and nays.

*When King was Governor, his enemies claimed that he asked Ashur Ware, the Secretary of State, to write a Thanksgiving Day proclamation because he was incapable of writing such a public document. This, likewise, was not true. The following extract from a letter written by King to Ashur Ware (September 13, 1820, Pejeboscot Historical Society MSS.), is revealing on this point: "I must tax you with the business of getting up a Thanksgiving Proclamation, which I wish you to do in your best stile, and send to me as soon as your convenience will permit. I think your piety will appear better on paper than mine, at any rate on this occasion I suppose I must be a pious man, it will be well however not to be tediously so."

**Owls Head is a peninsula town three miles south of the present city of Rockland.

7. The coat of arms shall be an Owl with an open Arithmetic in his claws and this motto on his beak, 'Success by hook or by crook'.

8. All old laws shall be abolished and new issued in their stead. They shall be made and fitted for use at Governor Plummer's codification manufactory, and pursued into use by the assembly at Owl's Head. [Governor Plummer of New Hampshire was a Republican who had instituted a number of reforms hostile to the interests of Federalism in that state. King was compared invidiously with Plummer by his Federalist enemies.]

9. There shall be a government newspaper, and the editor shall have \$600 a year for wear and tear of conscience, if he has any conscience, and if not, he shall have prerequisites of double that sum.

10. If the governor or any other great officer of the state should be treated with cotumely, or called a liar, or any other hard name, he shall have free access to the government paper and there redress himself in as high a tone as possible.

11. The title of the Governor shall be 'his Mightiness'. All other titles shall be fixed by law, except two principle persons to be near the governor on all public occasions, who shall be styled 'The Governor's Dandies' [Preble and Holmes?].

12. The legislature shall be called the assembly, and shall promulgate all codifications submitted to them. In all matters of arithmetic they shall consult the governor's Dandies, and be governed accordingly.

13. The Judiciary shall consist of as many courts and Judges as the assembly at Owl's Head shall determine. And all candidates shall be as well qualified for office as the Judges of David Starrett who was sentenced to death by diving from the Charlestown Bridge in Ohio.

The supercilious attitude manifested in this extract from the Gazette reflected the attitude that prevailed among many of the hard core Federalists in Maine toward their "inferiors". This attitude had existed for years and contributed substantially toward the alienation of many Maine people from their "natural born" rulers both in the District and in Massachusetts proper. It was publicly stated

by these Federalists that Maine could not support an independent government for lack of sufficient talent. One Boston paper scornfully wrote in 1818 that "the Federalists have feared also for the ascendancy of their party and that such a dead weight around our necks [Maine] would soon drag us down to democracy".⁶³ The most offensive item to appear in the Boston Federalist press appeared in the Columbian Centinel in early 1818. The Centinel printed the following conversation that allegedly took place between a representative to the General Court from Penobscot County and a "gentlemen from Essex County" who met at a Newburyport coffeehouse:⁶⁴

Gen. D.: You are from the District of Maine, I suppose.

Representative: Yes.

Gen. D.: Going to the General Court, no doubt.

Representative: Yes.

Gen. D.: I thought as much. A squatter Representative! Going up to Boston to get a Justice's commission, I'll warrant. The shoals of Representatives that pour out of the District of Maine are just fit to rob hen roasts. I tell you what sir, such gentry as you, brought up to stealing logs, and trespassing on our Eastern lands make very shabby legislators.

Of course, such remarks as these played into the hands of Republicans who only needed to cite them in the presence of Maine people to create the desired effect.

⁶³Daily [Boston] Advertiser, quoted in E.A., April 21, 1818.

⁶⁴Ibid.

Proponents did not allow the reception given by the hard core Federalists to the contents of the circular letter to deter them in their efforts to bring the issue of separation up at the May session of the General Court. The towns in the District responded to an appeal contained in the circular letter to send their full complement of representatives to the Court in a spectacular fashion. In all, 127, nine more than were sent by all the towns in Massachusetts proper, came from towns in the District. King happily reported that at least three-fourths of them were separationists.⁶⁵ In addition, all of Maine's nine senators elected in May were separationists.⁶⁶

At first King thought that the Federalists of Massachusetts might prove less friendly to the cause than they had been in 1816.⁶⁷ Why he thought this is not clear but he must have had sufficient reason. That such a fear was unjustified, he soon discovered from James Bridge of Augusta, a member of Governor Brooks' Executive Council. Bridge wrote to King ten days before the May session of the legislature was to convene.⁶⁸

⁶⁵W.K. to Rufus King, May 10, 1819, Charles R. King, op. cit... VI, p. 222. As it developed, 114 of the 127 members were separationists.

⁶⁶Stanwood, op. cit... p. 158.

⁶⁷W.K. to Rufus King., op. cit.

⁶⁸James Bridge to W.K., May 17, 1819, WK MSS (Me. H. S.), Box 8.

...I am greatly mistaken if the leading federalists of old Massachusetts are not quite as solicitous to have this important measure carried into effect, as its friends in the District of Maine can be. I have had free conversation with the Governor, Chief Justice Parker, the President of the senate, Mr. Lloyd, and others- They appear anxious that the contemplated division of the state should be completed the present year, and they concurrently suggest the following course as best adapted to the object that the Legislature at its approaching Session pass a resolution for taking the sense of the people in Maine on the Question as early as may be convenient- That the votes of the citizens be returned to the Governor and Council- & if the requisite majority in favor of separation be found, that the Governor issue precepts to the towns in Maine for the choice of Delegates to meet in convention for the purpose of framing a constitution- The proceedings of the convention to be reported to the Legislature at the next winter session & that the whole business be then finished.

If King, after receiving Bridge's letter, still possessed a doubt as to where most Massachusetts' Federalists stood, it should have been dispelled by the receipt of another letter, this one from John Russel, editor of the Columbian [Boston] Centinel. Through the years, Russel had been highly critical of Maine republicanism and its leader, King. Now, Russel was writing King to gain his support for his appointment as state printer. Russel admitted that another Federalist editor was his competitor for the job but that this other man had supported separation for the first time only a week earlier, while Russel reminded King that "the gentlemen from Maine must be aware that my paper has been the constant & undeviating friend not only of the general interest of the District,

but on the distinct question of Separation, & should seem to have a prior and better earned claim to their patronage...."⁶⁹

The General Court convened on May 25, 1819. By the end of the month petitions from towns in the District had arrived in unprecedented numbers and they continued to arrive well into June. The final count totalled 130 with⁷⁰ 125 of them in support of separation.

On May 27, both houses created committees on separation to receive the petitions. In the Senate, Josiah Quincy, the staunchest foe of independence in Massachusetts was appointed to serve with Leverett Saltonstall of Essex, Jonathan Lyman of Hampshire, Benjamin Gorham of Suffolk, William Moody of York, and William King of Lincoln. In the House, an eight man committee that included three Maine representatives- Benjamin Ames of Bath, Samuel Redington of Vassalboro, and Lathrop Lewis of Gorham-was⁷¹ named.

On June 9, Quincy, chairman of the Senate committee, reported a bill providing for the terms of the separation. The bill followed closely the "Act of Separation" produced

⁶⁹John Russel to W.K., June 2, 1819, Ibid., Box 24.

⁷⁰Stanwood, op. cit., p. 159.

⁷¹Bangor [Maine] Weekly Register, June 10, 1819.

by the Otis committee in June 1816. The public lands and buildings in Massachusetts proper were to be retained by Massachusetts. One-half of the publiclands in Maine were to be retained by Massachusetts, tax-exempted until sold. [Nothing was done to placate Carlton and others who were not pleased with the terms in respect to the public lands in 1816]. Maine was to receive one- third of all money, after debts, received from the federal government by Massachusetts for expenses incurred in defense of her sea-coast during the war of 1812. All grants and contracts involving education, roads, and lands were to remain in force.⁷²

Subjoined to the bill was the committee's report. The report stated that all indicators pointed to a decided shift in opinion in Maine since 1816. In addition, the report contained the following observations which separationists had made for nearly forty years:⁷³

Maine is separated from Massachusetts proper, by part of another state. The extremities of this District are four hundred miles from the seat of government- Maine exceeds in territory most of the States. Her population is probably three hundred thousand. In wealth and commercial importance, she would now hold an honorable rank. There is a great extent of sea coast, with capacious bays, and large navigable rivers. More than one- ninth part of the

⁷²The Act of Separation is printed in full as Appendix XIV.

⁷³Ibid.

tonnage of the United States is now owned in the District of Maine. There are immense tracts of land, the settlement of which may, perhaps, be better promoted by a local and independent government.

Returning to the bill, it was further provided that Maine voters were to assemble on July 12 [later changed to July 26], to vote on the question: "Is it expedient that the District of Maine shall become a separate and independent State" upon the prescribed terms? Particular attention was given to the phrasing of that part of the bill containing the information on the procedures to be followed. If the votes in favor of the question should exceed those against by the sum of 1500, the question would be considered passed. If this majority were obtained, then, and only then, would an election be held to elect delegates to attend a constitutional convention to be held in Portland beginning October 2, 1819.

The 1500 vote provision was strongly objected to by some of the separationists as being "repugnant to the very genius of our government". Any requirement that departed from the very principle of a simple majority rule, they contended, was arbitrary and undemocratic, comporting⁷⁴ "with the spirit of a monarchy or an aristocracy..." On the whole, however, most of the separationists seemed to

⁷⁴E.A., June 15, 1819 .

agree with William Pitt Preble that the terms were the best that could have been obtained.⁷⁵

The Senate took up the bill from June 11 to June 15. Led by Quincy, the opponents offered a number of amendments designed to defeat the measure, including one that would have increased the required majority to 2500.⁷⁶ After these attempts were defeated by large majorities in every case, Quincy rose on June 15, and for two hours fulminated against the bill. His main objection to its passage, he claimed, was that separation was unconstitutional, an objection that few took seriously.⁷⁷ In answer to Quincy, Leverett Saltonstall spoke for two more hours after which a vote of 26 to 11 was recorded in favor of the passage of the bill.⁷⁸ All nine Maine senators voted in favor. On June 17, the House concurred with the Senate by a vote of 193 to 59,⁷⁹ and on June 19, Governor Brooks signed it.

For those who had, by this time, become thoroughly bored by the thirty year long dialogue between separationists and opponents, the five week period between the time

⁷⁵William Pitt Preble to W.K., June 14, 1819, WK MSS (Me. H.S.), Box 8.

⁷⁶Stanwood, op. cit., p. 161.

⁷⁷Ibid.; Edmund Quincy, op. cit., p. 375.

⁷⁸P.G., June 22, 1819.

⁷⁹Ibid.

the bill passed and July 26 mercifully produced a minimum of verbal wrangling. The leaders of the movement in the District confined their efforts, at first, to defending the terms as equitable while pointing with evident pleasure to the passage of the revised coasting law bill.

Ashur Ware prepared a full page article for the Argus which appeared on July 13, explaining the position of the proponents in a completely predictable manner.⁸⁰ The one remaining argument that opponents employed with some success- that separation would result in a great increase in expenditures for the support of the government- was publicly denied by the leaders, but in private they acknowledged the likelihood that this would occur.

In their more detached moments, the men on the Argus must have appreciated the fact that all evidence suggested certain victory at long last. However, it was difficult to remain detached. Memories of 1816 caused them to panic at the least sign of resurgence from the opposition.

Gloomy Sam Ayer upon returning to Portland from Boston in early July reported that "the best informed... now consider separation very doubtful... things look here since my return very different from what I expected".⁸¹ William

⁸⁰E.A., July 13, 1819; Preble to W.K., July 4, 1819, WK MSS (Me. H.S.), Box 8.

⁸¹Samuel Ayer to W.K., July 8, 1819, Ibid., Box 24.

Pitt Preble was especially worried about the opposition that appeared in populous York County which contained the traditional strongholds of anti-separation sentiment, Wells, Lyman, and Arundel. Preble, was also worried by the equivocal position taken by John Holmes who was waiting to see toward which direction the wind was blowing before he declared himself either for or against independence.⁸²

Holmes, if he ever really was a close associate of the "junta," was always its most independently minded member. To King, Preble wrote: "We do not feel quite so sure of succeeding as you gentlemen on the Kennebeck".⁸³

It was because of their belief that the opposition was more formidable than it really turned out to be, that the separationists in the Portland area paid particular attention to developing an organization that would be able to get out the vote. They organized county and town committees which were quickly imitated in the more eastern counties. The extent to which organization was stressed may be seen in the following letter written by Woodbury Storer, Portland merchant, to William King in early July:⁸⁴

⁸²William Pitt Preble to W.K., July 4, 1819, Ibid., Box 8.

⁸³Ibid.

⁸⁴Woodbury Storer to W.K., July 8, 1819, Ibid., Box '.

The stage driver is charged with four bundles containing 800 addresses on the subject of the Separation of Maine, which we wish to forward to the County committees of Hancock and Penobscot. Mr. David Stinson [Bath postmaster] is the Chairman of the [Lincoln County Committee] who will inform you of the names of those in the other Counties. No time is to be lost in our endeavors to bring every person to the Poll. Our opponents are all the time to work.. In the County of York its said from good authority [the vote] will be 500 more than in 1816. The friends of Separation in that County are waking up- hope they will do better than our fears - unless every exertion is made by its friends east of us, we shall still remain a bob to the kite during this generation.

The Committee of [Cumberland] County, appointed 6 or 8 persons in each town and addressed a letter to each.... They have likewise divided the County into districts, each one of the Committee undertakes the week previous to giving in their Votes, to call on each Town Committeeman in his district stating the necessity of the him and his bretheren dividing these towns into Districts on the morning of the day giving in their votes, and if possible bring every one to the poll.... We have thought of sending persons through the District to deliver the addresses to the County Committees but we have about \$500 dolls. expense from printing [said addresses].

The opposition, despite exaggeration of its influence on the part of proponents, was ineffective. Deprived of many leaders like David Payson and Moses Carlton who now reluctantly supported a separation, the few that survived were the hard core, die hard Federalists identified in the public mind with the reactionary elements in the District.

One group that opposed independence was identified with Bowdoin College. The college for a number of years had been a stronghold of Federalism and Congregationalism in Maine. William King, who had been appointed an Overseer of Bowdoin in 1802, before his conversion to Democ-

racy, gradually developed an intense hatred of the institution. In 1814, he suspected the president of Bowdoin, Jesse Appleton, of cooperating with the enemy at Castine.⁸⁵ In 1815, his brother-in-law, Dr. Benjamin Jones Porter, treasurer of the college was found to have a shortage of funds. King, as Porter's bondsman, was then harrassed for the next four years by the college to make good the shortage. Add to these annoyances, the fact that undemocratic and pro-establishment utterances were frequently heard coming from ivy colored Massachusetts Hall on the Brunswick campus and one can easily understand why a first class political war developed between King and the college.⁸⁶

To King as to other Republicans like Governor Plummer of New Hampshire and Thomas Jefferson in Virginia, a college should not be a sanctuary for a privileged few who held political and religious views in opposition to the spirit of democracy. Especially was this true with an institution that received funds from the state treasury as did Bowdoin. Much to be preferred was an institu

⁸⁵Supra, pp. 135.

⁸⁶Details concerning King's troubles with Bowdoin can be found in Louis Hatch, A History of Bowdoin College (Portland: Loring, Short, and Harmon, 1927), pp. 41-46.

tion open to all on the basis of talent only.

In 1816, Jesse Appleton, his treasurer John Abbot, the college lawyer, Benjamin Orr, and others connected with the institution like Joseph McKeen, son of Bowdoin's first president, were among the more adamant opponents of separation, fearing as it was said that independence would result in the democratization and secularization of the institution. Because of their opposition, the officers of the college were castigated by Republicans through the ⁸⁷
Argus.

In an effort to undercut the position of Bowdoin, King became the champion of the Maine Literary and Theological Institute to be located eventually in Waterville. This institution, chartered in 1813, was the product of a nation wide campaign, in which many Maine Baptist ministers participated, to establish a seminary in every state. The first student was admitted in 1818, thereby making the school the first such seminary to be established ⁸⁸
in the United States.

While King was never impressed with the theological bent of the institution- he forced them to drop this emphasis as soon as he became governor- he was in great

⁸⁷E. A., April 16, 1816.

⁸⁸Ernest Marriner, A History of Colby College (Waterville: Colby College Press, 1963), pp. 1-50.

sympathy with the Baptists and Methodists of Maine who continuously complained that they were treated as second class citizens. They were forced to pay ministerial taxes for the support of the Congregational churches and, in regard to Bowdoin, the Baptists complained that their sons were the victims of a discriminatory admissions policy. Even if a Baptist were admitted, which occurred infrequently, it was charged that he was subjected to ⁸⁹four years of Calvinist theology. The more sophisticated of the Baptists recognized that their status was fixed by the ruling groups in Massachusetts who attempted to maintain their dominance through the instruments of the church and college as well as the counting house. In the political arena, the Federalist Party represented the interests of these groups and for that reason most Baptists [and Methodists] were driven into the ranks of the Democratic-Republican Party where they were welcome.

At first, the Baptists were too few to be politically important in the District. In 1787, they claimed only 183 members. By 1800, their numbers had increased to over 1600, and by 1810 they claimed a membership of 5144 dis-

⁸⁹"Maine Literary and Theological Institution", E.A., March 23, 1819.

tributed among ninety-eight churches. By 1820, their church membership of 9,328 made them the largest denomination in the District.⁹⁰

The Methodists, who were also called dissenters, enjoyed nearly as impressive a growth as the Baptists. From 1792, when they claimed no members in Maine, they grew to become the second largest denomination in 1820 with over 6000 members.⁹¹ Like the Baptists, they too smarted under the domination of the Congregational Church. They resented as well the invidious remarks made about the quality of their membership by representatives of the established church. Even their clergymen were unable to escape criticism. It was the first president of Bowdoin, Joseph McKeen, who once described the Methodist circuit riders who traveled throughout the District a group of "illiterate vagabonds".⁹² As long as they shared a common enemy, the Baptists and Methodists acted together.

The phenomenal growth of the two denominations was the product of the advancing frontier in Maine between 1790 and 1820. The growth paralleled the growth of the

⁹⁰Henry Burrage, A History of the Baptists in Maine (Portland: Marks Printing House, 1904), pp. 105, 141, 148; Williamson, op. cit., II, p. 696.

⁹¹Williamson, Ibid., p. 697.

⁹²Hatch, op. cit., p. 19.

Republican Party. Most settlers gravitated toward men like John Chandler and William King who welcomed their support and who fought their battles for them in the General Court against the hated proprietary interests on whose land many of them settled as squatters.

The increase in their numbers produced, eventually, an increase in their political influence. As early as 1805, the Federalist Portland Gazette felt it necessary to spank the hands of the naughty dissenters for their criticism of Governor Strong, symbol of Massachusetts's orthodoxy in politics and religion.⁹³ The dissenters counted their first success in the year 1808 with the passage of the "Betterment Act?". Their next success came in 1811 with the enactment of the "Toleration Act". This act was aimed at the abolition of the hated compulsory ministerial tax. While provision had been made previously for the tax of a dissenter to be paid to his own minister, this was permitted only when the dissenting group had its own resident minister and when the religious group was incorporated by the General Court. An act passed in 1800 designed to placate dissenters was made nugatory by a series of unfavorable court decisions handed down between 1804 and 1810.⁹⁴

⁹³P.G., March 23, 1819.

⁹⁴Washburn v. West Springfield (1804), 1 Mass. Reports p. 32; Kendall v. Klingston (1809), 5 Mass. Reports, p. 524; and Barnes v. Falmouth (1810), 6 Mass. Reports, p. 401.

By 1811, dissenters were still complaining that because they did not have a resident minister and because the General Court refused to incorporate them, they were forced to pay double taxation to support the Congregational Church as well as their own. The "Toleration Act" made possible by the votes of Maine representatives who voted four to one in favor,⁹⁵ removed these obstacles to religious equality.⁹⁶ The major credit for the passage of the "Toleration Act" was reserved to its chief proponent, William King.

All that was left for dissenters, particularly Baptists, was the achievement of educational equality. It was only natural that they would turn to the champion of their interests, William King, to assist them in obtaining this objective. King proved only too willing to help. From 1816 to 1819, King led the unsuccessful attempt to gain financial support from the state for the Maine Literary and Theological Institute. Bowdoin, he argued, had received a number of townships of land in addition to a grant of \$3000 a year after 1814. Baptists deserved equal treatment with Congregationalists, he said, but for all his effort the only result was the token award of one township.

⁹⁵Paul Goodman, The Democratic-Republicans of Massachusetts (Cambridge: Harvard University Press, 1964), p.165.

⁹⁶Public and General Laws of ... Massachusetts from ... 1807... to 1816. IV. p. 230. The act passed June 17, 1811.

The refusal of the Federalist majority in Massachusetts to aid the Waterville institution played into the hands of the Republicans of Maine who pointed to it as just another example of the contempt with which Maine people were held by their "superiors" in Massachusetts. King cried that the refusal to assist the Institute was evidence of a Federalist-Congregationalist conspiracy to protect Bowdoin from the threat of a competing institution, and admonished the Baptists that such discrimination would continue until separation placed in power men friendly to their interests.

The last confrontation between King and the enemies of the Maine Literary and Theological Institute occurred in March 1819, timed strategically by King to produce the greatest amount of support for the cause of separation. King had introduced a bill calling for the granting of several townships and \$3000 a year to the seminary by the state, without which aid president Jeremiah Chaplin warned that the school would be forced to close its doors.⁹⁷ The request was denied as expected. King promptly sent to the Argus an angrily written account of the debate that took place on the floor of the Senate.

In his account, King wrote that in the Senate the bill had been defeated by a vote of fourteen to twelve,

⁹⁷Jeremiah Chaplin to W.K., March 1, 1819, WK MSS (Me. H.S.), Box 8.

pointing out that had two of Maine's senators, Samuel Fessenden and Lathrop Lewis, both Federalists, and both opponents of a separation, voted for the bill it would have passed. According to King, Fessenden delivered the coup de grace to the bill with a speech from which King⁹⁸ printed the following extract:

One college is all that is necessary in the District of Maine, and I have no idea of conveying or giving away any aid to any College whatever, that is to be in the way, or a rival to Brunswick [Bowdoin] College. If the Baptists want a College ... I have no objections... provided that they can afford it. Sir, situated as it now is, there appears to be a disposition to bring it forward, not only as a rival, but as an Institution calculated to destroy Bowdoin College.

The Fessenden statement stirred up a storm. Fessenden called King a liar who misrepresented his views in order to achieve a political advantage.⁹⁹ In any case, King obtained what he wanted; Jeremiah Chaplin wrote him that he was now convinced that only a separation would save his school from its enemies like Fessenden.¹⁰⁰ The Baptists, it seemed, could now be counted on to deliver their votes for a separation.

The men who controlled Bowdoin were aware that they

⁹⁸E.A., March 16, 1819.

⁹⁹P.G., April 5, 1819.

¹⁰⁰Jeremiah Chaplin to W.K., April 20, 1819, WK MSS (Me. H.S.), Box 8.

would experience the same fate as those who had controlled Dartmouth College if they failed to fend off the assault directed toward their institution. Samuel Longfellow, an opponent of separation and a Federalist, wrote president Appleton in December 1818 in regard to Bowdoin's request to the General Court for increased state aid that

It is important that we should succeed in our application at the present session, as it is said the subject of separation is ~~again~~ to be brought forward-- and if it should prevail I have no hope of patronage to our college from the government of Maine.

At the May 1819 session of the General Court the friends of Bowdoin, recognizing the threat to her autonomy posed by the Republicans led by King, placed in the "Act of Separation" a proviso that Maine should continue paying to the college the sum of \$3000 a year until 1824, at least, and that "the President and Trustees, and the Overseers of said College, shall have, hold and enjoy their powers & privileges in all respects; so that the same shall not be altered, limited, annuled or restrained, except by judicial process according to law."

It was the Federalist friends of Bowdoin who organized the only anti-separation meeting held in the District

¹⁰¹Samuel Longfellow to Jesse Appleton, December 28, 1818, Jesse Appleton MSS (Bowdoin College Library), III.

¹⁰²See Appendix XIV.

before the election of July 26, 1819. Among those attending the meeting held at Freeport were Samuel Fessenden, Samuel Longfellow, Benjamin Orr, Joseph McKeen, and William Vaughn and Robert H. Gardiner, both of Hallowell. These men were joined by a score of other Federalists in condemning the terms of the separation, particularly the provision giving Massachusetts one-half of the public lands located in Maine. This feeble objection was supported by the claim that in the near future, Maine's population would be larger than that of Massachusetts, which, in turn, would mean a corresponding increase in representation in the General Court. This happy circumstance would place Maine in control of the state government. Thus, in control, the capitol could then be moved from Boston to a more centrally located point "of if she chooses to become a separate state, she may do it on her own terms; and at least be rid of the disgrace of containing lands in her own limits over which she has no sovereignty, which she is bound to protect and defend, but which she cannot tax one cent to pay the expense of her protection."¹⁰³

Another group singled out by the separationists as foes of independence was the absentee landed proprietors, the nemesis of the squatters of Maine, and of the programs of the Republicans generally. Woodbury Storer, a Portland

¹⁰³P.G., July 20, 1819.

merchant, reported to King two weeks before the July 26 election that "persons from Boston, landholders, are riding through the County of Oxford, endeavoring to make converts against [separation]."¹⁰⁴ No doubt, part of the ex-

planation for the opposition to independence by Benjamin Orr and Samuel Fessenden was due to the fact that both men were lawyers for the absentee landed interest.¹⁰⁵ John

Richards, an agent for the Bingham interests in Maine, revealed his concern over the impending independence of

Maine in his usual sardonic manner in a letter to David Cobb, then living in retirement in Gouldsboro:¹⁰⁶

How like you the separation of Maine? How will it effect the value of property in lands? what legions of Devils will it let loose as office holders? & how will Massachusetts be able to swim without such a Mill Stone about her neck?

The reason for the apprehension with which the owners viewed the future seemed to be rooted in their fear that King would raise the tax on wild lands from two per cent to six per cent, the rate paid on improved lands. Repub-

¹⁰⁴Woodbury Storer to W.K., WK MSS (Me. H.S.), Box 8.

¹⁰⁵Willis, The Laws, The Lawyers, and the Courts of Maine, op. cit., pp. 349-350, points out that Orr especially was an advocate for the landed interests.

¹⁰⁶John Richards to David Cobb, June 26, 1819, David Cobb MSS (Massachusetts Historical Society).

licans had long complained of the injustice of what they believed to be the discriminatory taxation policy of the state which favored speculators over settlers and were pledged to rectify the situation once they achieved power. It was true that not all landed proprietors were Federalists and for that reason there were always some Republicans who believed that the party had made too much out of the issue, so much in fact that if the tax rate were equalized many of their friends would be hurt financially. The leaders of the separation movement were not unaware of the difficulties involved in equalization, but most appeared to agree with William Pitt Preble who wrote King that while many "feel a little timid as to its effects-some of our warmest friends are landholders- but we will sound easily and if it will not satisfy some it will be a good point to enforce to the people."¹⁰⁷

After King became Governor, he followed through in his plan to equalize the rates on land but it is apparent that he submitted to the pressure of landholders, some of whom were doubtless members of his own party, by agreeing to the request made of him by John Richards to try to keep the state valuation of the lands low. Richards discovered that others were not so easily persuaded, however. He wrote a friend that he had obtained "the names of all

¹⁰⁷William Pitt Preble to W.K., July 4, 1819, WK MSS (Me. H.S.), Box 8.

whose noisy mouths should be silenced- the only question will be whether the price of molasses to sweeten the sap may not be too high.¹⁰⁸"

On the whole, despite the apprehensions of many landholders, it appears that they did not, as a group, oppose actively the separation. Most of them probably concluded¹⁰⁹ with John Richards that

As to the Separation of the District I care little about it... at all events it is better to happen now than at a moment when party spirit runs high & after some few years growing under democracy it is hoped they may become 'perfect by suffering' & as the Lord chasteth those whom he loves, it is hoped the district may not avoid its most certain means of improvement [agriculture].

In conclusion, notice must be made of the inevitable countercharge that was leveled at William King. The editor of the Portland Gazette claimed that for all of his efforts to discredit proprietors whom he did not like, King was, in fact, more of a scoundrel than he claimed them to be, for by a separation he would save himself \$40,000 in settling duties for which he had contracted in the deal that brought him three townships of land from the Bingham

¹⁰⁸John Richards to John Powel, December 15, 1819; March 28, 1820, quoted in Frederick Allis Jr., William Bingham's Maine Lands. op. cit., II, p. 1222.

¹⁰⁹John Richards to David Cobb, July 23, 1819, David Cobb MSS (Massachusetts Historical Society).

heirs in 1807.¹¹⁰ King angrily replied to the charge by declaring that his settling duties had been met either by placing settlers on the lands or by the expenditure of money on roads.¹¹¹ As to the question- who was telling the truth?- that determination must await future diggings in the appropriate sources although it is the opinion of this author that King was probably telling the truth.

¹¹⁰P.G., July 6, 1819.

¹¹¹E.A., July 13, 1819.

CHAPTER VIII

VICTORY AT LAST

I congratulate you upon the certainty of our Independence by a majority of at least 6,000 votes. York County gives a majority of about 400. [Cumberland] County gives a majority of at least 1,600. It is astonishing.¹

Thus, an elated and a relieved William Pitt Preble wrote to William King two days after District voters went to the polls in what, for the separation movement, was the largest turnout ever. The long sought after and illusory goal was finally achieved. And the final margin of victory was not 6,000 but 10,000! [Figure XV]

TABLE XV

VOTES FOR GOVERNOR, APRIL, 1819, COMPARED WITH VOTES FOR AND AGAINST SEPARATION, JULY 26, 1819.^a

County	Governor		Separation			
	Crowinshield (Dem.)	Brooks (Fed.)	Totals	Yeas	Nays	Totals
York	1,412	1,753	3,165	2,086	1,646	3,732
Cumberland	1,990	2,111	4,101	3,315	1,394	4,709
Lincoln	1,995	1,790	2,785	2,523	1,534	4,057
Hancock	693	598	1,291	820	761	1,581
Kennebec	1,987	1,390	3,377	3,950	641	4,591
Oxford	1,403	742	2,145	1,893	550	2,443
Somerset	769	613	1,382	1,440	237	1,667
Washington	254	311	565	480	138	618
Penobscot	537	250	787	584	231	815
Totals	11,040	9,558	19,598	17,091	7,132	24,223

^aSource: Votes for Governor and Lieutenant Governor, 1819. Massachusetts Archives; Separation totals from Journal of the Constitutional Convention . . . 1819-20 (Augusta: Fuller and Fuller, 1856), p. 52.

¹William Pitt Preble to W. K., July 28, 1819, WK MSS (Me. H.S.), Box 8.

TABLE XVI

VOTES FOR GOVERNOR, APRIL, 1819, IN THIRTEEN DEMOCRATIC-
REPUBLICAN TOWNS COMPARED WITH VOTES ON SEPARATION,
JULY 26, 1819.^a

Towns	Governor		Separation	
	Crownin- shield (Dem.)	Brooks (Fed.)	Yeas	Nays
Raymond	52	20	77	00
Buxton	93	72	365	11
Saco	164	49	325	16
Litchfield	108	17	282	4
Montville	50	16	144	1
Monmouth	139	41	273	6
Mt. Vernon	98	14	160	00
Malta	81	21	131	00
Jay	88	27	150	7
Canaan	92	33	192	16
Belfast	46	45	145	25
Newport	38	10	90	00
Eastport	67	76	147	5
Totals	1,116	441	2,481	91

^aSource: Ibid.

TABLE XVII

VOTES FOR GOVERNOR, APRIL, 1819, IN SIX FEDERALIST TOWNS
COMPARED WITH VOTES (FOR AND AGAINST) SEPARATION
JULY 26, 1819.^a

Towns	Governor		Separation	
	Crownin- shield (Dem.)	Brooks (Fed.)	Yeas	Nays
Wells	49	408	55	297
Phippsburg	21	211	0	111
Warren	24	103	59	96
Waldoboro	24	280	29	206
Blue Hill	4	27	8	42
Bucksport	8	93	24	64
Totals	130	1,122	255	816

^aSource: Ibid.

²
An analysis of the returns, reveals the following:

²Returns by towns are found in the following sources:

1. In contrast to the September 2, 1816 election when three counties, Washington, Hancock, and Lincoln, opposed separation, all nine counties in 1819 supported separation. The largest majority was obtained in Kennebec County, the traditionally separationist--Democratic-Republican stronghold, where every town voted for separation with all but six of those towns supported the question by majorities exceeding 75%.

2. Compared to the voter turnout for the election of Governor in April, 1819, the separation turnout was nearly 4,000 more. The increase in voter participation favored separation. The Federalists, to the extent they were opposed to independence, lost nearly 2,500 voters to the cause of separation. [Figure XV].

3. The bulk of the anti-separation strength was, as in previous elections, greatest in seaport towns. However, the passage of the coasting law revision cut into the anti-separation strength in those towns resulting in at least half of the District's coastal communities supporting separation. This was especially true in Lincoln County and accounted for the 1,000 vote majority in favor of separation in that county. In September 1816, Lincoln County defeated separation by nearly 600 votes.

4. The seacoast towns that continued to oppose separ-

E.A., August 3, 10, 17, 24, 1819; P.G., August 3, 10, 17, 24, 1819. See Appendix V for complete totals.

ation were the traditionally Federalist towns. Figure XVII gives the votes for governor and for and against separation in six overwhelmingly Federalist towns all of which except Warren were located on the coast. These communities along with a dozen more contained the hardcore Federalist minority in Maine who had always opposed a separation for political reasons. In fact, it is not unreasonable to conclude that nearly all of the 7,132 anti-separationist votes came from this source, and conversely, it is reasonable to assume that practically no Republican voters cast their lot with the anti-separationists. The vote of July 26, 1819, was a vote cast along party lines to an extent greater than in any previous separation election.

5. Separationist strength was, as in previous elections, greatest in the interior sections. Only a dozen non-seaport towns voted nay, while more than a hundred voted in favor. The separationist strength was, as in the past, most impressive in heavily Democratic-Republican towns. Figure XVI lists the votes of thirteen towns, one at least from each county, that gave the most impressive victories for separation. In every town the Federalists lost voters to separation who had supported the Federalist candidate for governor in April. In every case, the Democratic-Republicans gained voters, in some cases twice as many. The increase in the Democratic-Republican vote for separation over that cast for governor further reveals the

extent to which apathy had overtaken Maine Republicans--the result of the Massachusetts' Republicans selection of unpopular candidates for Governor. If the full strength of the Republicans in Maine had voted in April, the Federalist John Brooks would have been the victim of a landslide.

6. Above all, an analysis of the returns reveals the significant fact that this struggle was a struggle between the old and the new. For the most part the Federalist dominated towns that voted against separation were towns that were settled before the American Revolution, and in a few instances, in the 17th century. With roots more firmly entrenched, many of the people in those towns, grown accustomed to time honored religious, economic, social and political connections with the people of Massachusetts proper, were unwilling to pull up those roots at the insistence of the brash, impatient newcomers.

The newcomers who inundated the District after the American Revolution coming from Massachusetts or New Hampshire seeking opportunity possessed many of the characteristics of later frontier men. Settling on the land available in the interior, where Congregationalism and other symbols of the established order were at first absent, their problem was putting down new roots to be nourished by new experiences. Had their ambitions not encountered the opposition of proprietary interests they would have been contented eking out an existence from

their modest farms. But after the proprietary interests caught up with them along with the attempt of religious orthodoxy to discourage their dissenting Baptist and Methodist inclinations, they sought an escape from these agents of the old order. They found such an escape in the Democratic-Republican Party, whose leaders obtained for them the Betterment Act and the Toleration Act. When these same leaders, frustrated in their political, and economic ambitions by elements who controlled the state machinery in Massachusetts proper, sought an escape of their own in the separation movement, they found a ready made base of support among the masses of people who lived in the interior. In a fundamental sense this was what the separation movement, especially after 1807, was all about.*

*A letter written by William Pitt Preble to William King (W.K. MSS, Me. H.S., Box 8) dated December 27, 1817 illustrates the extent to which the conflict between the old established leaders and the aspiring "newcomers" influenced the actions of the leaders of the Democratic-Republicans of Maine. Preble suggested that King recommend Ashur Ware, Woodbury Storer and Ether Shepley to President Monroe as commissioners of bankruptcy should a national bankruptcy law be passed. His object was to prevent the commissionships from going to Federalist judges in the District. "With respect to the soundness of the policy of aiding and assisting younger men of enterprising talents there can be no question. After all, our dependence is on this class of our citizens and if we are governed by personal considerations, I am satisfied the best mode of establishing and enlarging our own personal influence is to afford countenance and aid to such men. The old Dons have had their day and their reward. Besides they are not so capable as our younger men and would not do so much honor to the appointment."

John Quincy Adams noted in his diary, October 8, 1819, in regard to the result: "Much to be lamented as affecting the importance of the State as a member of the Union but quite unavoidable from the moment that it became the wish of the majority." Quoted in Albert Ames Whitmore, "Separ-

THE MAINE CONSTITUTIONAL CONVENTION OF 1819

On Monday morning, October 11, 1819, 274 delegates representing nearly all of the 236 incorporated towns in the District of Maine assembled at the Cumberland County courthouse in Portland to draw up a constitution for the new state. The delegates had been chosen by their respective towns on September 20 and reflected the overwhelmingly pro-separationist leanings of those who elected them. Conspicuously absent among the list of delegates were most of the inveterate foes of separation, Federalists such as Samuel Fessenden, Stephen Longfellow, Benjamin Orr, William Ladd, and others who had been present at Brunswick in 1816. Their absence was of considerable importance for without them, the views that they represented, views that were akin to those of Daniel Webster, Joseph Story and Chancellor James Kent, were not represented to any significant extent. Conspicuously present were John Holmes, Albion Parris, William Pitt Preble, William King, and John Chandler. Needless to say, these men had resolved to exercise a "decided controal [sic] and management" over the convention and the democratic document that emerged³ was the result of their handiwork.

ation of Maine from Massachusetts" (Unpublished M.A. Thesis, University of Maine, 1917), p. 20.

³William Moody to W.K., October 4, 1819, WK MSS (Me. H.S.) Box 8.

The only effort to compile information on the delegates was made in the decade of 1890 by an Augusta school master, George Chamberlain. The result of Chamberlain's research was incorporated in a volume entitled Debates and Journal of the Constitutional Convention of the State of Maine. 1819-1820.⁴ Unfortunately, Chamberlain was unable to find information on nearly a hundred of the delegates. Nor was the information he did collect on the others always judiciously selected; the biographical sketches that he wrote, therefore, leave much to be desired from the point of view of the historian. Nevertheless, from Chamberlain's effort it is possible to identify roughly the occupations, trades, or professions of a significant number of the delegates. It appears that the largest number of delegates, forty five at least, were involved in commercial pursuits oriented around the sea; shippers, shipbuilders, sea captains, and retail store owners who sold goods imported from abroad. Needless to say, several of the forty-five, like William King, were involved in more than one of these interests.

The second largest group, at least thirty-seven, were lawyers. Holmes, Preble, and Parris, for example, were

⁴Charles Nash, ed., (Augusta: Charles Nash, printer: 1894), pp. 57-120.

from this group, many of whom were professional politicians. Thirteen physicians, seventeen civil servants--postmasters, sheriffs, and other comparable office-holders--, eight school teachers or principals, two editors, two surveyors, three lumber manufacturers (saw mill owners), and one shoe maker were also represented. Eight of the delegates were Baptist ministers; four were Methodist ministers; only one was a Congregational minister. The presence of so many dissenting clergymen reflected dramatically the extent to which the old orthodoxy had been superceded in the District between 1780 and 1820. Their presence also helps to explain why the convention adopted no religious tests of any kind in the constitution. Finally, Chamberlain's sketches indicate that eight farmers were present. However, it is certain that there were many times this number of farmers selected as delegates. No doubt the nearly one-hundred delegates on whom Chamberlain could find no information of significance, were mostly farmers from the small inland towns, who, in spite of the convention, have remained obscure and unknown figures . Therefore, it is likely, that the largest group in attendance were farmers. Their influence in the proceedings, however, appears to have been negligible, no doubt because they felt themselves, as John Holmes observed, out of place in the presence of so many delegates with more legal experience.

The venerable Daniel Cony of Augusta who had partici-

pated in separation conventions in the 1790's was accorded⁵ the honor of opening the proceedings of the convention.

After John Holmes, Albion K. Parris, and three other delegates formed a committee to examine the credentials of the delegates and reported the presence of 274 members, the convention adjourned until 3:00 p.m. at which time balloting for president of the convention was to take place.

The office of president of the convention was more than a ceremonial office. The president not only named the committee members but recognized speakers from the floor. He was, in fact, the most powerful individual at the convention. In addition, the person elected president would serve as acting governor of the state between the time Maine was admitted into the union and the time of the

⁵Two sources on the proceedings of the convention are available to the historian. Jeremiah Perley attended the convention as an observer and his notes were printed in the Portland Gazette during the convention and were finally published in 1820 under the title The Debates, Resolutions, and other Proceedings of the Convention of Delegates Assembled at Portland on the 11th; And Continued Until the 29th Day of October, 1819. For the Purpose of Forming a Constitution for the State of Maine (Portland: A. Shirley, Printer: 1820). The Eastern Argus likewise had an observer in attendance at the convention who had his material printed in the E.A., on October 22, 26, 29, 1819. It is doubtful that either account--they were virtually the same--can be considered a complete account of the debates. Perley, in fact, submitted his notes to King who "revised or corrected them" for the record. He may have done likewise with other participants. Jeremiah Perley to W.K., January 20, 1820, WK MSS (Me. H.S.), LBC Box. All references to the debates in the text are from Perley unless otherwise noted.

first elections. And since all assumed that the acting governor would become governor by election, the delegates were to choose not only a president for the convention but a governor as well, a responsibility of some import.

It was, of course, no mystery that William King would be elected. When the votes were counted, the leader of the separation movement and the most powerful man in the District got 230 of the 241 cast.

After King offered the customary platitudes in an address to the delegates, his lieutenants, Parris, Holmes, and Preble, proceeded to organize the convention. Three resolutions providing for the creation of three committees were adopted. To the committee to prepare rules under which the proceedings would be disciplined, King appointed George Thacher Sr., associate justice of the Massachusetts Supreme Court; Benjamin Greene, chief justice of the Eastern Circuit Court which included Oxford, York, and Cumberland counties; and James Campbell of Harrington. Daniel Cony, Benjamin Greene, Benjamin Ames of Bath, Leonard Jarvis of Surry and Asa Clap of Portland were appointed to perform the perfunctory task of applying to Congress for admission. To the most important committee of all, the committee on the Constitution, King appointed thirty-three members including Holmes, Parris, Chandler, and Joshua Wingate of Bath. Holmes would become the chairman. In the meantime a number of minor committees were appointed and for the next two days the delegates were largely involved with their respective committee assignments.

On Thursday, October 14, the fourth day of the convention, the committee on style and title of the new state reported the recommendation that the state be named the "Commonwealth of Maine." The recommendation produced a spirited debate in which the name "Columbus" was offered instead. Finally, ⁶ on Friday, it was agreed to name the new state "Maine." From October 18 to October 29, the convention considered the recommendations of Holmes' "Committee on the Constitution" which reported the various articles to the delegates for their consideration article by article.

The subject of a constitution for Maine had long been under consideration. In 1816, William King had gathered ideas from a number of sources anticipating that he would be called upon to help draw up a constitution at the Brunswick Convention. After that time he, and undoubtedly, others, continued to gather suggestions from some of the country's most distinguished minds including James Madison ⁷ and Thomas Jefferson ⁸. Two months before the con-

⁶Later in the convention, the name Ligonía was also suggested. Ligonía was the name Ferdinando Gorges gave to a portion of the Province of Maine in the early part of the 17th century.

⁷James Madison to W.K., May 20, 1819, Letters & Other Writings of James Madison (Philadelphia: Lippencott, 1865) III, p. 131.

⁸W.K. to Thomas Jefferson, November 3, 1819, Jefferson MSS, Huntington Library; Thomas Jefferson to W.K., November 19, 1819, Jefferson MSS Library of Congress.

vention met in Portland, in 1819, King recommended that an attempt be made to write an entirely new constitution without reference to the Massachusetts constitution of 1780, largely the work of John Adams.⁹ Others like Preble, thought King's suggestion was ill advised. The want of sufficient time, thought Preble, precluded such an ambitious undertaking; he recommended taking the Massachusetts constitution as a basis:

I say taking the constitution of Massachusetts as a basis, because it is already rooted in the good feeling and affections of the public, and practical politicians ought always to keep an eye to public sentiment and not unnecessarily do violence to it.¹⁰

Preble had evidently become more sensitive to public opinion than he had been in 1816. In any case, the sentiments espoused by Preble prevailed. The constitution reported by Holmes was, indeed, modeled after the Massachusetts constitution although the differences between the two were by no means insignificant.

What follows is an effort to deal with the provisions of the Maine Constitution as they were proposed by the Holmes' committee and as they were finally adopted. To avoid the pitfalls that usually result from the attempt to

⁹W. P. Preble to W.K., August 5, 1819, W.K. MSS (Me. H.S.), L.B.C. Box.

¹⁰Ibid.

treat such subjects in a vacuum, the author has compared most of the provisions with their counterparts embodied in the Massachusetts Constitution of 1780, under which the District of Maine was governed for forty years. Thus compared, the Maine Constitution emerges, with the constitutions of several Western states, as one of the more democratic constitutions of the time, nine years before the inauguration of Andrew Jackson. The Constitution of Maine as adopted contained ten articles. Six chapters under two parts constituted the major divisions of the Massachusetts Constitution of 1780.*

Article I

Article I of the Maine Constitution contained twenty-four sections devoted to a "Declaration of Rights." This article was patterned after Part I of the Massachusetts Constitution which contained thirty-three provisions. Both were devoted to the enumeration of "inalienable rights" that were to be enjoyed by all citizens but the Maine Constitution departed from its model in two important respects: 1) The Maine Constitution [sec. 4] guaranteed freedom of speech and press. The Massachusetts Constitution, to the

*The Massachusetts Constitution of 1780 is reprinted in Appendix XVII. The Maine Constitution of 1819 may be found in Appendix XV.

regret of John Adams, its chief architect, guaranteed only¹¹ the freedom of the press. 2) The Massachusetts Constitution [part I, art. 2, 3] established a "quasi-religious" commonwealth. Article 2 stated:

It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience

Thus having stated the principle of the absolute freedom of religion, the framers in 1780 proceeded in article 3 to abridge that freedom. Article 3 required church attendance and the taxation of all citizens for the support of public worship and "protestant teachers of piety." Article 3 further provided that a protestant could apply his tax to the support of a minister of his own denomination. In reality, however, the courts so narrowly construed this provision that until 1811, only incorporated Baptist, Methodist, and other non-Congregational religious societies¹² were allowed to receive tax money. As has been noted, these court decisions produced an special hardship on dis-

¹¹A Manual for the Constitutional Convention of 1917 [Massachusetts], (Boston: Wright & Potter, 1917), p. 23. Hereafter cited, A Manual . . . 1917.

¹²Supra.

senting groups in Maine.

The discrimination against Catholics and Jews reflected the anti-popish and Christian biases of the age. These peoples justifiably resented being singled out in such dramatic fashion as well as being under the necessity of paying "double taxation."

In the Maine convention, Holmes' committee reported a provision that guaranteed absolute freedom of religion. The provision followed closely the wording of article 2 of the Massachusetts Constitution but omitted the first clause of that article which described the worshipping of the Supreme Being as not only a right but a duty. No distinction, whatever, was made between Protestants and Catholics, Christians and non-Christians, reflecting the liberal attitude of most of those at the convention. This liberal attitude was demonstrated by the words of one delegate who addressed the convention as follows [paraphrased¹³ by Perley] during the debate on the provision:

[He] . . . trusted no distinction or pre-eminence would ever be given to any religious sect . . . whether Catholics, Jews or Mahometans [sic]. The liberal principles of our government ought to make no difference between them, so far as we look to the investigation of truth by the force and effect of an oath, there is no ground for the exclusion of either of these great divisions. Does

¹³Perley, op. cit... p. 71.

a court of justice rest satisfied when a Christian calls God to witness the truth of the testimony? and does not the descendants of Abraham call the God of Abraham, Isaac and Jacob to be present, while they depose, and is he not also the GOD and FATHER of our Lord Jesus Christ, by whom Christians swear? The Mahometans in their most solemn transactions, speak in the name of the MOST MERCIFUL GOD, who is the Jehovah of Jews and Christians. The Hindoos too, were there any in this country, would be entitled to give testimony in our courts of justice, tho' they were to call upon Juggarnant himself, as the God they feared."

In the debate over what became section 3 of Article I, no one contested the establishment of the principle of freedom of religion. The only disagreement came from those who thought that the omission of the phrase "duty to worship" was too permissive and would encourage some to seek freedom from religion.¹⁴ The convention, led by Holmes who declared that "To make it a duty to exercise a right is proposterous," defeated what Holmes described as an attempt to incorporate in the constitution "a whole body of ethics."¹⁵

There was no discussion at all on the floor of the convention of the delicate question of the status of Catholics. The committee had received a memorial from James Kavanagh, Matthew Cottrill, and William Moony,

¹⁴Ibid... p. 72.

¹⁵Ibid... p. 74-87.

leaders of one of the only two non-French and non-Indian Catholic communities in Maine centered around Damariscotta, begging the delegates to give Catholics equality with Protestants.¹⁶ Despite some backstage opposition to granting their prayer, especially from William King who harbored a deeply imbedded mistrust of "popish ambition,"¹⁷ the convention would probably have given Catholics equality even if the memorial had not been presented.

Article II

Article II of the Maine Constitution established the qualifications for electors.

The Massachusetts Constitution of 1780, reflecting the notions of the classical republican theorists who abjured universal manhood suffrage in favor of a property qualifications for voting, established property requirements for electors. Electors for senators, house members, governor and lieutenant governor, and members of Congress were required to possess an estate of at least sixty pounds or have an annual income of three pounds or more derived from the possession of a freehold estate [Chap. I,

¹⁶The memorial was printed in the E.A., January 25, 1820.

¹⁷For King's anti-clerical, especially anti-Catholic views, see John Fiske, Reasons for Particular Consideration Upon the Death of Great Men; on Occasion of the Death of General William King (Bath: Haines & Freeman, 1852), p. 19.

Sec. 2, art. 2; Chap. I, Sec. 3, art. 4; and Chap. II, Sec. 1, art. 3]. It may have been true that the qualifications "soon became a dead letter"¹⁸ but the provisions were there, nevertheless, and could be enforced by local officials who found it advantageous to do so.

In the summer of 1816, when it seemed likely that the Brunswick Convention would be called on to create a constitution, William Pitt Preble wrote to John Holmes his views on what a constitution should include. Among other comments, Preble observed that "pecuniary qualifications are a mere cloak for petty tyranny, as to the electors, what say you to make citizens of the U.S. of age, not paupers, resident in the town or plantation where they¹⁹ vote," eligible voters.

It is obvious that Holmes took Preble's suggestion seriously for Article II, as reported by Holmes' committee provided for universal manhood suffrage for those over twenty one excepting "paupers, persons under guardianship and Indians not taxed" having residence established in the state for three months preceding any election.

During the debate on Article II, no one objected to this departure from previous practice. Several delegates

¹⁸A Manual . . . 1917. op. cit., p. 26.

¹⁹William P. Preble to John Holmes, July 17, 1816, John Holmes MSS (N.Y. P.L.).

recommended the exclusion of felons and Negroes not taxed, both of which failed of adoption, but no one questioned the principle of universal manhood suffrage as John Adams, Daniel Webster, and Josiah Quincy did the following year at the Massachusetts Constitutional Convention. One reason for this was that the Adams, Websters and Quincys of Maine, men such as Samuel Longfellow, Samuel Fessenden, and other arch-Federalists were not delegates to the convention, either because they were not candidates or because they were defeated in the election held on September 20. Secondly, if it is true that the property qualifications written into the Massachusetts Constitution became a "dead letter," then the convention was simply recognizing de jure a de facto condition that had prevailed for years.²⁰ And even if the qualifications were not a "dead letter," it is not certain that a significant number of people in the District were disfranchised. It is certainly significant that between 1780 and 1820 the question of property qualifications for voting was never discussed in the leading newspapers published in the District that the author has seen. For the people of Maine, it seems no problem existed. It is impossible to say for sure, but it

²⁰It will be recalled that the report of the Brunswick Convention of 1816 had stated that the requirement that only qualified voters be allowed to vote was disregarded in most towns. Presumably "qualified voter" was one who could meet the property qualification for voting for state senator.

is not unlikely that nearly everyone owned enough property²¹ to qualify anyway.

Article III

Article III of the Maine Constitution established the principle of a separation of powers between the legislative, executive, and judicial branches of the state government. There is no evidence to suggest that any other arrangement was considered by the Holmes' committee. By this time, Maine people had come to believe that such a separation was "natural." Perley's account of the debates²² notes succinctly: "This article passed without debate."

Article IV, Part I

Article IV, Part I of the Maine Constitution describes the make up of the House of Representatives and prescribes the powers of that body. Of all the articles, submitted to the convention by the Holmes' committee, Article IV precipitated the greatest debate.

Sections II and III of Article IV, Part I, as drafted, provided for a House of Representatives of not less than

²¹There were people who were unrepresented in Maine but not because they did not own property. They were the hundreds of people who lived on plantations, who had no representatives in the General Court. They were allowed, however, to vote for Governor and senators.

²²Perley, op. cit., p. 99.

one hundred nor more than two hundred members. The first legislature, however, would be apportioned between one hundred and one hundred and fifty members only based on the following formula:

<u>Number of Inhabitants</u>	<u>Number of Representatives</u>
1,500- 4,000	1
4,000- 7,500	2
7,500-12,000	3
12,000-17,500	4
17,500-24,000	5
24,000-31,500	6
31,500-	7

For towns with less than 1,500 inhabitants, the Holmes' committee recommended the adoption of the class system whereby two or more towns with less than 1,500 inhabitants would be joined and classified as one legislative district entitled to one representative who would rotate from year to year among the towns of the district. No town could have more than seven representatives no matter how large its population. Because the town of Portland with 8,000 people was the largest town in the District, this limitation did not pose a threat to any town at the time.

Objections to this plan were heard from two groups, spokesmen for the very small towns and spokesmen for the larger towns. The spokesmen for the small towns objected to the departure from the system under which they had lived for forty years. The Massachusetts Constitution of 1780 provided for corporate representation, i.e. for one

representative at least from every incorporated town (a town could not become incorporated until it had 150 rateable polls). While the practice of making towns pay for their representatives' salaries, kept the size of the House of Representatives usually within manageable limits, it was possible to have nearly 1,000 representatives according to the formula adopted in 1780. In 1812, after the Gerry administration had passed a bill providing for the payment of legislative salaries from the state treasury, the number exceeded 700, or roughly one for every 1,000 inhabitants.²³ It was to avoid creating an unmanageable House of Representatives in Maine that prompted the Holmes' committee to so limit the size of the body.

Spokesmen for the larger towns argued that the formula, far from discriminating against small towns, discriminated against larger towns. Their criticism was valid enough for it was true that a town such as Portland, with 8,000 people, would have but three representatives though its population was more than five times as large as a town with 1,500 people. Holmes, whose vanity caused him to take criticism of the efforts of his committee personally, fired back at the critics that the committee had been faced with diametrically opposite demands--to limit

²³A Manual . . . 1917. op. cit.. p. 26.

the size of the House and to give every town equal representation regardless of population. He predicted that following the latter alternative, the House would someday "bear more the character of a mob, than a legislative²⁴ assembly."

A motion to accept the committee's recommended draft was passed but a motion to reconsider the votes also passed. The debate was, therefore, revived and so protracted did it become that Holmes, at one point, threw up his arms and exclaimed that it was fortunate that the Massachusetts Constitution was to be provisionally operational in Maine "for I begin to doubt whether we shall be found capable of agreeing upon one for ourselves."²⁵ Finally, patience was rewarded, and on October 22, the convention accepted Article IV, Part I, as drafted by the committee-or so it seemed.

A week later, when Article X dealing with apportionment was reported to the convention the debate on the size of the House fixed by the adoption of Article IV, Part I,

²⁴Perley, op. cit., p. 106.

²⁵Ibid... p. 119.

was again reopened, this time from delegates representing the larger towns who restated their objections to the weighting of the formula against them. Holmes admitted that their objection was a valid one but explained once again the dilemma with which the committee was faced. William Pitt Preble argued that the larger towns would receive their due as a result of the equal representation principle adopted in regard to the Senate. Finally, Holmes, in evident frustration, reminded the delegates from the larger towns, in true Jeffersonian manner, that there was nothing much to be said for larger towns anyway considering the tendency for them to become "great sores" on the body politic.²⁶ However, in a gesture toward "conciliation," as Holmes put it, speaking for the committee, he offered to accept the following revision of the apportionment schedule as a concession to the larger towns:

<u>Number of Inhabitants</u>	<u>Number of Representatives</u>
1,500- 3,750	1
3,750- 6,750	2
6,750-10,500	3
10,500-15,000	4
15,000-22,500	5
22,500-26,250	6
26,250-	7

²⁶Ibid., p. 234.

Article IV, Part II

On Friday afternoon, October 22, the delegates turned their attention to a discussion of Article IV, Part II dealing with the description of the Senate and functions. Holmes' committee recommended that the Senate consist of twenty-three members to be apportioned by counties according to population.

The Massachusetts Constitution, following the bias of many toward property distinctions among the population, had apportioned the Senate of the Commonwealth according to the wealth of the counties. As was intended by the framers, this provision gave Suffolk and Essex counties, both wealthy merchant dominated areas, almost a monopoly in the Senate to the consternation of the peoples in Western Massachusetts and the District of Maine. John Holmes was asked if his committee had taken into consideration the basis for the selection of senators and, if it had, why it had chosen population over property? Holmes tartly replied, "the answer to the first question is that we did. The answer to the other is equally concise--the reason why we established it upon population was, because we saw no good reason to do it otherwise."²⁷ With that reply, history was deprived of what might have been a very interesting discussion in political theory. The committee report

²⁷Ibid., p. 153.

was adopted.

As with Article IV, Part I, a number of delegates were unhappy with Article IV, Part II. A week later, when a committee reported the allocation of senators for the first session of the legislature, the wisdom of limiting the number of senators to twenty-three was again questioned. The committee reported the following allotments based on the estimated population of each county according to the ratio of one senator for every 15,264²⁸ people:

<u>Counties</u>	<u>Number of Inhabitants</u>	<u>Senators</u>	<u>Fractions Wanting</u>	<u>Excess</u>
York	50,291	4	10,765	
Cumberland	56,043	4	5,013	
Lincoln	59,148	4	1,918	
Kennebec	54,992	3		9,200
Oxford	33,336	2		2,808
Somerset	30,790	2		262
Hancock	34,276	2		3,748
Penobscot	19,126	1		3,862
Washington	13,076	1	2,188	

The committee chairman proceeded to recommend the obvious to the convention, that for the sake of equity, one additional senator be authorized to be given to Kennebec County, making for a total of twenty-four senators. The reason that Kennebec had been penalized rather than York was not revealed. However, it probably was due to

²⁸Ibid., p. 216; P.G., October 21, 1819. It is interesting to note that the estimated population, on which the allocations were made, was over 349,000. The census of 1820 found only about 298,000 people living in Maine.

the fact that York County was the first county in Maine having been established in 1658.

The recommendation of the committee produced another heated discussion with John Holmes again the object of most criticism. Eventually, the convention voted to accept the recommendation of the committee by a vote of 125-106.²⁹ No sooner had the vote been taken, however, then the question was reopened by a motion offered by Alfred Johnson of Belfast to increase the allotment of senators for Hancock County from two to three. After a delegate from Castine made a similar request concerning the number of senators from Penobscot County, an alarmed Holmes jumped to his feet to offer an amendment to fix the number of senators at twenty rather than twenty-three. The amendment passed unanimously, thus York, Cumberland, and Lincoln were deprived of one senator each placing them in equality with Kennebec.³⁰ In order to admit some flexibility in the future consideration of the subject, it was further provided that subsequent legislatures could reapportion the Senate increasing the maximum number of senators to no more than thirty-one. With this, discussion

²⁹Perley, op. cit., p. 221.

³⁰Op. cit., p. 223.

concerning Article IV, Part II, ceased.

Article IV, Part III

Article IV, Part III, addressed itself to procedural questions and with certain rules defining the role of legislators.

Article V, Part I

Article V, Part I of the Maine Constitution, concerning the office of governor, was reported to the convention by the Holmes' committee on Saturday, October 23. The committee, once again, departed significantly from the Massachusetts Constitution of 1780. The Massachusetts Constitution [Chap. II, sec. 1, art. 2] stated that no person should be governor unless he had lived in the state seven years previous to his election and "unless he shall, at the same time, be seized in his own right, of a freehold within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion." And the word "Christian" was not to be applied indiscriminately, for as the address to the people which accompanied the presentation of the Constitution of 1780 explained, it was intended to exclude from office those "who will not disclaim these Principals of Spiritual Jurisdiction which Roman Catholiks in some countries have held."³¹

³¹Manual of . . . 1917. op. cit.. p. 24.

Such restrictions did not, however, reduce the importance of the office. On the contrary, the absence of any restriction on the number of terms a governor might serve, combined with an extensive appointive power, and a veto power made the governor of Massachusetts "the most imposing and independent chief executive in the United States."³² The alleged negative reaction against the powerful office of Royal Governor was not so great as has been assumed, at least in Massachusetts.

The Maine convention accepted the recommendation of the Holmes' committee that no property or religious test be imposed on the governorship, only that the governor be not less than thirty years old, a natural born citizen of the United States, and a resident of the state for at least five years. As the "Address to the People" subjoined to the completed Constitution put it: ". . . merit, not wealth, is the proper qualification for office." As for a religious test, the same "Address" explained that ". . . vital religion cannot be regulated by human legislation." It was, however, "pre supposed, that [office holders] believe in the existence and Providence of God."

The governor of Maine was given all of the powers

³²Ibid., p. 26. This assumes a friendly Governor's Council, for the Council was given the power of consent to all appointments.

possessed by the governor of Massachusetts, which, by the standards of the day, his Council willing, made him a potentially strong governor.³³

The Massachusetts Constitution of 1780 provided for the office of Lieutenant Governor [Chap. II, sec. 2]. The Lieutenant Governor was to meet all the qualifications for the position of governor and would succeed to the governorship if that office were vacated. In actuality, his duties were negligible, the most important being the assumption of the duties of the governor when the governor was absent from the state, an infrequent occurrence in the days of poor transportation. He was also a member of the Governor's Council. The Senate elected its own president. The Holmes' committee concluded quite logically, that Maine did not need a Lieutenant Governor. The office, it reported, "is given up [by] all hands." The President of the Senate was designated to succeed the Governor. No doubt,

³³Journal of the Constitutional Convention of the District of Maine With the Articles of Separation, etc., (Augusta: Fuller and Fuller, 1856), pp. 91-94. According to Peter Barry, Nineteenth Century Constitutional Amendment, (M.A. thesis, University of Maine, 1963), Passim, the office of governor was made much weaker by amendments adopted between 1820 and 1900. By 1900, therefore, the governorship of Maine was a relatively impotent office. Only recently, since 1955, has the governorship been strengthened significantly in Maine.

the committee was influenced in its decision by the advice of Rufus King written to his brother William. Rufus had been a member of the committee of the Constitutional Convention of 1787 which recommended the creation of the office of Vice President. Rufus wrote in reply to his brother's invitation to submit his ideas on a constitution for Maine, that in his opinion "a lieutenant Governor & vice President are equally useless. I don't think there w'd have been a vice President, had not Mr. Adams' friends devised the Place for him."³⁴

Article V, Part II

One of the more spirited debates at the Maine convention arose over the recommendation of the Holmes' committee that the executive council be retained in the Maine constitution.

The Governor's Council had its origin in the colonial period. Unlike councils in other colonies whose members were chosen by the King of England, the Massachusetts' Council was elected by the people. As the Revolution approached, the Council often opposed the wishes of the royal governor to his great frustration and from this conflict, no doubt, emerged the image of the Council as an

³⁴Rufus King to W.K., August 24, 1816, WK MSS (Me. H.S.), Box 7.

institutional check upon the designs of an ambitious and tyrannical executive. It was likely this image that caused the framers in 1780, to retain the Council.

Under the Constitution of 1780, [Chap. II, sec. 3] the Council consisted of nine members and the Lieutenant Governor. The nine were chosen from the forty state senators by a joint ballot of the two houses of the legislature. If a senator refused to serve [eventually many did because their acceptance would weaken or erase the voting majority of their party in the senate], the legislature then elected councillors from among the people at large. The duties of the Council were loosely defined but included giving the governor advice on executive matters and giving advice and consent to many executive appointments.

The Holmes' committee recommended the creation of a council of seven members, one each from seven council districts to be chosen by joint ballot of the Senate and House. No member of the legislature, however, could be elected a councilor nor could a member of Congress, nor a federal or state employee.

The duties of the Council were the same as those prescribed in the Constitution of 1780 except that advice and consent to pardons was given to the Maine Council. The difficulty was, however, that the impreciseness of the statement of the powers of the Council in the Massachusetts Constitution of 1780 was carried over into the Maine

Constitution. Article V, Part 2, Sec. 1 states, in part, that the governor "with the counsellors, . . . may . . . hold and keep a council, for ordering and directing the affairs of state according to law. [*italics added*]. This clause suggests that the Holmes' committee was placing the Council in a position of equality vis a vis the governor. Yet, Article V, Part 1, Section 1 states the "supreme executive power of this state . . ." rests with the governor. The Council is "to advise the Governor in the executive part of the government" and he is to assemble the Council "at his discretion." Although there has raged a controversy over which clause should be taken as giving the intent of the Holmes' committee, there can be little doubt but the committee meant the governor to be the "supreme executive power." In the context of the times, the delegates at the convention were unfamiliar with the theory, now so often advanced for partisan purposes, that the council is equal to the governor. This certainly had not been true during the forty years during which the Massachusetts Constitution was the fundamental law of the Commonwealth nor did the supporters of the council imply as much during the debate at the convention.

³⁵For a brief discussion of this point see Edward F. Dow, "The Governors Council, Our Unknown Constitution-I," Portland [Maine] Sunday Telegram, March 11, 1962.

Dr. Daniel Rose of Boothbay, later the first warden of the Maine State Prison, at Thomaston, and still later, Maine's land agent, led the opposition that arrayed itself against the creation of a council. Perley paraphrased

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Rose's remarks as follows:

Dr. Rose . . . thought a council unnecessary, and that dispensing with one would be a great saving of expense. . . . The government of the United States had no established council. The President consults with the heads of departments, who are called his cabinet council; and the governor will have his aids; adjutant general and other officers to assist him in the discharge of his duties, with whom he may advise. The Executive of most other States, act without a council, and no complaint is made of want of one. New York has one, which they would be glad to be rid of.

I believe, said Dr. R., we can get a Governor as capable of doing the business of the Executive alone, as other States. If we give him a council, we not only incur a useless expense, but divide the responsibility, and open a door for intrigue. The Senators will come from all parts of the State, and will give him all the information he could obtain from a Council. And besides, as has heretofore been the case, he may have a council in whom he has no confidence.

Rufus King, in a letter to his brother William, offered a similar criticism of the council describing it as "worse than useless, it is the scene of intrigue, and destroys executive Responsibility."

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³⁶Perley, op. cit., p. 169.

³⁷Rufus King to W.K., op. cit.

John Holmes asserted that he had urged the same arguments against the council as Rose in the committee "considering it a useless appendage to the government," but that he had been convinced by those who believed it a valuable and useful institution that it should be retained.³⁸

In the debate, two delegates [Ezekiel Whitman of Portland and James Bridge of Augusta] who had served on the Council of Massachusetts advanced now familiar arguments as to its great utility in regard to hearing pardons and as a watchdog over the treasury. A motion to have the council elected by the people was defeated for the reason that it would then be necessary to redistrict the state anew for that purpose. Finally, a vote to accept the committee report was passed.

[Article V, Parts 3 and 4, creating the positions of Secretary of State Treasurer both to be elected by the legislature were lifted with minor amendments from the constitution of 1780 and passed without debate].

Article VI

Article VI, adopted without debate by the convention, established a Supreme Judicial Court only, leaving the establishment of other courts to legislative decision. The Constitution of 1780 [Chap. III, art. 1] provided that

³⁸Perley, op. cit... p. 170.

judges, with a few exceptions, should hold their offices during good behavior. However, "the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature." The Maine constitution, for reasons not explained, provided that judges of the Supreme Judicial Court should hold their offices during good behavior but not beyond the age of 70. No provision was made at the time for creating a machinery for their dismissal.³⁹

Article VII

Article VII dealing with the militia of the new state was the subject of a protracted discussion over the wisdom of exempting Quakers and Shakers on religious grounds. The debate, of interest philosophically, was politically significant to the extent the convention voted to allow persons between eighteen and forty-five to buy their exemption from militia service. This was one of the few instances where the democratic inclinations of the delegates failed them.

Article VIII

It will come as a surprise to those who are accust-

³⁹Amendment III to the constitution approved March 14, 1839 corrected this deficiency by making judicial appointments for seven years and renewable. Judges were, also, by the amendment subject to removal by impeachment or by address of both branches of the legislature to the executive.

omed to thinking that education, like theology, should be strictly divorced from politics, that the article in the Maine constitution which owed most to considerations of a partisan political nature was Article VIII prescribing the role the new state should play in the education of its citizens. Of course, higher educational institutions have always had and always will have a great influence on the political life of a community not only as training grounds for political leaders but because of the ideas to which the potential leaders are exposed. Any institution worth its salt has at one time or another come under attack because within its walls ideas are formulated and transmitted which are considered by power wielding groups in society at large as either too conservative or too progressive. In either case, the institution will have exposed itself to charges of harboring subversive influences and only the strongest institutions will be able to withstand the manifold pressures, political and economic, exerted on them to change their ways. To say that an institution should avoid being placed in a position where it must defend itself is, of course, the position often taken by those who misunderstand not only the nature of politics conceived broadly, but who misunderstand the nature of knowledge as well. For knowledge is, per se, neutral. It is the purpose, the objective to which knowledge is applied that is politically significant. To expect the producer of knowledge to idly sit by while his discovery or invention is,

by his standard of values, wrongly applied to achieve objectives with which he has no sympathy is simply unrealistic. Likewise, for a discoverer or inventor to sit idly by while his contribution is neglected in favor of means that he believes are deficient in comparison to his own is also unrealistic. He will and he must profess what he believes to be true and there is nothing any more politically significant than a new "truth," or an old one recently revived, that comes into collision with prevailing notions of truth on which the power wielders in society justify their demands for deference and obeisance. The final arbiter in such a conflict is power, broadly defined, to include ideological, rhetorical, and other factors that make up the complicated equation that produces a victory.

Bowdoin College in the year 1819 found itself under attack from those who believed it was the guardian of subversive elements and ideas. Like many institutions of higher learning in America in that period, the college had been established to transmit the traditions of ruling groups in society at large. These traditions were allegedly those that developed out of the Protestant Reformation, especially Calvinism with its emphasis on a rigorous moral life based on the teachings of St. Paul and after him St. Augustine. By the turn of the nineteenth century, the Calvinistic notion of predestination and its derivative, the elect, had largely gone out of style for a variety of rea-

sons. However, the notion of an elect lived on in the belief that the clergy, in particular, constituted God's aristocracy on earth to whom the mass of mankind in general should look for guidance in the conduct of their lives.

Bowdoin was administered from 1805 to 1819 by Jesse Appleton. "The saintly Appleton," as he was affectionately called by his friends, was a man who believed as much as it was possible to believe in the mission of the Congregational clergy as agents of God on earth. To Appleton, Bowdoin College existed to provide these agents for Maine as Harvard had so nobly done for two centuries for Massachusetts and in so doing it would serve as a bulwark of orthodoxy.

As noted previously,⁴⁰ there were many people in Maine who thought that Jesse Appleton performed his task too well. Baptists, who by 1812, were the largest denomination in Maine charged that Bowdoin was a closed corporation. The sons of Baptist families were often denied admission or, they claimed, the few that were admitted were subjected to nothing but the most severe teachings of Congregational orthodoxy.⁴¹ It was, in part, due to this discrimination that the Baptists sought to establish their own institution at Waterville. Democratic-Republicans,

⁴⁰Supra, pp. 268-278.

⁴¹E.A., March 23, 1819.

behind William King, who had personal reasons for dislik-
⁴²ing the leaders of the college, complained that Bowdoin
 was not only a center of orthodoxy in the District but
 also the center of die hard Federalist elitist ideas. The
 leaders of the Democratic- Republicans admonished the
 leaders of the Brunswick college that unless they managed
 their affairs more "meritoriously," the consequences
⁴³would be grave.

The example of Dartmouth College did not go unnoticed
 by Republicans. When in 1817, Dartmouth was "liberated"
 from "the thralldom of an oppressive hierarchy and aristoc-
 racy" and placed under legislative control, the Republi-
 cans on the Argus staff were elated. "Whoever tho't . . .
 a public institution, established for the public benefit,"
 queried the editors, "by the force of a charter, and the
 appointment of certain persons as trustees to manage its
 concerns, thereby became the private property of the
⁴⁴trustees."

⁴²Supra. p. 268. King, as late as July 1819, was
 still involved in a law suit with the college, the officers
 of which were attempting to collect money from King for the
 bond he signed for his brother-in-law, the former treasury
 of Bowdoin, Dr. Benjamin Jones Porter. William Pitt Preble
 to W.K., July 25, 1819. W.K. MSS (Me. H.S.) Box 8; Ed-
 ward P. Mayman to W.K., June 25, 1819. Ibid.

⁴³E.A., April 16, 1816.

⁴⁴E.A., October 7, 1817.

The answer was, of course, that only Federalists thought so, and their defeat at the hands of the Republicans of New Hampshire proved that they were not invincible. It was, doubtless, the Dartmouth experience that presented King and his cohorts with the idea to place Bowdoin under state control when and if the time presented itself. But as long as Maine was a mere "appendage" of Massachusetts, the Federalists of the state would protect the college from the corrupting influences of "illiter-⁴⁵ates."

As previously noted,⁴⁶ the officers of the college during the winter session of the General Court in 1819, were determined to obtain increased assistance from the General Court because they "had no hope of patronage . . . from the government of Maine," should a separation take place.⁴⁷ Nor did the defeat of the forces representing state control in New Hampshire as a result of the Dartmouth College decision bode well for Bowdoin, for it was John Holmes who was the victim of Daniel Webster's eloquence and John Marshall's disposition toward the sanctity

⁴⁵Republicans believed that Federalists who supported Bowdoin thought them "illiterate" as well as hostile to the college. E.A., July 25, 1820.

⁴⁶Supra. p. 277.

⁴⁷Samuel Longfellow to Jesse Appleton, December 28, 1818, Appleton MSS., Bowdoin College Library, Vol. III.

of contracts, and, as everyone knew, Holmes did not take defeat gracefully. Jesse Appleton might assure his associates that "God has taken care of the college, and God will take care of the college,"⁴⁸ but others looked toward more reliable guardians, the Federalists of Massachusetts proper.

The more legalistically inclined Federalists such as lawyer Nathan Kinsman of Portland realized that the Dartmouth College decision, which held that a college charter was a contract and therefore unalterable by a state legislature, was of dubious value in the case of Bowdoin because Bowdoin's charter [sec. 16] gave to the legislature⁴⁹ the authority to alter the charter. Consequently, Kinsman went to Boston in June 1819, during the time William King was guiding through the General Court the "Act of Separation." The Portland lawyer conferred with Senator Lyman of Hampshire County, a member of the Senate committee charged with framing the "Act," and Lyman, over the protest of King, got inserted in the bill what he considered a sufficient safeguard of the integrity of the

⁴⁸Louis Hatch, The History of Bowdoin College (Portland: Loring, Short and Harmon, 1927), p. 41.

⁴⁹The charter of Bowdoin College can be found in Nehemiah Cleaveland, and A.S. Packard, History of Bowdoin College, p. 1885, pp. 878-883.

college.⁵⁰ King, reportedly, backed off from a showdown with the college at that time, only because of appeals made to him from Republicans in Maine requesting that he take a moderate course.⁵¹

The presumed safeguard was contained in article seven of the Act of Separation providing that the "President and Trustees and Overseers of the college, shall have, hold and enjoy their powers and privileges in all respects; to that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to law." However Article nine of the "Act" provided that any of the terms of the "Act of Separation," including article seven might be modified or annulled by the agreement of the legislatures of both states.⁵² Article nine, as events proved, provided just the loophole that Maine Republicans needed to achieve their ultimate objective. The "Act" further provided that Bowdoin would receive from the State of Maine the sum of \$3,000 until the year 1824.

⁵⁰Hatch, op. cit., p. 42.

⁵¹Ibid.

⁵²"Act of Separation," Journal of the Constitutional Convention of the District of Maine with the Articles of Separation, etc., (Augusta: Fuller and Fuller, 1856), pp. 3-14. Hereafter cited, Fuller and Fuller.

Out maneuvered for the time being by the friends of the college, King and his associates, between the adjournment of the General Court in June 1819 and the opening of the Constitutional Convention in October, considered different means by which the constitutional barrier erected around Bowdoin could be scaled or circumvented. One who played a significant role in these discussions was Juda Dana of Fryeburg. Dana, the grandson of General Israel Putnam of Revolutionary War fame, was a Dartmouth College graduate (1795). In 1798, he became the first lawyer to settle in Oxford County. The nearest lawyer to him was located in Portland, fifty miles from his home at Fryeburg. In 1801, Daniel Webster came to Fryeburg as preceptor of Fryeburg Academy and promptly became Dana's prize student in the law. Another was Samuel Fessenden whose son William Pitt Fessenden was the God-Son of "Godlike Daniel." In 1811, as a result of the Gerry revolution in Massachusetts, Dana was named associate justice of the Oxford County Court of Common Pleas. A man of unusual independence of mind, Dana left the Congregational church in a dispute over doctrine to become an active Methodist.⁵³ It is obvious that Dana's hostility to Bowdoin College

⁵³Willis, The Law, the Courts and the Lawyers of Maine, op. cit., 256-261; John S. Barrows, Fryeburg, Maine: An Historical Sketch (Fryeburg; Pequaket Press, 1938) p. 216. Dana's son John became governor of Maine and minister to Bolivia.

derived from his conviction that it was the home of religious privilege. A letter written by him in 1833, reveals that he was struggling even then with what he called "sectarian despotism." "I become more and more convinced of the [necessity] of the government taking a still more decided stand against the arrogance and dictation of sectarian despotism."⁵⁴ Above all, Dana understood the political dimension of the activities of a college.

It was Dana who wrote William King in July, 1819 that

. . . it becomes us as Citizens of Maine early to take a view of [college], and in our infancy, so to shape our literary establishments that the greatest possible benefit may be derived from them to individuals and the community, and that those placed over them should receive the patronage of the government and in turn, they should be attached to and support the same. In a country like ours, where its learning is mostly to be found in the desk [pulpit] and at the Bar, those orders of men have an extensive, steady and increasing influence over the public mind, hence the necessity of having them filled with Gentlemen friendly to the Government; this can only be done by that wisdom and foresight, which shall enable us to establish pure fountains of literature, so that the daily streams issuing forth, to replenish those professions, may not only be salubrious and healthful to the community, but also add strength and stability to the government . . . the Instructors of our Colleges are daily instilling into the minds of the youth under their care, such principles as they themselves embrace--and as these youth are most generally destined to fill important

⁵⁴Juda Dana, to F.O.J. Smith, April 5, 1833, F.O.J. Smith MSS, 1818-1873, (No. 1), (Me. H.S.).

stations in life, it becomes very necessary for the welfare of government as well as the community that these Instructors should possess sound principles and unbiased tastes and feelings; indeed, Sir, to a Gentleman of your experience and foresight, it will be needless to remark, that the literary Institutions of a Country, when arrayed against its government, are the most powerful engine to batter it down; but when favourably disposed, are its firmest and most desirable pillars.⁵⁵

King could not have agreed with Dana more but the problem yet remained--how could the barricade erected around the college be circumvented in order to implement any program designed to bring the college under state control? Dana had no answer to this question but he did have a proposal which he thought would constitute a beginning. He informed King that Chief Justice Marshall's decision that returned Dartmouth to the control of trustees would result in the unemployment of President William Allen who had been selected by the Republican forces of the State of New Hampshire to serve as Dartmouth's President. Now that President Appleton was nearing death* why not persuade the governing boards to hire Allen?

"I am aware that some of the Electors [the members of the boards] would secretly reject him on account of his politics and the dread of his influence, in that way, among the Clergy--the

⁵⁵Juda Dana to W.K., July 30, 1819, W.K. MSS (Me. H. S.), Box 8.

*Appleton's short but severe illness ended with his death in December 1819.

Literati, and particularly among the youth, but when they reflect that the State will be highly republican, and that the College cannot flourish without state patronage, would they not overcome their prejudices and consent to appoint him? and would they not be brought to this measure from a conviction that the college as now organized, would not be a favorite with the new government.⁵⁶

King's immediate reaction to Dana's letter is not known but it is evident from subsequent events that the suggestion hinting at the possibility of withholding state patronage from the college, despite the clause in the Act of Separation which bound the state to pay Bowdoin \$3,000 a year until 1824, was not unheeded. In addition, it is significant that Allen was hired in 1820 as Bowdoin's new president succeeding the deceased Appleton.

In the meantime, the rumblings within the ranks of the Republicans did not go unnoticed by the friends of the college. The more numerous Board of Overseers on August 31, 1819, voted to appoint a committee "to take into consideration that part of the law relative to the Separation of Maine, which applies to Bowdoin College, and to report at our meeting in May next what measures ought to be adopted in relation to the same."⁵⁷ The Board of Trustees,⁵⁸ of which King was a member, voted against the Overseers,

⁵⁶Ibid.

⁵⁷Bowdoin College Records. August 31, 1819, Treasurer's office, Bowdoin College.

⁵⁸Ibid.

producing an impasse which lasted for several months.

By the time the Constitutional Convention assembled in October 1819, a few of the more recalcitrant members of the governing boards of Bowdoin had reluctantly concluded that, legalistic safeguards notwithstanding, the future of Bowdoin College would be uncertain unless some effort were made to placate men like King and Dana who, after all, were going to be running the new state. One of these was William Vaughan of Hallowell, a friend of Priestly, Franklin, and other late eighteenth century luminaries. Vaughan, who was a member of the Board of Overseers, wrote King that he had concluded that it was wise, after all, to bend a little. As a result, he was now in favor of "throwing [Bowdoin] open to every sect . . . [and] to all parties" but with this concession he expected the college to remain in the hands of "men of some property of a collegiate education."⁵⁹

What influence this apparent willingness of some of the college's more ardent defenders to relax their control over the institution had on the action taken at the Constitutional Convention, is impossible to determine. King, there can be no doubt, remained determined to place the institution under state control. He appointed Dana and

⁵⁹William Vaughan to W.K., September 25, 1819, W.K. MSS (Me. H.S.), Box 8.

John Holmes to the committee to draw up a constitution. Holmes, the chairman of the committee, and the loser in his encounter with Daniel Webster before the Supreme Court in the Dartmouth College case, was in sympathy with both King and Dana on the subject of the future of the college, and was further angered by what he described as the "officious interference" of Massachusetts in the affairs of Maine by her erection of the legal barrier around the college.⁶⁰

On the evening of Monday, October 25, beginning the third week of the convention, the delegates received the long awaited Article VIII, entitled "Literature" from the Holmes' committee. The original draft of Article VIII⁶¹ read as follows:

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorise, all academies, colleges and seminaries of learning within the State: Provided, that no donation, grant or endowment shall at any time be made by the Legislature, to any Literary Institution now

⁶⁰Statement written by John Holmes dated April 10, 1820, John Holmes MSS (Me. H.S.) Vol. II, No. 412.

⁶¹Perley, op. cit... pp. 21, 204, 205.

established, or which may hereafter be established, unless, at the time of making such endowments, the Governor and Council shall have the power of revising and negating the doings of the Trustees and Government of such Institution [*Italics added*] in the selection of its officers and the management of its funds.

The first portion of Article VIII dealing with the establishment of public schools was modeled after a similar statement in the Constitution of 1780 [chap. V, sec. 2] which in turn was a lineal descendant of the "Old Deluder Satan" law of 1647, the first law ever passed providing for the compulsory support of public schools. It was, therefore, of historic origin.⁶²

The second portion contained the answer that William King provided for the question: how best can the barricade placed around Bowdoin, be circumvented? The governor, which meant King, and his council would exercise a veto power over the actions of the governing boards of the college. If this were not permitted, then the state would be obligated to cease its contribution to the college, an action that, King knew, the college could not afford to allow.

The debate on Article VIII, as expected centered on

⁶²This first portion of Article VIII did not specify the amount of support that was to be required of towns. This was left to the legislature which in 1821 passed a statute entitled "Education of Youth" which compelled every town to tax itself forty cents at least, for every inhabitant for the support of schools. Laws of Maine, Chapter CXVII, (1822).

the delegation of this immense power to the governor and council. Those delegates who were friendly to the college and desired a continuation of past practices were represented by Calvin Stockbridge from North Yarmouth, a strongly anti-separationist and Federalist town. Stockbridge offered a motion that would have limited the latitude of executive power to cases where the governing boards mismanaged funds. The motion was defeated.⁶³

Ether Shepley of Saco represented a far larger number of delegates than had Stockbridge when he offered an amendment to strike out that part of Article VIII giving the governor and council a veto power over the actions of the governing boards of educational institutions, and substituting for it the following: that the state should not make grants or endow any Literary Institution⁶⁴

[unless] the Legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in any such Literary Institution, as shall be judged necessary to promote the best interests thereof.

Shepley explained that he offered the amendment because he believed the legislature to be the proper regulator of

⁶³Perley, op. cit., p. 205.

⁶⁴Ibid.

such matters not the executive. Furthermore, he believed that such power should be employed only in regard to the management of funds, "having done that, let [such institutions] be managed by those to whom it properly belongs" [the governing boards].⁶⁵

No doubt recognizing that to insist on the original wording of Article VIII might jeopardize the ultimate objective of placing Bowdoin under state control, and that Shepley's amendment, regardless of his own views on how such powers should be employed, nevertheless gave to the legislature the power to act in any way it saw fit, Judah Dana rose to offer his support for the amendment. The important consideration, according to Dana was not that the executive must control such institutions but that they must be controlled by some public authority. On this principle he would never compromise.⁶⁶

The absolute and uncontrolled power given to Trustees to perpetuate themselves and successors in office, without any check upon them, in some future time will be considered as obnoxious to the community, and unfortunate to the institutions, themselves; as they can never expect the public munificence, without the public confidence. If the perpetuity of office is contained without a legislative control, favoritism, instead of merit, will decide the claims of candidates, and the

⁶⁵Ibid.

⁶⁶Ibid., pp. 208-209.

successful recommendation to office will be political or religious sentiments, or family connections; and before the expiration of half a century, it will be found, that if our numerous Boards of Trustees are not converted into political junta or religious hierarchies, they will be twisted up into indissoluble knots of family connections, who will consult their own gratification and interest, rather than the public good.

At this juncture, the moderate voice of Albion K. Parris was raised in objection to Shepley's amendment and to Dana's reasoning. He was, he said, in favor of some control over Bowdoin College, "for it is Bowdoin College which is the object of this provision, and we may as well name it, as keep it out of sight," but he would not go so far as to allow the legislature to interfere with the charter rights of the governing bodies. More acceptable, asserted Parris, would be an arrangement by which officers of the state government would be appointed to the Board of Overseers. Instead of being punitive in intent, this proposal, continued Parris, would be preventative in that state officers would serve as watchdogs for the public interest preventing abuses of a private character from being perpetrated.⁶⁷

At this point, John Holmes, in his characteristically blunt manner, observed that he "felt mortified at the provision in the act of separation imposing on us shackles in

⁶⁷Ibid... p. 211.

relation to this subject. Sir, are we in leading strings? Are we too ignorant even to be made sensible of the importance of knowledge? And does Massachusetts ⁶⁸ therefore undertake to prescribe for us?" He supported the Shepley amendment and opposed Parris' alternative mode. Holmes, then, reminded the delegates that the amendment embodied a principle already well established. The charters of Harvard College and the charter of Bowdoin College did, in fact, contain provisions for legislative restriction on the power of the governing boards of both institutions. The problem presented to the delegates was not derived from the charters but from the provision in the "Act of Separation" designed to insulate Bowdoin College from state control. ⁶⁹ Holmes continued:

What will be the consequence of this provision. To create a jealousy, and withdraw our patronage from Bowdoin College. I think the government of the College are aware of it, and will be willing to give up the odious provision. We cannot confide in those who are afraid to place confidence in us. Ought there to be a literary institution in a State not subject to the control of the laws, nor subservient to the government that protects it? Why should this institution, more than any other, be beyond our reach? It is dangerous to place too much confidence even in friends. Having acquired the power, they may defy the authority from which it was derived.

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⁶⁸ Ibid., p. 212.

⁶⁹ Ibid., pp. 212-213.

If the college at Brunswick prefers to proceed on its present basis, it has its choice. I am for letting it alone, until it shall come forward and ask for aid, and if it will couple its request with a relinquishment of this odious provision, I would grant it.

The Shepley amendment passed 151 to 18. With the amendment Article VIII of the Maine Constitution read, and continues to read for it is the only article that has never been amended, as follows:

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorise, all academies, colleges and seminaries of learning within the State: Provided, that no donation, grant or endowment shall at any time be made by the Legislature, to any Literary Institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

Article VIII, as adopted, provided the means that allowed the state to virtually place the institution under state control. It assumed correctly that the college could not survive without such support and that sooner or later, the governing boards would submit to superior power. What actually occurred was that the governing boards first accepted William Allen, Dartmouth's deposed

president, as the successor to the deceased Jesse Apple-
⁷⁰ton, and then, lured by the promise of King to establish
 a state medical school, Allen persuaded the governing
 boards that realism dictated that they submit to state
⁷¹control. In 1821, Governor William King, with legisla-
 tive approval, increased the size of the Board of Trustees
 from a maximum of thirteen as provided in the college
 charter to a maximum of twenty-five. The Board of Over-
⁷²seers was increased in number by a third. To the Board
 of Trustees, King appointed only his closest friends, all
 Republicans, including John Holmes, John Chandler, James
 Bridge, Dr. Benjamin Jones Porter, and Ashur Ware. In
 addition, he appointed as trustees William P. Preble, Al-
 bion K. Parris, Mark L. Hill, Judah Dana, Joshua Wingate,
 Jr., and Nathan Weston, all of whom had been members of
 the less influential Board of Overseers. To the Board of
 Overseers, the Governor, appointed, among others, Samuel
 Ayer, William Williamson, Daniel Rose and three future
 governors of the state, Robert P. Dunlap of Brunswick,

⁷⁰Bowdoin College Records, December 15, 1819. "Special Meeting" of the governing boards.

⁷¹Ibid., May 16, 1820. Massachusetts gave its consent to the nullification of that section of the "Act of Separation" designed to protect Bowdoin from state control on June 12, 1820.

⁷²The act was passed March 19, 1821.

Samuel Smith of Wiscasset, and John Anderson of Belfast. Also to the Board of Overseers, King appointed his nephew William King Porter, a Somerset County lawyer.⁷³

The result of these appointments was to place Bowdoin not only under state control but the control of the Republicans as well, which, of course, was what had been really intended all along.⁷⁴

⁷³Bowdoin College Records, May 9, 1821; E.A., May 3, 1821.

⁷⁴Bowdoin remained under state control until 1833. In that year Associate Justice of the United States Supreme Court, Joseph Story, returned Bowdoin to private control. Story's decision was prompted by an appeal made by William Allen who had been dismissed, ironically, as president of Bowdoin as the result of an act passed by the legislature in 1831, aimed at Allen, requiring that presidents of colleges in Maine, receiving state funds, be re-elected each year by a vote of two thirds of the members of the governing boards of the respective colleges. The law achieved its purpose. Allen moved to Massachusetts which fact allowed him to seek redress in the federal courts. "It was a curious situation," wrote one of Bowdoin's historians "the plaintiff had been removed, against his will, from the presidency of Dartmouth, by virtue of the principles to which he now appealed to save him from a like fate at Bowdoin." [Hatch, op. cit., p. 77]

In May 1833, Story, in Portland, declared that Allen had been wrongfully removed by the legislature because of the "Act of Separation" prohibited any modifications in the charter of the college unless the legislatures of Maine and Massachusetts gave their consent and only then when the boards of the college agreed to such modifications. Employing a dubious interpretation of the resolve of June 12, 1820 in which Massachusetts agreed to state control, Story argued that such consent had been given only to advance the best interests of the college. Also, the resolve enacted by Massachusetts applied only to the immediate question of state control. It did not give the legislature the power to enlarge the size of the governing boards as King had succeeded in doing. In fact, Story concluded, all legislative acts passed after June 12, 1820, concerning the college were unconstitutional, including the

In 1876, Samuel Benson, who had attended a legislative hearing in 1834 concerned with the question of state support of literary institutions recalled that William King had testified that Thomas Jefferson was responsible for the substance if not the exact wording of Article VIII. King, according to Benson, said that he had visited Jefferson before the Constitutional Convention and that "his old friend" had avised him to adopt Article VIII.⁷⁵ Until now no corroborating evidence has been offered to support Benson's claim.

The following extract from a letter to Jefferson from King written after the convention adjourned supplies such evidence:⁷⁶

The interest you are known to take in whatever relates to our institutions in every section

act of 1831, concerning the annual election of the president.

As a result of this decision further aid to Bowdoin was discontinued and from 1833 until the present, Bowdoin has been governed even more "privately" than it ever was before 1820. The decision of Story is given in Cleaveland and Packard, op. cit., pp. 103-106.

⁷⁵Samuel Benson, "Origin of Article VIII, Literature in the Constitution of Maine," Collections of the Maine Historical Society, VII, 1st Series (1876), pp. 241-242.

⁷⁶W.K. to Thomas Jefferson, November 3, 1819, Jefferson MSS, Huntington Library.

of this country, is my inducement for forwarding the endorsed Constitution which we have presented to the people of Maine. [The] Literary Article we are indebted to you for, which received almost the unanimous support of the Convention, when at your hospitable mansion the last winter you may recollect naming the article of the kind to me as of the first importance, as calculated to perpetuate our Republican systems. I was convinced of the correctness of your opinions on that, as on every other occasion.

The unqualified manner in which King attributed the authorship of the Article VIII, should not detract, however, from the contributions made to the formulation of the article by others. In the first place, as already noted, while Jefferson was committed to public education, he was not the only one to be so committed. The injunction to the legislature to direct the towns to support public education had a long history in Massachusetts dating back to at least 1647, and was, in fact, lifted from the Massachusetts Constitution of 1780. [Chap. V, sec. 2]. One contribution which Jefferson may have made was the insistence that the legislature "require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools." The Massachusetts Constitution described the provision of schools by the towns as a duty but did not specifically require such support, although the courts often interpreted the word duty to imply as much. Jefferson, as James B. Conant has noted, wrote in his autobiography of his utter disappointment at the fact that the Virginia legislature in 1796

had passed a bill to provide a free elementary education for all, but that it turned out to be a fraud because, by leaving the implementation of the bill to the courts of the counties, little in fact was done.⁷⁷ Why Jefferson had more confidence in the good judgment of legislatures than local authorities, Conant does not attempt to explain.

It is, likewise, impossible to say which parts of the second portion of Article VIII, dealing with colleges, Jefferson influenced. Certainly, the technique to withhold funds that was adopted to force Bowdoin to capitulate did not originate with King's trip to Monticello. Juda Dana had suggested as much to King in July 1819, four months before King visited Jefferson.⁷⁸ Moreover, the Shepley amendment that was adopted, and which provided the substance of the second portion of Article VIII originated in the convention itself. It is more likely that King outlined generally to Jefferson what he, Dana, and others had contemplated doing to bring Bowdoin under state control, and that Jefferson, already excited about the probable establishment of the University of Virginia along non-sectar-

⁷⁷James B. Conant, Thomas Jefferson and the Development of American Public Education (Berkeley and Los Angeles: University of California Press, 1962), p. 28.

⁷⁸Juda Dana to W.K., July 30, 1819, WK MSS (Me. H.S.), Box 8.

ian lines, nodded his approval and perhaps made a few tactical suggestions. After all, among men who shared Jefferson's political philosophy, the desire to bring private educational institutions, controlled by a few, under public control, was not uncommon. The belief that institutions, especially those that received public monies, should be free from sectarian influences was also wide spread. One might say that the "ideas were in the air," and were the product of the enlightenment tendency to ridicule all pretensions to power based on a foundation of knowledge derived from sources other than "science." It is certainly clear that William King would have agreed with Jefferson's famous utterance, "I am of a sect by myself, as far as I know." Because of this, it is doubtless true that Article VIII would not have been significantly different had King never gone to Monticello.

Article IX

Article IX, as reported, contained provisions for oaths and prescriptions, tenure of offices, and the impeachment of civil officers. In substance, these provisions were patterned after the Constitution of 1780. [Chap. VI]. There was an effort to deny public office to anyone who "denies the Christian religion," but Holmes, once again, rose to beat back the attempt on the grounds that such a requirement would be inconsistent with the Bill of Rights as well as violating the spirit of the constitution

"which was not to require a religious test as a qualification for office."⁷⁹

Article IX likewise established what landed proprietors feared, a system of equal taxation as between improved and settled lands and wild lands held for purposes of speculation. However, if James Richards, one of the Bingham trustees' agents in Maine, was correct, the full impact of this measure was considerably blunted by King's agreement⁸⁰ to keep the valuation on the lands low.

Article X

[Article X, among other subjects, dealt with the apportionment problem handled under the discussion of Article IV.]

With the settlement of the apportionment question, the last hurdle of the convention was surmounted. The remaining hours were taken up in routine matters such as the election of Ashur Ware as Secretary of State and the decision to convene the first session of the legislature in Portland. On Friday afternoon, October 29, 1819, the sixteenth and last day of the convention, 236 of the 274 delegates signed the completed constitution. Thirty-two members⁸¹ refused to sign and eight were absent. Preble and

⁷⁹Perley, op. cit., p. 215.

⁸⁰Supra, pp. 286-281.

⁸¹Perley, op. cit., The names of those who did not

Parris, of the seven delegates from Portland signed; the others could not accept what they considered discrimination against their town in the apportionment of representa⁸²tives.

It is probable that four of Wells' five man delegation refused to sign for the same reason, although the fact that Wells had been historically one of the towns most opposed to a separation in District cannot be lightly dismissed. Among the delegates from the smaller towns who did not sign, the departure from the principle of corpor⁸³ate representation was said to be decisive. Of the twenty-five delegates, excluding those from Portland, who

sign the constitution were as follows: York County: Elisha Allen and Timothy Shaw of Sanford; John Bodwell, Shapleigh; Jeremiah Bradbury, Saco; Joshua Chase, South Berwick; Nathaniel Clark, Limington; Stephen Neal, Elisha Shapleigh, Eliot; Daniel Wood of Lebanon; and four of the five delegates from Wells, Samuel Curtis, Joseph Dane, Nahum Merrill, George Wallingford.

Cumberland County: Joseph Chute, Noah Reed, Windham; Calvin Stockbridge, North Yarmouth; James Tucker, Standish; and five of Portland's seven man delegation, Asa Clap, Nicholas Emery, Isaac Ilsley, Ezekiel Whitman, and Henry Smith.

Lincoln County: Parker McCobb, Phippsburg.

Kennebec County: Peaslee Morrill, Dearborn; Moses Sleeper, Vassalborough.

Hancock County: Leonard Jarvis, Surry; Samuel Pond, Bucksport.

Washington County: Jonathan Bartlett, Eastport.

Somerset County: Nahum Baldwin, Mercer; William Butterfield, Northfield; Stevens Kendall, Warsaw; Stephen Thayer, Fairfield.

⁸²P.G., November 9, 1819.

⁸³E.A., October 29, 1819.

did not sign, it is interesting to note that fifteen came from Federalist towns that had voted heavily against a separation in July 1819. The greatest opposition was centered in York County which claimed thirteen of the dissidents. No explanation as to why this was true was advanced at the time. The county had always contained anti-separation strongholds, particularly those towns that bordered New Hampshire who argued that Boston was nearer to them than any location that had been proposed as a capitol for Maine. Possibly the same objection still pertained.

Most people, including Federalists, however, had nothing but praise for the efforts of the delegates. The Portland Gazette agreed with John Russel of the [Boston] Columbian Centinel who thought the Maine Constitution would not "suffer by a comparison with the best in the United States."⁸⁴ Republicans were delighted with the warm reception of the Constitution. The more serious minded of them were more pleased that a significant step had been taken toward the creation of a thoroughly democratic community in which "artificial" distinctions based on religion, race, and property had no place. Martin Kinsley of Hampden who had been labeled a "jacobin" by

⁸⁴P.G., November 9, 1819. Actually, Russel made some criticism of the Constitution. He preferred a property qualification for voting. As to Bowdoin--"the provision which relates to the endowment of Colleges is small, very small." See Columbian Centinel, October 25, 1819.

Federalists because of his presumably ultra democratic leanings summed up the feelings of this latter group in a letter he wrote to King at the time the convention was still in progress:

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"We are all literally charmed with the mildness & wisdom with which you proceed in your Convention. Party spirit seems to have been lost in a spirit of Phylanthropy and Patriotism. We rejoice that you are not likely to shackle us with any Religious Tests or injunctions of Religious Duties: Those can never make us Christians; but will be pretty sure to produce Pharisees & Hypocrites. We need no Pecuniary qualifications for office. Was it ever heard of that a Senator or Representative refused to swear that he had such qualifications? Although some of his friends & creditors might have very serious doubts of the fact at the time. Go on my good friends! . . . Posterity shall "rise up & call you blessed."

Ironically, the man whose words were invoked most frequently throughout the convention, (especially by Holmes in justification of the decision to discriminate against the larger towns in representation), Thomas Jefferson, was not entirely pleased by the constitution, a copy of which William King sent him. Acknowledging the receipt of the Constitution Jefferson wrote King:

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⁸⁵Martin Kinsley to W.K., October 28, 1819, WK MSS (Me. H.S.), Box 8.

⁸⁶Thomas Jefferson to W.K., November 19, 1819, Jefferson MSS, Library of Congress, No. 181. In the District of Maine, Portland, with 8,581 people was the largest town. The next largest was York with 3,224 inhabitants. Maine did not, therefore, have anything like a rural-urban division in her population. This fact might cause one to question what all the fuss was about over the apportioning of representatives. With a relatively homogeneous popula-

Thomas Jefferson returns thanks to General King for his kind communication of the constitution of Maine which he finds marked with wisdom in every point, except that of representation. Equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation because the prejudices themselves cannot be justified. The claims of the corporate towns in this case, [the small towns under 1,500 inhabitants, not the larger towns] like those of the barons in England have formed the body of the nation to accept a gov. by capitulation there, the = rights of the people at large are forced to yield to the privileges of a few, however you will amend it bye & bye

The Constitution, accompanied by an "Address to the People" explaining why the convention departed in many instances from the Massachusetts Constitution, especially in regard to religious and property qualifications for voting and

tion malapportionment is said not to be a problem since all the people want the same things anyway.

The answer to this query is that, at the time, the delegates to the convention believed that lack of equal representation was important. For some, this belief was justified because they saw that the District was in fact not economically homogeneous. For them the interests of the often larger sea coast towns oriented toward commerce were different than the interests of the small rural farm communities in the interior; although the author believes that the economy was integrated to an extent that the economic interests of the two areas complemented each other. However, many did not see it that way.

For many, the objection to the departure from corporate representation was bad simply because it always had been done in that manner. Others, steeped in agrarian mysticism, thought there was a sacredness to the idea of corporate representation. In any case, it is probably true that malapportionment does not really become a problem until the industrial revolution produces cities whose needs are substantially different than those of rural or town life. Maine was nearly a century away from that point in her history.

office holding,⁸⁷ was submitted to the people of Maine on December 6, 1819. The people responded by giving an overwhelming vote in favor of the Constitution. The aggregate vote was 9,040 in favor and only 796 against. Figure XVIII indicates that only in York County, where three towns, including Shapleigh which voted 132 to 25 against adoption, was there any appreciable opposition, and even there the vote was three to one in favor.⁸⁸ In the entire District only nine of the 241 returns were recorded⁸⁹ against adoption.

FIGURE XVIII

AGGREGATE VOTE ON THE ADOPTION OF THE CONSTITUTION, 1819.^a

Counties	Aggregate of Votes, Legally Returned			Aggregate of Votes, Not Legally Returned		
	Whole Number	Yeas	Nays	Whole Number	Yeas	Nays
York	1,411	1,094	317	135	118	17
Cumberland	1,814	1,675	139	70	57	13
Lincoln	1,553	1,496	56	110	110	0
Hancock	784	686	98	74	73	1
Washington	203	199	4	34	23	11
Kennebec	1,509	1,466	43	329	318	11
Oxford	1,350	1,262	88	88	88	0
Somerset	653	626	27	147	123	24
Penobscot	560	536	24	75	75	0
Totals	9,837	9,040	796	1,062	985	77

^aSource: See Appendix XVI.

⁸⁷The "Address to the People" is printed in Appendix XV.

⁸⁸A complete tabulation of votes is given in Appendix XVI.

⁸⁹Ibid. The towns were: New Portland 15-9; Albany, 16-5; Columbia, 11-9; Blue Hill, 37-9; Brooksville, 11-7; Sedgewick, 24-23; Kittery, 21-10; Sanford, 85-10; Shapleigh, 132-25. Only Sanford, Albany, and New Portland

The Constitutional Convention reconvened on January 5, 1820 in Portland, at which time the votes given on the constitution were officially recorded. A number of procedural matters were disposed of including the naming of John Chandler to succeed William King as acting governor in case of the latter's death. But what should have been a time of feasting and celebration, was transformed into a time of great apprehension, for from Washington news was received that Maine's application for statehood had run afoul of the most inflammatory issue that the young republic had yet faced, the question of the extension of slavery into the areas beyond the Mississippi River. As a result, there was real doubt that Maine would be admitted before the March 3, 1820 deadline contained in the Act of Separation. If she failed to meet this deadline, unless Massachusetts agreed to extend it, Maine would revert back to the status she held between 1780 and 1819. For those who had worked for the independence of Maine for years, this prospect was a dreadful and depressing one.

voted in favor of a separation in July, 1819. The votes of New Portland and Columbia were rejected because of irregularities.

CHAPTER IX

THE MISSOURI COMPROMISE

"THE MOTHER HAS TWINS"

With the resounding victory gained in the polls in July 1819, the separationists had every reason to believe, as they did, that they could now coast. To be sure, there had been concern manifested within the ranks of the leadership that the constitutional convention would present some challenges from the opposition but few doubted that the challenges would constitute any more than a nuisance. The application to Congress for the admission of Maine as a state was viewed as a mere formality,¹ as indeed, it should have been. Consequently, it was with disbelief and shock that the news was received from Washington in December 1819, that the Maine statehood bill had encountered an unforeseen obstacle.

The latest difficulty was triggered by Republican Representative James Tallmadge of the Poughkeepsie District of New York. On February 13, 1819, less than a month before Congress cleared the way for the reopening of the separation question by the passage of the revised coasting law, Tallmadge "lit the fuse" to the most explosive controversy of the time by offering an amendment to

¹John Holmes to W.K., August 16, 1817, WK MSS (Me. H. S.), Box 8.

the Missouri statehood bill to prohibit the further introduction of slaves into Missouri and to free all children born of slaves already in Missouri at the age of twenty-five.²

The debate on the Tallmadge amendment in the House lasted through February and into March 1819, when it passed with the votes of northern representatives. Only six northern representatives, including John Holmes, voted against the amendment.³

In the Senate where equality of representation favored the Southern states, the Tallmadge amendment was foredoomed to defeat.⁴ But Rufus King so ably led the exclusionist forces in that body that the Southerners for the first time bristled at the prospect that they might soon lose their power in the Senate to a new alliance of Northerners and Westerners united in opposition to slavery.⁵ When the Southerners succeeded in passing the Mis-

²Annals of Congress. 15 Cong., 2 Sess., pp. 1215-1217.

³Glover Moore, The Missouri Compromise, 1819-1821. (Lexington: University of Kentucky Press, 1953), p. 35. Moore's book is the best account of the controversy. I have relied upon it heavily in writing this chapter. Moore used both the King and Holmes papers at the Maine Historical Society, and used them judiciously.

⁴Ibid., p. 53.

⁵Ibid., p. 59.

souri statehood bill without any restriction placed on slavery, no one believed that this was the last airing of the question but simply the opening volley in what would prove to be a protracted stalemate that would, before it was broken, shake the very foundation of the Union.

The Sixteenth Congress that assembled on December 6, 1819, contained seven representatives from Maine: John Holmes of Alfred, Mark Langdon Hill of Phippsburg, Ezekiel Whitman of Portland, Martin Kinsley of Hampden, Enoch Lincoln of Paris, Joshua Cushman of Winslow, and James Parker of Gardiner. All but Whitman were Democratic-Republicans (although Cushman's allegiance to the Republicans was suspect) and all but Whitman and Cushman had been enthusiastic supporters of separation. Even Whitman, however, had grudgingly supported the cause. In addition, Prentice Mellen of Portland, a Federalist, joined with Harrison Gray Otis to make up Massachusetts' senatorial delegation.⁶

On December 8, 1869 John Holmes presented a petition

⁶When he was elected by the Massachusetts General Court in 1818, Mellon became the first Maine based man ever to serve in the Senate of the United States. The past refusal of Massachusetts to choose one of its senators from Maine had been a source of much animosity between the two areas. The refusal was taken by many in Maine to be still more evidence that Massachusetts leaders thought that Maine people were too unworthy to serve in responsible positions: Separation, it was argued, would correct this great injustice. Mellon was appointed by William King as Maine's first chief Justice of the Supreme Judicial Court, one of King's few Federalist appointments.

to the House asking for the admission of Maine into the union.⁷ Prentice Mellon did likewise in the Senate.⁸ By the end of December, it was apparent that all was not well. Mark Hill became so concerned that he sent for William King: "I wish you would come on this winter and if you can, come soon."⁹ Two days later, he informed King that "our difficulties appear to thicken....The speaker [Henry Clay] came out openly... in opposition to the admission of Maine without Missouri."¹⁰ Discouragement was increased by the news received from Prentice Mellon that in the Senate, General James Barbour of Virginia was determined to unite the Maine and Missouri bills. Mellon's plea that the admission of Maine should be considered on its own merit was to no avail. "The friends of Missouri have a majority and can defeat us if they unite," lamented Mellon.¹¹ John Holmes, after a visit with President Monroe with several members of the Senate, reported to King that

⁷Annals. 16 Cong. 1 Sess., p. 704.

⁸Ibid... p. 20.

⁹Mark L. Hill to W.K., December 28, 1819. WK MSS (Me. H.S.), Box 8.

¹⁰Ibid... December 30, 1819.

¹¹Prentice Mellon to W.K.. January 3. 1820. Ibid... Box 7.

most senators, including Barbour, had expressed "a very friendly disposition towards our admission, but Governor Barbour and several others thought it would be best that the Mother should have twins this time."¹² Clearly, Maine had become ensnared in a net the escape from which bore absolutely no relation to the merit of her application. She was inextricable caught in the power play between contending forces. Her fate was now in the hands of the players.

The allusion to Clay's opposition by Hill was in reference to the debate that took place on the floor of the House, on December 30. With Hill in the speaker's chair, Clay informed the membership that he could not accept any effort to restrict slavery in Missouri and that in order to assure that this would not happen he was supporting the uniting of the Maine and Missouri bills. John Holmes reminded Clay that if Maine were not admitted by March 3, she would revert to the control of Massachusetts. He hoped, he said, that Clay's strategy did not mean that Clay would sacrifice Maine in this contest. Clay succinctly replied: "yes it did."¹³ In spite of Clay's opposition

¹² John Holmes to W.K., January 1, 1820, Ibid., Box 7.

¹³ Annals, 16 Cong., 1 Sess., p. 831; also see James Hopkins, ed., The Papers of Henry Clay: The Rising Statesman, (Lexington: University of Kentucky Press, 1961), 11, pp. 740-748.

however, the House passed on January 3, 1820, the Maine
¹⁴statehood bill, and then turned its attention to the
 Missouri bill. Clay, now turned his attention to the Sen-
 ate where, he knew only too well, the axe would certainly
¹⁵fall.

The admission of Alabama on December 14, 1819, gave
 the Senate an evenly divided membership between the North
 and the South of eleven states each. However, because a
 number of northern senators, led by Jesse Thomas of Illi-
 nois, were opposed to restricting slavery in Missouri,
 the anti-restrictionist, pro-South element had a clear cut
 majority. When the House bill admitting Maine reached the
 Senate Judiciary Committee, an enabling amendment was
 attached to it allowing Missouri to form a constitution and
 state government without restriction of the institution of
¹⁶slavery in either. Thus, Maine and Missouri now became
 formally joined. Both Harrison Gray Otis and Prentice
 Mellon objected to the action of the Judiciary Committee
 but their two votes were insufficient to block Senate
¹⁷passage of the committee's recommendation.

¹⁴Annals, 16 Cong., 1 Sess., p. 849.

¹⁵Clement Eaton, Henry Clay and the Art of American
 Politics. (Boston: Little, Brown, Co., 1957), p. 123.

¹⁶Annals, 16 Cong., 1 Sess., p. 85.

¹⁷Ibid., pp. 89-97; 107-116.

On February 17, the Senate paved the way for a compromise when it passed a second amendment, the Thomas amendment named after its sponsor, the pro-southern senator from Illinois, providing that slavery be forever forbidden in the area known as the Louisiana Purchase north of the line 36°30', excepting Missouri. The vote was 34 to 20 on the Thomas amendment with both Otis and Mellon¹⁸ among the minority. As one southerner explained, it would be difficult now, for the Congressmen from Massachusetts and Maine to vote against the Senate compromise package. To do so would doom Maine as well.¹⁹ Joshua Cushman exclaimed upon hearing of the scheme: "Maine! Ill fated Maine! The story of her woes would make the angels weep!"²⁰

Yet that was precisely what happened. When the Senate amended House bill was returned to the House, the House on February 23, after a debate that consumed over 600 pages in the Annals, rejected the Senate amendment uniting Maine and Missouri by a vote of 93 to 72. The Thomas amendment embodying the compromise proposal was²¹ similarly defeated by a resounding 159 to 18 margin. On

¹⁸Ibid... pp. 427-28.

¹⁹Moore, op. cit... p. 89.

²⁰Annals. 16 Cong., 1 Sess., op. cit... p. 1292.

²¹Ibid... pp. 1455-1457.

each vote all seven of Maine's representatives voted with
²²
 the majority.

To complicate matters, the House now resumed consideration of its own Missouri statehood bill. An amendment proposed by John Taylor of New York, which would have barred slavery in Missouri, passed the House on March 1, by a vote of 91 to 82 with, significantly, John Holmes the only one of Maine's seven representatives voting
²³
 against passage.

In the meantime, the Senate informed the House of its unconditional commitment to the two amendments it had attached to the House Maine bill. Now, when the Senate received the House Missouri bill, it predictably rejected that bill as well and returned it to the House with the Thomas amendment appended to it. Both Houses were at logger heads and Mark Hill wrote William King that it might take as long as two years "for Congress to let us
²⁴
 in."

However, at this juncture, the Senate requested a conference with the House and the House accepted. The Senate appointed three conferees: Jesse Thomas, James Barbour, and William Pinckney, all of whom were against the

²²Ibid.

²³Ibid., pp. 1572-1575.

²⁴Mark L. Hill to W.K., February 28, 1820. WK MSS (Me. H. S.), Box 9.

restriction of slavery in Missouri. The House designated five conferees including John Holmes and James Parker of Maine. All of the House members of the joint committees were moderates, chosen carefully by Clay who knew they²⁵ "would be favorable to any reasonable settlement."

On March 2, John Holmes, whom Henry Clay later com-²⁶mended for his contribution in reaching a compromise, read to the House the report from the committee of conference. The report, which owed much to the efforts of²⁷ Senator Jesse Thomas of Illinois, recommended: (1) that the Senate "recede" or withdraw the two amendments, one of them the Thomas amendment, from the Maine Bill thus returning it to its former unencumbered state; (2) that both houses be asked to strike out the clause restricting slavery in Missouri from the House Missouri Bill, (3) that both houses accept the Thomas amendment to be incorporated in the House Missouri bill, which amendment would prohibit slavery north of the line 36°30' in the Louisiana Terri-²⁸tory, excepting Missouri.

²⁵Annals-16 Cong., 1 Sess., pp. 459, 1558; Moore; op. cit., p. 102.

²⁶J. C. Fitzpatrick, ed., "The Autobiography of Martin Van Buren," American Historical Association, Annual Report for the year 1918 (Washington: G. P. O., 1920), 11, p. 684.

²⁷Moore, op. cit., p. 112.

²⁸Annals, 16 Cong., 1 Sess., pp. 1576-1577.

Actually, the House never voted on the compromise package as a whole. If it had, believes Glover Moore, the historian of the compromise, the package would not have passed.²⁹ Rather, the question was divided, each of the provisions taken up separately. On the second provision--the recommendation that the Senate strike the anti slavery proviso from the House Missouri Bill--the House voted in favor, 90 to 87.³⁰ Of the fourteen northern representatives who voted in favor, two of them, John Holmes and Mark Hill were from Maine. While the same could be said of any two of the remaining twelve, it is nevertheless true that had these two Maine men not broken with their five colleagues from Maine who voted against the second provision, the Missouri compromise would have failed of passage, a fact which both Holmes and Hill were not allowed to forget.

The third provision, Thomas' amendment to exclude slavery north of 36°30', excepting Missouri, in the Louisiana Territory, was passed easily 134-42.³¹ Of the seven man Maine delegation, only Whitman, who was absent, did

²⁹Moore, op. cit., p. 102.

³⁰Annals, 16 Cong., 1 Sess., p. 1586.

³¹Ibid., p. 1587.

not vote for the third provision.

The House immediately sent to the Senate provision one which the Senate accepted on March 3, 1820, thus allowing Maine to be admitted into the Union on the same day.

Back in Maine, the news from Washington that the Maine's statehood bill was in trouble caught many unprepared. No one had foreseen any difficulty arising in Maine's application for admission; the prospect that those who had long sought independence would be further frustrated was almost too much to contemplate.

Throughout the month of January, before Jesse Thomas suggested what eventually became the Missouri Compromise, many Maine people saw the problem as one created by the slavocracy of the southern states--unless Missouri were admitted slave, Maine was to be denied admittance as a free state. The spectre of slavery being permitted in all the land beyond the Mississippi was even more frightening to many. As far as anyone in Maine knew, only John Holmes, among Maine's representatives, was at all amenable to such an arrangement.

Most men in Maine evinced feelings of shock that the Maine and Missouri questions had been joined. Dan Cony of Augusta could see no justice in the arrangement: "The spirits of pandamonium could not conjure up a plausible

pretext" for rejecting Maine's application,³² he wrote William King, adding in a note to William's brother Rufus, the hero of the anti-slavery forces in Congress, that "We protest... against coupling the destiny of Maine, the civilized populous State of Maine... with the trackless regions, the dreary wastes, the sable tribes of the Missouri beyond the Mississippi."³³ "How it is possible that men of high and honorable minds, men belonging to the most dignified body on earth can so far descend to adopt [such a course]," wrote Preble to John Holmes. "It is at least a miserable, unworthy, and unwarrantable course. The people of Maine deserve different treatment from the republicans of the South and West...."³⁴ The venerable George Thacher of Biddeford reported to Holmes that the delegates to Maine's Constitutional Convention who met the first week in January agreed that Maine's admission ought to be postponed for a year rather than allow Maine to become "a mere pack horse to transport the odious, anti-republican principle of slavery" into Missouri. If necessary, advised Thacher, Maine's delegation should "suffer

³²Daniel Cony to W. K., January 14, 1820, WK MSS (Me. H. S.), Box 9.

³³Daniel Cony to Rufus King February 7, 1820, Charles King, ed., op. cit., VI, p. 268.

³⁴William P. Preble to John Holmes, January 16, 1820, John Holmes MSS (Me. H. S.), 11, No. 261.

martrydom in the cause of liberty, rather than yield an inch in favor of slavery."³⁵ Even William King, not usually a man to sacrifice all to principle, complained that John Holmes' willingness to compromise was disapproved of by the people of Maine as a dishonorable course of action.³⁶ The Portland Gazette, a long time opponent of slavery, was disgusted at the entire proceedings in Washington and advised the Maine delegation to "hold fast to their political integrity, "for as much as we wish success to the Maine Bill, we confess we had rather it would sink, than bear up so wicked a freight as the slavery of Missouri."³⁷

The men in the Argus office, namely William Pitt Preble and Ashur Ware, became alarmed by those who would sacrifice Maine's independence to a principle. They, with others, protested the manifest injustice of coupling the Maine and Missouri bills but to the question--"shall Maine yield to the admission of Missouri without restrictions?"--the answer was yes, "if she can become a state in no other manner."³⁸ In response to a letter from John Holmes who by mid-January was one of the leading exponents of compro-

³⁵George Thacher to John Holmes, January 16, 1870. Ibid., No. 338.

³⁶W. K. to Rufus King, King, op. cit., p. 255.

³⁷P. G., January 18, 1820.

³⁸E. A., January 11, 1820.

mise, and who was seeking support for his efforts in Maine, Preble referred him to the Argus, which, said Preble, was taking a position agreed upon "after a pretty general consultation with our principal political friends and friends of separation."³⁹ The position, to which Preble referred, was promulgated in the January 11, 1820 Eastern Argus: "...it is the duty of our delegates to see that Maine is admitted as a member of the union before the 4th of March. The people expect it, and will, we believe, take no excuse for the neglect."⁴⁰

Because of this "unprincipled" stand, the Argus came under fire from those who charged that the chief organ of the Maine Republicans was not only placing political expediency before considerations of morality but that it held a pro-slavery attitude. To this charge, Preble and Ware answered: "We admit in the fullest manner that [slavery] is both a moral and political evil. But having said this, it must be admitted on the other hand that it is an evil too deeply seated to admit of an immediate cure. No man in his senses, thinks of emancipation. All agree that it would be ruinous both to master and slave."⁴¹

³⁹William P. Preble to John Holmes, January 16, 1820, John Holmes MSS, (Me. H. S.), 11, No. 261.

⁴⁰E. A., January 11, 1820.

⁴¹E. A., February 29, 1820, Ware wrote to Enoch Lincoln: "If I were a citizen of Missouri I should oppose slavery. But I do not feel that I have a right to dictate to the citizens of that state the local policy which they

Independence must take, therefore, precedence over all other considerations. That others in Maine shared the Argus position is revealed in a letter written to Enoch Lincoln by a citizen of Oxford County, who reported that the leading figures of Paris supported the restriction of slavery in Missouri but that "there are some, who, either infatuated by the desire of public office, or instigated by the caprice of individual gain, would advocate the separation of Maine, let the sacrifice be what it may."⁴²

Not everyone was as certain as the editors of the Argus or Gazette as to the proper position to take in regard to the question. It appears that William King was one of these. As noted, King at first condemned John Holmes for his willingness to entertain the thought of a compromise. His brother Rufus, whom he greatly admired, was the leading figure in the restrictionist ranks, and William must have been deeply impressed by his brother's commitment to his cause. When the Maine delegation to the General Court [William was a senator from Lincoln County] met in Boston in January 1820, it was King along with John

shall pursue, and if I had the right I do not think as a member of the union that it would be safe to [?] legislate against the wishes of the majority of the people in the state." Ashur Ware to Enoch Lincoln, February 7, 1820, Enoch Lincoln MSS. (A. A. S.).

⁴²S. G. Keith to Enoch Lincoln, January 26, 1820, Ibid

Chandler, who drafted instructions to the Maine delegation in Washington, instructions that manifested a sense of deep frustration as the following extract from them demonstrates:⁴³

We ask you gentlemen to disentangle our question from the Missouri one. If this cannot be effected, the bill will no doubt be lost in which case we are instructed to request you to take up the bill which was postponed in the Senate, add to it a section prohibiting slavery in Maine and insist on the passage of the bill with that provision. You will in this way represent truly the opinions of an immense majority of the people of our District as well as the best interests of the country.

King, try as he might, could not, however, accept such a hollow victory. He might not compromise, but that did not mean that there was no alternative. To his brother Rufus, he wrote that he fully expected, if Congress refused to admit Maine, that a state government would be organized in Maine that would "obtain the assent of Congress when it is their pleasure to give it to us." This, William admitted, might be a regrettable course to take but the people of Maine would not consent to revert to the control of Massachusetts--"it is the only one they will be satisfied with if we are not admitted into the union."⁴⁴ William

⁴³ King, Chandler, et. al. to Enoch Lincoln, January 21, 1820, Ibid.

⁴⁴ W. K. to Rufus King, January 23, 1820, King, op. cit. VI, p. 256.

Williamson of Bangor seconded King declaring that he was "about as willing to risk the untried consequences of sovereignty...as to have slavery indelibly graven on the frontlet of that bill, which shall make Maine a member of the great American Empire."⁴⁵ The Republic of Maine!!

But not even King could long entertain such a radical notion as this. It is not surprising, therefore, that he led the effort to obtain a two year extension on the terms of separation from the General Court. He was successful and as a result the greatest fear of many--that Maine would revert to the control of Massachusetts if she were not admitted to the union by March 4, 1820--was dispelled.⁴⁶

By February, however, King was beginning to question the wisdom of the doctrinaire anti-slavery position and it was not long before he rivaled even Holmes as an exponent of compromise. It is tempting to attribute his conversion to strains of personal ambition and well it may have been. Nevertheless, one cannot discount the cumulative effect of the many letters King received from both Mark Hill and John Holmes imploring him to throw his influence behind a compromise. The logic of their positions, given the premises which they held, could not be refuted. After all,

⁴⁵William Williamson to Rufus King, January 26, 1820, Ibid.

⁴⁶E. A., February 29, 1820.

as Hill said, to be for a compromise was not to be for slavery but for the union:

I am for going as far as anybody to restrict slavery, if it can be done without setting the United States on fire, for I think the welfare of eight million of whites are of more importance than a question about the black population and that the preservation of the Union and the admission of Maine, of more importance, than the doubtful right by the constitution to meddle with state sovereignty in the present question.⁴⁷

It was certain, Hill informed King, that without a compromise Maine would "fall to the ground." And since he was convinced that southerners would never yield, an uncompromising position on the part of northerners would mean that Maine would, perhaps, never come into the union.⁴⁸

The first hint King received that a compromise was a possibility was in a letter from John Holmes received the first week in February. Holmes wrote that there existed more hope for Maine's admission than at any time previously. "The ground of this hope I cannot communicate. If we do, you will know it, and after the storm is over, I will then tell you what I mean. Keep this to yourself...."⁴⁹

⁴⁷Mark L. Hill to W. K., January 28, 1820, WK MSS (Me. H. S.), Box 9.

⁴⁸Ibid.

⁴⁹John Holmes to W. K., January 27, 1820, Ibid.

A week later, King heard again from Holmes.⁵⁰

Inasmuch as the confidential hint which I gave you...came from a very intimate friend of yours it was communicated in perfect confidence I am only at liberty to add that, if all other expedients fail, one may be resorted to, which will eventually succeed, altho the person making the intimation, who is of high influence where such influence would be necessary, would not be known to favor such a measure now. Perhaps I have already said too much.

I trust we shall get Maine in, without compromising principle or interest.

What the expedient was to which Holmes referred is not known. It is possible that he meant the Thomas amendment which was introduced in the Senate on February 3, but it is not likely. In the first place, Holmes' second letter to King was dated February 7, three days after the Thomas amendment was introduced. It was, therefore, by February 7 public knowledge. The tenor of Holmes' letter suggests that the expedient about which he was concerned was not yet publicly known. Secondly, Holmes' confidence that neither "principle or interest" would be sacrificed would seem to rule out the Thomas amendment since the admission of Missouri without restriction, regardless of the other points of the Thomas compromise, could hardly be taken by restrictionists as a principled solution, at least at that stage of the controversy.

Whatever Holmes had in mind, it is apparent that King,

⁵⁰Ibid., February 7, 1820.

believed he was referring to the Thomas amendment. King wrote to a friend that nine-tenths of Maine people supported the Thomas solution as a means out the impasse⁵¹ and to Holmes, King wrote that he now supported Holmes' effort to achieve a compromise and would share with Holmes the responsibility in enacting one, based on the Thomas amendment.⁵² King had now come full circle.

Throughout February, Holmes and Mark Hill kept King informed of the progress of events. For Holmes, first William's brother Rufus was cast in the role of villain⁵³ for his fanatical opposition to any compromise. Then the obstructionists became Maine's five other Congressmen, Whitman, Parker, Kinsley, Cushman, and Lincoln, all of whom refused to entertain any sympathy for an accomodation. "There is some chance for a compromise," Holmes, who now supported the Thomas amendment as Maine's only hope, wrote King. "If that fails, Maine must be admitted or rejected at last by her own members."⁵⁴ After the House voted 94 to 86, on February 29, not to drop its insistence upon re-

⁵¹W. K. to John Williams, [n.d.] Raymond Fellows MSS.

⁵²W. K. to John Holmes, February 23, 1820, John Holmes MSS (Me. H. S.), 11, No. 197.

⁵³John Holmes to W. K., February 15, 1820, WK MSS (Me. H. S.), Box 9.

⁵⁴John Holmes to W. K., February 25, 1820, Ibid.

striction of slavery in Missouri thus frustrating what seemed the only hope for a compromise, Holmes cursed the five representatives from Maine whose votes against the motion were decisive:⁵⁵

It is strange...that our own members will compound for nothing. They can carry in Maine, if they will. Would it not be much better to restrict the territories where we have the constitutional power, and propose and recommend to Missouri to write a restriction in her constitution, and get Maine admitted than to insist upon this point of doubtful policy and still more doubtful constitutionality and have our state?

The opposition to a compromise of the five Maine representatives, thought Holmes, was not due to moral considerations as alleged but, rather, to the fact that they had sold out to those who were "opposed to the admission of Maine." If something were not done to pressure them into line, it was Holmes' opinion that "we are gone."⁵⁶ As events developed, the five votes represented by the Maine restrictionists were not needed even though they remained against the compromise to the end.

King, by now an ardent supporter of the compromise, attempted to persuade the five dissidents that the people of Maine would not tolerate their voting in opposition to the compromise. He reminded them that:

The best informed people in Boston, as well as all the people of this section of the state of

⁵⁵John Holmes to W. K., February 29, 1820, Ibid.

⁵⁶Ibid.

all parties with whom we have conversed are agreed in the opinion that a compromise on those principles would be highly proper, and more interesting to the north than anything which the most sanguine had ever contemplated. Considering the...interest which the people of our District have, we should consider ourselves wanting in attention to our Representatives should we withhold saying that such are the opinions entertained by the people of Maine at this time, that if they are kept out of the union in consequence of any of our Representatives opposing the compromise proposed by Thomas, the real interest of the District will be considered as abandoned to the pride of opinion on the part of such persons.⁵⁷

There can now be no doubt that the efforts of Holmes were instrumental in obtaining the Missouri Compromise. He was throughout the debate in the House one of the more active exponents of compromise. His friend Henry Clay selected him to be a member of the conference committee that finally framed the compromise. In the debate on the House floor on the report of the conferees delivered by Holmes, it was he with Representative Lowndes who successfully convinced the members that the Senate had yielded as much as it would and that it was now up to the House to yield.⁵⁸ Even Rufus King, the acknowledged leader of the restrictionists in the Senate, described Holmes as the

⁵⁷W. K. to (one of the five representatives from Maine), March 6, 1820, Ibid., Box 9.

⁵⁸John Holmes to W. K., March 12, 1820, Ibid.

"champion" of the compromise faction in the House.⁵⁹ No less a person than Martin Van Buren remembered that Henry Clay, who is often given the credit for arranging the final settlement, in a Senate debate with Daniel Webster in the early 1830's, said how "happy he was to find himself connected (again) with his friend from Maine with whom he had acted in the final adjustment of the Missouri Question."⁶⁰ Holmes himself asked for and received no credit for his efforts. To him the entire proceedings had been a struggle with the result being in doubt until the last. He confided to William King that "an hour before or⁶¹ an hour after we should have lost the vote." Nor should the contribution of Mark Hill be overlooked. It was he who was instrumental in obtaining a conference of the two houses.

Four of the five dissenters from Maine, Cushman, Kinsley, Whitman, and Lincoln found it advisable to explain why they had not followed the lead of Holmes and

⁵⁹Rufus King to Christopher Gore, January 30, 1820, King, op. cit., VI, p. 263.

⁶⁰Fitzpatrick, op. cit., p. 684. In the Life of Josiah Quincy, op. cit., pp. 291-292, is printed an extract from the Diary of Edward Dowse as follows: "As to putting Maine and Missouri together, in my opinion it was a jockeying trick, just worthy of ostlers in a livery stable; and I suspect Holmes and Clay were at the bottom of it." To the extent that he credits anyone for the passage of the compromise in the House, Glover Moore, [op. cit., p. 102,] credits Clay. Holmes is given no credit by Moore.

⁶¹John Holmes to W. K., March 12, 1820, WK MSS (Me. H. S.), Box 9.

Mark Hill. The address that they prepared, printed in the Portland Gazette.⁶² condemned the compromise as "insidious", a "scheme" to perpetuate the predominant power of the southern slavocracy well into the future. The people of Maine, they presumed, supported their decision to resist this effort.

The columns of the Portland Gazette, predictably, were filled with torrents of abuse aimed at both Holmes and Hill. They were charged with having "leagued themselves with southern slave drivers".⁶³ Holmes was described by one correspondent as a "Demagogue and Parasite". The editor of the Gazette was less vitrollic; he was content to "let the result... be upon the heads of those, by whose means it has been procured."⁶⁴

For both Hill and Holmes, the severity and extent of the criticism heaped on them was alarming. Holmes, at least, seemed to believe that even his supporters might abandon him to the wolves. Perhaps he had heard that Samuel Ayer had recommended doing just that now that indepen-

⁶²P. G., March 21, 1820. Full text printed in Appendix XVIII.

⁶³P. G., March 14, 1820.

⁶⁴Ibid.

dence was finally secured.⁶⁵ I have no doubt that the republicans will defend us for getting Maine admitted," he wrote King in a tone that suggested he feared the worst.⁶⁶

Ashur Ware, who, more than anyone, had been responsible for putting the Argus behind a compromise, took note of the statements that Ayer and others were making and decided that a letter to King was in order: "We know how important their votes were to us. Ought we to suffer them to be sacrificed"?⁶⁷

The answer was soon forthcoming from William Pitt Preble. Preble, still a member of the inner council of the Argus staff, assured Holmes that the paper would commence "a regular defense of yourself and Mr. Hill...."⁶⁸ King, likewise, informed Holmes that neither he nor Hill had anything to fear from the "howlings" of the opposition; their friends would protect them.⁶⁹ As for the five rep-

⁶⁵William P. Preble to John Holmes, March 16, 1820, John Holmes MSS (Me. H. S.), 11, No. 262.

⁶⁶John Holmes to W.K., March 29, 1820, WK MSS (Me. H. S.), Box 9.

⁶⁷Ashur Ware to W. K., March 11, 1820, Ibid.

⁶⁸William P. Preble to John Holmes, March 16, 1820, John Holmes MSS (Me. H. S.), 11, No. 262.

⁶⁹W. K. to John Holmes, March 28, 1820, John Holmes MSS (Me. H. S.), 11, No. 198.

representatives "who have done so much to embarrass and so little to aid us," Preble wrote King, "may they not be forgotten."⁷⁰

Holmes viewed the attacks directed at him as motivated not by the moral revulsion of men who could accept no compromise with an evil institution, but by the political ambitions of old line Federalists like Rufus King and the Clintonian wing of the Democratic-Republican Party of New York who, he contended, were attempting to use the slavery question to form an anti-slave state coalition from which a new political party would emerge along sectional lines.⁷¹ He was confident, however, that the passage of the compromise had foiled the plan on the national level for the time being, but on the state level he was not so sure. "I have strong reasons to believe," he wrote William King, "that the restrictionists of our delegation will either get up a newspaper or throw themselves into the arms of the federalists. Their object will be two fold--one to create a party against the State administration and the other to be looking towards a northern combination against the Presidential election after next [1824]."⁷²

⁷⁰William P. Preble to W. K., March 9, 1820, WK MSS (Me. H. S.), L. B. C. Box.

⁷¹John Holmes to W. K., January 29, 1820, Ibid., Box 9.

⁷²John Holmes to W. K., March 29, 1820, Ibid.

There were others who agreed with Holmes' analysis of the situation. Lewis Williams from Washington, D. C. was one of these. He wrote William King in January that⁷³ "The Missouri question I have no doubt will be conjured up into a kind of political hobby horse. I have been very much surprised that in some parts of the country it should be understood as a question of slavery. In fact the question of slavery has no imaginable connection with the Missouri Question."

William King, not one to be victimized by such schemes if he could help it, immediately upon learning of the alledged plan informed Holmes that the gentlemen who were making such plans would be disappointed in regard to their prospects for success in Maine for he was directing "all Republican papers" to give all their efforts toward⁷⁴ destroying their hopes in Maine.

Whether the slavery issue was the cause of the great debate or was simply instrumental to the larger goal of creating a Northern sectional party through which frustrated Federalists and disenchanted Democratic-Republicans could achieve their goals, depends on whom one believes.

⁷³Lewis Williams to W. K., January 29, 1820, Ibid.

⁷⁴W. K. to John Holmes, March 28, 1820, John Holmes MSS (Me. H. S.), 11, No. 198. The only other important Democratic-Republican paper in Maine was the American Advocate published in Hallowell.

For some the first consideration was doubtless most important, for others, the second took precedence, and for still some others a combination of both influences worked⁷⁵ to produce opposition to the compromise.

Despite the support given Holmes and Hill in the party press and by the leading party figures both men thought it advisable to issue public statements in their own defense in answer to the statement circulated by Cushman, Kinsley, Lincoln, and Whitman. This they did and both statements were circulated throughout the country.

In his remarks entitled "Fellow Citizens of the State of Maine"⁷⁶ Hill explained that when he first considered the Missouri question, he was inclined to support restriction because of his contempt for chattel slavery, but that he was persuaded to change his mind. Claiming that he was "instrumental" in getting up the committee of conference that produced the compromise, he presented his reasons for doing so. The Louisiana Territory he asserted, was purchased out of a common fund; Southerners, therefore, had a right to move to the area with their property. There were no constitutional means by which

⁷⁵For a discussion of this important question, see Moore, op. cit., pp. 179-185.

⁷⁶The text of Hill's address appeared in the E. A., April 25, 1820. Hill's address appears in full in Appendix XIX.

the rights of property could be abridged in a state. Missouri was created a first stage territory in 1805 and a second stage territory in 1812 without restrictions being placed by Congress on slavery; therefore, it was not wise, even if it were constitutionally possible, which it was not, to deprive Missourians of their property at the third stage. Critics of the compromise, said Hill, were not only unfair but unrealistic. Slavery now was forbidden north of 36°30' in the Louisiana Territory; if the stalemate had not been broken, Southerners would have taken slaves into this area in which event, the institution would not have become even partially restricted. Furthermore, Maine would not have entered the union. But Maine aside, "my vote would have been the same" for to deprive Missourians of slaves would have required force "which would have produced civil war; and probably disunion." For Hill, and there is no reason to question his sincerity here, the higher value was the preservation of the union. Throughout the debates he had been haunted by the specter of a civil war; in the final analysis it was this fear that took precedence over his distaste for slavery. It is interesting to speculate on the position he would have taken had he been living in 1860. The choice then was inescapable: disunion or civil war--or capitulation to southern demands for no restrictions on slavery.

Hill sent a copy of his address to James Madison from whom he hoped to receive commendation for his conduct. He

was not disappointed. Madison who, with Holmes, suspected that the object of the restrictionists was in fact not the improvement of the condition of the slaves but "to form a new state of parties founded on local instead of political distinctions....,"⁷⁷ replied that in his⁷⁸ opinion

The candid view you have given of the Missouri question is well calculated to assuage the party zeal which it generated. As long as the conciliatory spirit which produced the Constitution remains in the mass of people, and the several parts of the Union understand the deep interest, which every other part has in maintaining it, these stormy subjects will soon blow over; and the people, on the return of calm, be more disposed to consider wherein, their interests agree, than wherein their opinions differ.

In his remarks entitled "Mr. Holmes' letter to the people of Maine",⁷⁹ Holmes took a more defensive and at the same time a more aggressive stance than had Hill. "Apologies or justifications are extraordinary efforts and calculated to excite suspicion" he explained, while assuring the readers that it was not because he doubted the correctness of his actions that he prepared his defense. He de-

⁷⁷James Madison to James Monroe, February 10, 1820, quoted in Letters and Other Writings of James Madison (Philadelphia: J. B. Lippincott & Co., 1865) IV, pp. 164-165.

⁷⁸James Madison to Mark L. Hill, Ibid., III, p. 175.

⁷⁹(Washington: 1820); E. A., May 2, 1820; John Holmes MSS (Me. H. S.), 11, No. 142; WK MSS (Me. H. S.), Box 9.-- Holmes' letter appears in full in Appendix XIX.

nied, as he had previously denied, that the opposition to his stand was motivated by moral considerations. Rather, it was his conviction that the entire controversy was manufactured by calculating politicians to enhance their own selfish ends.⁸⁰ It was not until an anti-slavery circular issued by a meeting of New York abolitionists in November 1819, was circulated in Maine, claimed Holmes,⁸¹ that restriction became an issue in the District. In 1819, before the Maine bill was introduced, he voted against restriction in Missouri and "never received a letter in protest."

Holmes presented most of the same objections to restriction contained in Hill's letter, adding that by allowing slaves to be dispersed rather than confining them to existing areas avoided the evil of huge aggregates of

⁸⁰Louis Hatch in his, Maine. A History. op. cit., I, p. 166, paraphrases the contents of a letter from King to Holmes: "General King advised Holmes to say [in his letter] that he and Hill had secured the independence of Maine, that the proposed restriction on Missouri was unconstitutional, and dangerous to the Union, and that it would be unjust to exclude slavery after the Federal Government had allowed it to go into Missouri and had sold lands there to slave holders who bought in the belief that Missouri was to be a slave state. But General King also recommended Holmes to make no use of the argument...that the restrictionist movement was really a Federalist one. Many Federalists, he said, were willing to justify Holmes and exert themselves in his behalf, but if he attacked the opposition to the admission of Missouri as a political plot, he would seriously offend these men." Holmes did not mention Federalists or Clintonians by name. He, therefore, appears to have followed King's advice in composing his letter.

⁸¹For a copy of the circular, see John T. Irving to

slaves building up. Such aggregates, he contended, meant that control over slaves passed from benevolent owners who no longer could manage such large numbers to overseers who were notoriously cruel. The compromise, in short, would act as a kind of "anti-trust" solution to the evils of excessive concentration.

For Holmes as for Hill the legalistic arguments against restriction were unimportant compared to the threat to the union that the controversy presented. He assured his readers that he had incontestable evidence that the Senate would not have yielded, and that the practical politician was really faced with a choice between evils; the question was not was slavery an evil? "Slavery is a most dangerous evil," but to remove the evil without inflicting the greater evil of disunion was found to be impossible. Consequently, the compromise whose passage owed so much to Holmes' efforts, was he believed the most that could have been achieved given the existing political realities, and added Holmes, was it not a prime example of how democracy resolves conflicts between contesting interests in a relatively peaceful manner: something for everyone, everything for no one? Holmes continued:

Those who apprehended that slavery would be extended over the immeasurable west, will derive consolation that it is from thence excluded, and that settlements will be commenced and continued, by a people who will never often consent to establish it. Those who claim the territory as a common property

for a common retreat, will be satisfied with the reflection that though their portion is small, it is populous and valuable, and that they are excluded from a latitude where slaves could never be profitably employed. Those who saw, in this contest, an approaching storm with devastation and ruin in its wake, may rejoice 'with joy unspeakable' that its fury is assuaged, its clouds are scattering, and the sun of harmony is rising' with healing in his wings and majesty in his beams.'

Holmes, like Hill, sought approbation for his stand. Accordingly, he forwarded copies of his statement to a number of leading men including Thomas Jefferson who replied with a now famous letter that contained the often quoted "fire bell in the night" phrase and revealed that even Jefferson preferred union to all else. It also reveals Jefferson as an anguished prophet:

I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not far distant

W. K., November 17, 1819, WK MSS (Me. H. S.), Box 9.

⁸²Thomas Jefferson to John Holmes April 22, 1820 WK MSS, Houghton Library, Harvard University, 6 MS, Am. 1122 (No. 20); printed in Lipscomb and Bergh, eds. The Writings of Thomas Jefferson. (Washington D. C., The Thomas Jefferson Memorial Association, 1905), XV, pp. 248-250.

But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will ever be obliterated, and every new irritation will mark it deeper and deeper. I can say with conscientious truth, that there is not a man on earth, who would sacrifice more than I would, to relieve us from this heavy reproach in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and expatriation would be effected: and gradually and with due sacrifices, I think it might be. But, as it is, we have the wolf by the ear, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one state to another would not make a slave of a single human being who would be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation by dividing the burden on a greater number of coadjutors. An abstinence too from this act of power would remove the jealousy excited by the undertaking of Congress, to regulate the condition of the different descriptions of men composing a state. This certainly is the exclusive right of every state, which nothing in the constitution has taken from them and given to the general government. Could Congress, for example, say that the non-freeman of Connecticut shall be freemen, or that they shall not emigrate into any other state? I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of '76, to acquire self-government and happiness to their country, is to be thrown away by the universal and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they would throw away, against an abstract principle, more likely to be effected by union than by secession, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the worlds.

To yourself, as the faithful advocate of union, I tender the offering of my high esteem and respect.

Thomas Jefferson

But, for all the excitement created by the votes of Maine's seven Congressmen, the people of Maine appeared unmoved by it all. They sent Hill back to Washington for another term in 1820. Holmes was elected by the Maine legislature in 1820 as one of Maine's two senators [John Chandler was the other one]. Yet, they also returned to Congress three of the four restrictionists, Cushman, Whitman,⁸³ and Lincoln. No one, it seems, was punished for his participation in the great controversy.

The reason for this ambivalent attitude on the part of the people of Maine is not easy to identify. Perhaps, it was the result of a monumental indifference to public questions as Barnabas Palmer of Kennebunk contended in a letter to Holmes.⁸⁴ Or, perhaps the explanation is more complex. It is entirely possible that many Maine people who professed to be morally offended at the thought of extending an evil institution further westward were, nevertheless, relieved that the passage of the compromise would not endanger the complementary economic relationship between Maine shippers and southern exporters of cotton and other commodities, a relationship that began about 1800, when William King became the first Maine shipper to enter the New Orleans-Liverpool cotton trade, and continued

⁸³E. A., August 15, 1820; January 12, 1821; February 2, 1821.

⁸⁴Barnabas Palmer to John Holmes, April 19, 1820, John Holmes MSS, (Me. H. S.), 11, No. 250.

down to the Civil War. By rewarding both those who voted for and against the compromise, one could, so to speak, have his cake and eat it too.

On the fifteenth of March 1820, Maine became the twenty-third state in the union. William King, by virtue of being president of the Constitutional Convention, was declared acting Governor until elections could be held in April. His election was certain, however, for not only was he unopposed but at a meeting held the previous January 6, in Portland attended by many delegates at the convention, Preble had called for his nomination. It was given him by a vote of 151 to 1.⁸⁵

King accepted the nomination which he said was "by no means the most desirable one in the gift of the people," on the condition that he be allowed to organize a government aloof from party considerations.⁸⁶ His statement was hailed by Federalists, who desperately wanted to believe in his sincerity⁸⁷ as augering well for the future.

There were a number of Democratic-Republicans, led by

⁸⁵P. G., March 14, 1820.

⁸⁶Ibid., King did not wish to alienate Federalists who supported separation.

⁸⁷Ibid., March 28, 1820.

Joshua Wingate Jr., of Bath, who were convinced that Federalists would always be Federalists and that King was conceding much to them that rightfully belonged to loyal Republicans. Even though King obtained 21,083 of the 22,014 votes cast for Governor in April, Wingate pointed out to John Holmes that "in almost every town the Federalists either voted against General King as Governor or entirely withheld their votes. They are no wise changed as a party, and another election will exhibit them in full opposition to [King's] administration--at least if it is the kind of administration we ought to have in Maine."⁸⁸

Within the year, Wingate broke with King because the Governor had not been partisan enough. Ironically, the Portland Gazette, at the same time was denouncing King for failing to live up to his promise to remain above party considerations. In Cumberland County, alone, the paper⁸⁹ charged, King had named only one Federalist to office. Denounced from within and from without his party, King resigned the governorship in June 1821, to become a commissioner to settle the "Spanish Claims" of American citizens under the terms of the Adams-Onís Treaty.⁹⁰ Thus, the man who had achieved national attention for his po-

⁸⁸ Joshua Wingate Jr., to John Holmes, April 12, 1820, John Holmes MSS, (Me. H. S.), 11, No. 359.

⁸⁹ P. G., June 5, 1821.

⁹⁰ King owed this appointment to his friend William H. Crawford, Monroe's Secretary of Treasury, see Mark L. Hill

litical prowess but who had never held a federal post, left the State of Maine which he had done so much to create, for Washington, D. C., where he remained for the better part of two years. Upon his return in 1824, his once great influence commenced its decline. In the 1830's, his own party taken over by "young Turks" who supported Jackson against the "true Jeffersonian Republicans" became so hostile to King's political ideas that he finally joined the Whigs. In 1835, now 67 years old, King, smarting under the loss of his once great influence, ran for Governor on the Whig ticket and suffered one of the worst defeats in the history of gubernatorial elections in Maine.⁹¹ In 1852, insane for three years, he died leaving his wife nearly penniless.

Yet, between 1807 when the "King of Bath" took over the leadership of the separation movement until 1821 when he left the state for a time, this man who "had an eye to the causes and effects of things," whose "voice seemed to echo grimly from the deep concaves of his eyes, which from under their forest like brows, would sternly look a command that was not to be resisted by ordinary mortals," was

to W. K., January 12, 1821, WK MSS (Me. H. S.). Box 10.

⁹¹Robert Dunlap (Dem.) got 45,208 votes to King's 16,860.

the most influential citizen of the District.⁹² Neither the arrogance of a Holmes or the cunning of a Preble could match the leadership ability of William King. All his associates cleared their next moves with "Bill" King. If he objected, the move was not taken. If he supported it, men proceeded with confidence that they had the most powerful man in Maine with them. But for all the deference accorded him, King was not the dictator his enemies claimed. Rather, he possessed those rare attributes of leadership that made men want to please him. Their performances were naturally measured against his and if found wanting in comparison, then that was to be expected. King seldom set a goal that he did not expect ultimately to achieve. It was well he did not for he abhorred defeat.

It may be argued that for all his talents, his achievements, when measured against the timeless exploits of the great men of history, of even his own era, shrink to insignificance. And this, is, of course, true. But his milieu, the District of Maine between 1790 and 1820, exhibiting as it did all of the characteristics of a frontier community, was not a likely place for heroic exploits. Like all communities, however, it contained people with problems to solve and with aspirations hungering for

⁹²Deane Dudley, "Recollections of General King, First Governor of Maine." Maine Historical and Geneological Recorder, 1, No. 3 (1884), pp. 95-96.

achievement, and it was William King, as much as anyone, who formulated a program constructed within a liberal democratic framework, the success of which, it was assumed, would make possible the solving of some of those problems and the realization of some of those aspirations. Given the realities of life in the District, combined with the knowledge that ultimately men strive in this world to create what they believe to be a state of happiness for themselves and others, could any man, under the circumstances, have achieved more by following the same course or even another? John Adams would have said yes for he was opposed to the independence of Maine..."I can tell you how it will be when there arises in Maine a bold, daring, ardent genius with talents capable of inspiring the people with his own enthusiasm and ambition," he wrote Daniel Cony in 1819. "He will tear off Maine from Massachusetts and leave her in a state below mediocrity in the union."

⁹³John Adams to Daniel Cony, February 1, 1819, Perley, op. cit., p. 300.

CHAPTER X

SUMMARY

If one takes a broad view of the events that made up the movement for the separation of Maine from Massachusetts, it is clear that there were two separation movements. The first covered the period from 1785 to about 1803. It was led, for the most part, by a Federalist minority who lived in the Portland area. These leaders desired a separation because they believed that their political friends in Boston were unable to legislate in a manner conducive to furthering their own interests. As Federalists, these leaders represented the "more substantial" element in the Portland area. It is fair to say that, for this reason, they were not representative of the majority of the people of the District. Indeed, many of the leaders were unsympathetic to the grievances of the newly arrived settlers who inundated Maine between 1785 and 1820. As a result, even though many of the settlers favored a separation, the leaders were never able to generate the enthusiasm for themselves in the hearts and minds of the settlers that was needed for the two groups to work resolutely together. It was not surprising, therefore, that this first phase of the separation movement was a failure.

The second phase of the movement dated from about 1803. In that year the Democratic-Republican Party commenced its rise in the District. The leaders of the party,

William King, John Chandler, and William Widgery, soon became the dominant political figures in Maine. Whereas the leaders of the first phase of the separation movement viewed the settlers with suspicion, the leaders of the Democratic- Republican Party enthusiastically embraced them.

Above all also, the leaders of the Republicans like their predecessors wished to be freed in their economic and political activities from the constraints placed on them by the Federalists who controlled the government in Boston. Their attitude toward the separation question fluctuated, therefore, between a mild interest and a great enthusiasm depending on the degree of success which the Republicans enjoyed in their never ending quest to oust the Federalists from power. Thus, when the Republicans gained control of the state government, as they did in 1807 and 1811, the leaders in Maine did not pursue a separation with as much determination as they would later.

The War of 1812 proved to be a major turning point in the history of the movement. The policies pursued by the Federalists during the war opened wounds in Maine which were never to heal as long as union of the two peoples continued. In addition, the war served to entrench Federalism in Massachusetts. These two factors caused Maine Republicans to turn their attention as they never had before to the possibility of independence.

The problem which the Republican leadership had faced

before the war was to get their political followers as excited about a separation as they were themselves. If this could be done, if separation could be made a party question, then, they reasoned, victory was assured. It was to achieve this objective that King, spurred on by new converts to the cause- Holmes, Preble, Parris, Whiting, and Ayer, threw his support to an attempt to build an organization in 1815. Union Societies were founded. The Portland Eastern Argus was enlarged. By the fall of 1815, the "Junto" as they were known were convinced that they had produced enough support within their own party to carry an election on the separation question.

The leaders were able to achieve their objective of making separation a party issue in the May election of 1816. However, victory did not result as they assumed it would. The Massachusetts General Court ruled that the four thousand vote majority obtained by the separationists was insufficient to warrant a separation because the total of the votes cast represented less than one-half of the eligible voters in Maine.

Another election was called for September 1816. The result was disastrous for the separationists. Maine Federalists succeeded in their effort to discredit separation. They claimed that the terms of the separation were unfair and that the coasting trade would suffer. Enough Republicans living in the seacoast towns defected to deprive the separationists of the requisite five-ninths majority.

The separationists in Maine were stunned to find what they regarded as almost certain victory snatched from them. In desperation, they resorted to extreme measures to salvage a victory at the Brunswick Convention of 1816. In this effort they succeeded in bringing only discredit to themselves.

Success finally came in 1819. The reason for this amazing turn-about in fortune was a simple one. Behind the leadership of William King the bete noire of the separationists, the Coasting Law, was revised. No longer could opponents refer to the effects that a separation would have on the coasting trade to influence voters. With this important economic argument no longer a factor, anti-separation strength was reduced to those hard-core Federalists whose greatest fear was that a separation would relegate them to a position of a permanent minority. There simply was not enough of them to make any difference in the outcome of the election held in July, 1819.

The democratic leanings of the Republicans of Maine were manifested in the Constitution of Maine drawn up in Portland in 1819. In fact, it can be plausibly argued that the separation movement after it was captured by the Republicans was a movement to democratize political life in Maine. Without this important element, separation would have had much less appeal to the average citizen than it had.

One final hurdle was placed between Maine and state-

hood. The combining of the Maine- Missouri statehood bills in Congress threatened to frustrate for years to come the desire of Maine people to be independent. If it was William King who was most responsible for the winning of separation, it was John Holmes who deserves the credit for bringing Maine into the union. His efforts to arrange a compromise met bitter resistance in Congress and in Maine; yet, he persisted until the arrangement was finally made.¹ With its passage of the Missouri Compromise, the thirty-five year struggle to achieve the independence of Maine was successfully concluded.

1. I am aware that Holmes emerges from this study as an enigmatic figure. Clarification of his views in respect to many issues as well as a thorough treatment of his role in the controversies of the day must await the appearance of a full scale study of this man. Such a study may produce a more generous appraisal of Holmes' career than has up to now been the case.

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APPENDICES

APPENDIX I

REPORT OF THE FIRST SEPARATION CONVENTION HELD IN
FALMOUTH, OCTOBER 5, 1785.¹

At a meeting of a number of respectable inhabitants of the counties of York, Cumberland, and Lincoln, at Messrs. Smith and Deane's meetinghouse, in Falmouth, on the fifth of October, instant--agreeable to a notification published in the Falmouth gazette, of September 17th, and the 1st October, instant, in order to form some plan for collecting the sentiments of said inhabitants, on the subject of said counties being formed into a separate state---

Voted--"That the subscribers be a committee to apply to the several towns and plantations, in said counties, requesting them to send delegates to meet at said meetinghouse, on the first Wednesday of January next, at 10 o'clock, A.M. to consider the expediency of said counties being formed into a separate state; and if, after mature consideration it should appear to them expedient, to pursue some regular and orderly method of carrying the same into effect."

Pursuant to the above vote, we the committee aforesaid hereby request the inhabitants of to choose a delegate or delegates, to meet at the time and place above-mentioned, for the purpose aforesaid.

¹Daniel Davis. "The Proceedings of Two Conventions, Held at Portland, to Consider the Expediency of a Separate Government in the District of Maine." Collections of the Massachusetts Historical Society. IV (1795), p. 35.

Falmouth,
October 5th, 1785.

Peleg Wadsworth, Chairmen,
Stephen Longfellow, Jun.
William Gorham,
Stephen Hall,
Jeremiah Hill,
Joshua Fabian,
Henry Y. Brown.

APPENDIX II

REPORT OF THE SECOND SEPARATION CONVENTION HELD
IN FALMOUTH, JANUARY 1786.¹

At a convention of delegates from a number of towns in the counties of York, Cumberland, and Lincoln, held at Falmouth, on the first Wednesday of January, 1786:---The hon. William Gorham, esq. was chosen president, Mr. Stephen Longfellow, jun. clerk.

It was then voted, that a committee of nine be chosen to state the grievances, which the three counties of York, Cumberland, and Lincoln labour under, as connected with the other counties in the commonwealth of Massachusetts, from which they are separated by the intervention of the state of New-Hampshire; and also to form an estimate of the expense of a separate government, and compare the same with the expense of the government they are now under--who reported as follows:

That from their local situation, their interests are different; and consequently cannot be fully understood, particularly attended to, and promoted in their present connexion; whereby their growth and importance are prevented, which retards that of the United States.

That the General Court of the commonwealth of Massachusetts being so large, and their business so various and

¹Ibid... pp. 36-37.

perplexing, unavoidably renders it inconvenient and expensive to the inhabitants of those counties, both with regard to their members at Court, and suitors for Justice.

That applications to the supreme executive authority, being frequently necessary, are attended with great expense; to the injury and prejudice of the inhabitants of those counties.

That the business of the Supreme Judicial Court, from the extent of territories, is so great as renders a proper arrangement in that department exceedingly difficult; And to repair to their office at Boston is very expensive.

That the present regulations of trade operate unequally, and against those counties, by reducing the price of lumber, which is detrimental to those that are employed in making the same; while they tend to the emolument of many in the other part of the commonwealth.

That we consider it as a matter of grievance that a considerable part of the inhabitants of these counties are deprived of a vote in the House of Representatives, where all money bills originate; and there appears to be no prospect of a speedy relief.

That the present mode of taxation, by polls and estates, is very injurious to this territory, as the inhabitants cannot be employed to the same advantage, and their stocks are not so profitable; neither can their lands be so advantageously improved, as in the other part of the commonwealth, where they enjoy a milder climate.

That the excise and impost acts operate grievously on the inhabitants of those counties, as they have not in general the advantage of orchards; and the keeping of sheep is difficult and expensive, by the hazard from wolves and other beasts of prey, and the great length of their winters.

That the act imposing a duty on deeds, &c. operates unequally, by reason of the more frequent conveyances of real property in a new than in old settled countries.

That the necessary attendance upon the state treasury is inconvenient, expensive and grievous.

The committee have taken a view of the several constitutions of the United States; and from some calculations they have made, are of opinion that a separate government may be adopted, whereby a very considerable part of the expense, now paid by these counties, may be saved:--But not knowing what form of government the people in said counties would choose, in case of a separation, they have not thought proper to report any estimate thereon.

Voted, to subjoin the following to the report of the above committee.

As a full representation is supposed to be the most likely way to obtain a redress of grievances, we hope the several towns in these counties will pay that attention which our peculiar circumstances require, by a general choice of members to represent them in General Court the

next year.

Voted, that the report of the above committee, with what is subjoined thereto, be signed by the president of this convention, and transmitted to the several towns and plantations in the counties of York, Cumberland, and Lincoln, requesting them to choose a delegate or delegates, at their annual meeting in March next, or at such other meeting as they shall think proper, to meet in convention on the first Wednesday of September next, at the Meeting-house in the first parish of Falmouth, at ten o'clock, A.M. to consider of the grievances the inhabitants of said counties labour under; and to adopt and pursue some orderly and peaceably measure to obtain relief: And also requesting said inhabitants to certify to said convention the number of voters for and against said choice of delegates.

William Gorham, president

APPENDIX III

PROCEEDINGS OF THE THIRD CONVENTION, HELD AT PORTLAND,
SEPTEMBER 6, 1786.¹

At a convention of delegates from a number of towns and plantations, in the three counties of York, Cumberland, and Lincoln, held at Portland, on Wednesday the 6th day of September, 1786--for the purpose of considering the grievances which the inhabitants of said counties labour under, and adopting some orderly and peaceable measure to obtain relief--Hon. William Gorham, esq. being first chosen president, and Mr. Stephen Longfellow, jun. clerk--

Voted, that the following address, and form of a petition therein referred to, be transmitted to the several towns and plantations in the said three counties, as soon as may be.

Friends and Brethren.

AGREEABLY to the duties of our appointment, we have taken into serious consideration the grievances that the inhabitants of these three counties labour under;--and, after a close attention to this important subject are clearly of opinion, that they cannot be remedied in their present connexion with the other part of the commonwealth. Our local situation, the nature of our commerce, and the jarring of our interests, render it necessary, in order to

¹Ibid., pp. 38-40.

an effectual removal of them, that we should be erected into an independent state.

The expediency of this measure has engaged the attention of the publick for a long time--it has been considered, as it undoubtedly ought to be, a subject of the greatest importance. Two conventions have had it before them, and have carefully attended to the arguments which have been offered on both sides of the question.

We now communicate to you the result of our present deliberations; and we submit it to your wise and prudent consideration.

You feel yourselves distressed, and your distresses will increase until you legislate for yourselves.--In this there is no great difficulty. Government is a very simple, easy thing. Mysteries in politicks are mere absurdities--invented entirely to gratify the ambition of princes and designing men--to aggrandize those who govern, at the expense of those who are governed.

But the end of government is the good of the people--the only design of its institution is to secure to them, as far as possible, the blessings of life;--We therefore, in justice to our constituents, to ourselves, to the good citizens of the three counties, and of the commonwealth at large, address you upon the subject; and transmit to you a form of a petition to the General Court, requesting them to relinquish all right of jurisdiction in this eastern territory; and to give their consent that the same

may be formed into a separate state.

And we do earnestly call upon every free citizen within the said counties, to take the same into his most serious consideration; and each one, for himself, give his vote for or against a separation.

And we also desire each town and plantation, within the said counties, to meet for the purpose; and transmit their doings to this convention, at their adjournment.

Voted, that those towns and plantations that have not chosen, be desired to choose delegates to attend at, or send their votes to, this convention, at the adjournment; otherwise they will be considered as acquiescing in the doings of their brethren.--It is earnestly recommended to the selectmen of towns, and committees of plantations, to notify publick meetings for the purpose;--and to the clerks of the several towns and plantations, that they be particular in making returns of the number of voters, for and against a separation.

Form of the Petition.

To the honourable Senate and House of Representatives of the commonwealth of Massachusetts, in Gen. Court assembled.

THE petition of the inhabitants of the towns and plantations of the counties of York, Cumberland, and Lincoln, by their delegates, met in convention, at Portland, the day of humbly sheweth--That the inhabitants of said counties, previous to the late revolution, considered themselves a part of the government of Massachu-

setts; and, at the formation of the present constitution, they either approved of, or submitted to, the same, and have cheerfully joined in support of government, and have paid due obedience to the laws thereof; and at the present time they feel, most sensibly, the difficulties in common to the various parts of the commonwealth, and are ready to exert themselves, to the utmost of their power, to remove them, by paying their taxes, and supporting good order, and the laws of the government; but when they take a view of the political disadvantages they labour under, peculiar to their local situation, being separated from the other part of the government by the intervention of another state, as well as their great distance from the seat of government, they look upon it as duty they owe themselves and their brethren in the other part of the state, and to the United States in general, in a peaceful and dutiful manner, and agreeably to the constitution, to lay them before the honourable Court, and request that they would relinquish all right of jurisdiction over said counties, and consent that they may be formed into a separate government, as they apprehend this the only adequate remedy to the difficulties complained of.

And while they are taking this peaceful measure to obtain a redress of their great political evils, by asking for a separation from the other part of the commonwealth, they do not entertain an idea of throwing off the weight of the publick debt, at this time lying upon the govern-

ment at large, or to prevent the other part of the commonwealth from having their just proportion of the unappropriated lands; but, like friends and brethren, most ardently wish to have all matters adjusted upon the broadest basis of equity and fair dealing.

Therefore your petitioners humbly pray, that your honours would take their circumstances into your wise consideration, and adopt such measures as you in your wisdom may think fit; and they, as in duty bound, will ever pray.

APPENDIX IV

PROCEEDINGS OF TWO CONVENTIONS ON THE SUBJECT OF
SEPARATION IN 1793 AND 1794.¹

Proceedings of two Conventions on the subject of Separation in 1793 and 1794

At a meeting of a number of gentlemen from various parts of the District of Maine, holden at the court-house in Portland, October 18th, 1793, in consequence of a printed notification in the words following, viz:--

"NOTICE"

"As the time of revising the constitution of this Commonwealth is fast approaching, and as it seems the general opinion requested that as many gentlemen as conveniently can, will attend at the court-house tomorrow evening, at six o'clock, to consider and adopt such measures as shall appear most expedient to effect the above-mentioned important object.

THURSDAY, OCTOBER 17th, 1793.

The Honorable Peleg Wadsworth, Esq. was chosen Chairman, and Samuel Freeman, Esq. Clerk.

VOTED, 1. As the opinion of this meeting, that the time of revising the constitution of the Commonwealth, will be a proper time for erecting the five eastern counties into an independent government.

¹Jeremiah Perley. The Debates, Resolutions, and Other Proceedings of the Convention of Delegates, etc. (Portland: A. Shirley, Printer, 1820), pp. 292-298.

VOTED, 2. That as that time is fast approaching, and as it is probable the sentiments of the people may have differed from what they were when they were last collected, it is expedient that the sense of the people of the said five counties be again taken upon the subject.

VOTED, 3. That the Hon. Peleg Wadsworth, Esq. Capt. John Baker, Samuel Freeman, Esq. Mr. James Deering, George Warren, Esq. Daniel Epes, Esq. William Widgery, Esq. Hon. William Gorham, Esq. Mr. Stephen Longfellow, Daniel Ilsley, Esq. Rev. Samuel Deane, D. D. Hon. David Mitchell, Esq. Daniel Davis, Esq. and Joseph Noyes, Esq. or the major part of them, be a committee to write to the selectmen of the several towns, and the committees of the several plantations in said counties requesting them to call a meeting for the choice of delegates, to meet in Convention at the court house in Portland, on the last Tuesday of December next, at ten o'clock in the forenoon, to take this important matter under consideration; and lay the result of their deliberations before their constituents.

VOTED, 4. That Samuel Freeman, Esq. be a committee to apply to the justices of the court of general sessions of the peace for the county of Cumberland, for liberty to make use of the court-house for the foregoing purpose.

PELEG WADSWORTH, Chairman

Attest--Samuel Freeman, Clerk.

Portland, Oct. 21st, 1793.

Gentlemen,

As a number of gentlemen from various parts of the District of Maine, had occasion the last week to attend the court of common pleas and court of sessions of the peace then sitting in this town, it was thought proper to advertise a general meeting of all who could conveniently attend, to consider and adopt such measures as should appear most expedient to effect a separation of said District from the other part of the Commonwealth.

In consequence of such advertisement, a considerable number of gentlemen met at the court-house on Friday last, and passed the votes which we herewith send you.

Agreeably to the third vote, we do hereby request that you ~~would~~ call a meeting for the choice of delegates to form a Convention at the time and place, and for the purposes therein mentioned.

We flatter ourselves you will acquiesce in this proposal, as it is of importance to have the voice of all the people in the District; and we hope by this step it will be fully obtained.

The time we have for a full discussion of this subject is short; and this we presume will afford a good reason for adopting this plan; and for removing any objections that might otherwise arise in the minds of any, as to the manner in which it originated--especially when it is considered, that in a matter of this kind there can be no

rule for any particular mode of proceeding.

We are with respect, gentlemen, your most obedient,
humble servants.

By order of the committee.

PELEG WADSWORTH, Chairman.

At a Convention of delegates from the following towns
in the counties of York, Cumberland and Lincoln, viz.:

From YORK--Fryeburg, Brownfield and Waterborough;
CUMBERLAND--Portland, Falmouth, Gorham and Hebron;
LINCOLN--Georgetown, Hallowell, Bowdoin, Winthrop, Read-
field, Monmouth, Mount Vernon and Winslow--

Appointed to take into consideration the expediency of
erecting the five eastern counties, commonly called "the
District of Maine," into a separate government.

The towns in said counties not having generally
appointed delegates for the purpose aforesaid, the dele-
gates assembled as aforesaid, first took into consideration
the expediency of entering on the business of their appoint-
ment; and having contemplated the inclement season of the
year, and other circumstances which may have prevented
such appointments--having also received communications
from several towns and other places which sent delegates,
and considered what appeared to be the sentiments of the
people in various parts of the District, determined to
proceed to the consideration of the measure proposed.

They accordingly appointed Samuel Freeman, Esq. Clerk,

and the Hon. Daniel Cony, Esq. Chairman of the Convention; and then appointed a committee to consider of the matter, and report what was proper to be done; whose report being made to the Convention, was read, amended and accepted, as follows, viz.

RESOLVED, That it be, and hereby is recommended to the several towns and plantations in the counties of York, Cumberland, and Lincoln, to choose delegates to meet in Convention at Portland, on the third Wednesday of June next, to take into consideration the expediency of erecting the said three counties of York, Cumberland and Lincoln into a separate government. The result of their deliberations to be laid before their constituents.

The Convention ground this resolution on the following reasons, viz.

1. That in the opinion of the Convention, the great extent of the five eastern counties has heretofore operated as an objection against the forming of the same into a separate State; and it doth not appear that they are at this time, united in the measure.

2. That the counties of Hancock and Washington have manifested no inclination to separate themselves from the present government.

3. That in the opinion of the Convention, a majority of the inhabitants of Cumberland and Lincoln wish for a separation; and that they may be as well accommodated by a separation of the three counties, as of the five; and those

of the county of York, much better.

4. That the said three counties of York, Cumberland and Lincoln, are sufficiently extensive and populous for a distinct State, and more so than several of the States in the Union.

[Dissentients--Hon. Josiah Thatcher, Esq. Mr. Samuel Waldo, and Capt. Daniel Tucker.]

VOTED, That the proceedings of the Convention be signed by the chairman, and attested by the clerk; and printed copies thereof transmitted by the clerk to the selectmen of the several towns, and assessors, committees, or principal inhabitants of the several plantations, in the said three counties.

DANIEL CONY, Chairman.

Attest--Samuel Freeman, Clerk.

At a convention of delegates convened at Portland, the third Wednesday of June 1794, the following members were returned:--

FROM YORK COUNTY.

Fryeburg. Moses Ames; Brownfield. Henry Y. Brown; Biddeford. Prentiss Mellen, Jeremiah Hill; Parsonsfeld. Thomas Parsons; Sudbury Canada. (Bethel) John York.

CUMBERLAND.

Falmouth. Nathaniel Wilson, John Quimby; Standish. John Dean; Portland. Thomas Motley, Salmon Chase, Col. James Lunt, William Symms, John Bagley; Gorham. William Gorham, Edmund Phinney, George Lewis.

LINCOLN.

Hallowell. Nathaniel Dummer; Readfield. John Hubbard;
Winthrop. Nathaniel Fairbanks; Green. Benjamin Morrell;
Georgetown. John Rogers; Bowdoin. Samuel Tibbet; Lewiston
and Gore. Joel Thompson; West-Pond. Joel Richardson.

Nathaniel Dummer, Esq. was appointed Secretary, and
William Gorham, Esq. President.

A committee of three from each county was appointed
to take the subject matter of their meeting into considera-
tion and report what was proper to be done. This committee
consisted of Wm. Gorham, Nathaniel Dummer, Henry Y. Brown,
Thomas Parsons, Prentiss Mellen, William Symms, Salmon
Chase, John Hubbard and Nathaniel Fairbanks.

Adjourned to 10 o'clock tomorrow.

Thursday, June 19th, the Convention met according to
adjournment, the committee reported progress and had leave
to sit again, and the Convention adjourned.

Friday, June 20th, the committee made a report which
was read and considered by paragraphs, and accepted; and
thereupon, ordered, that the address submitted by the
committee be signed by the President and Secretary. It
was then voted that the statement and calculation made by
the committee be referred to the adjournment--that 300
copies of the same be printed and forwarded to the towns
and plantations with the address; that a committee of
three from each county be appointed to distribute them;
and Prentiss Mellen, Henry Y. Brown, Thomas Parsons, Wm.

Gorham, Thomas Motley, John Dean, Nathaniel Dummer, Nathaniel Fairbanks and Benjamin Morrell were chosen--and William Symms, Esq. was appointed to superintend the printing.

VOTED, That the thanks of the Convention be presented to the Episcopal Society for the use of their church.

The Convention then adjourned to the 2d Tuesday of October then next.

Address of the Convention assembled at Portland on the
third Wednesday of June, 1794

[CIRCULAR.]

To the inhabitants of the town of

Portland, Friday, June
20, 1794

FELLOW CITIZENS,

The Convention which met at Portland in December last, having recommended to the towns, districts and plantations in the counties of York, Cumberland and Lincoln, to send delegates to meet in Convention at the same place, on the third Wednesday of June current for the purpose of considering the expediency of erecting the said counties into a separate State, fourteen towns and three plantations have accordingly met, and taken the subject into their consideration.

We find that it is not only the general opinion, but admits of no doubt, that a separation must sooner or later take place; not only because the District is actually

severed from the Commonwealth, by the intervention of another State, but by reason of many inconveniences that have increased to an almost intolerable degree.

We also find that even now it is probable that if a separation should take place as soon as the same can be effected according to the constitution of the United States, we should not only be exempted from any new burdens or expenses, but should be relieved from many which we now bear, and reap many advantages, of which in the present state of things we are unavoidably deprived.

However, considering the subject before us as of the highest importance, and by no means to be lightly determined, we wish for all the information and assistance that we can derive from any quarter, more especially from a representation of the towns and plantations from which no delegates have yet arrived. We therefore earnestly request you to unite with us in discussing this interesting question, by sending a delegate or delegates to meet us at an adjournment, which we have deemed expedient, as well for this end, as that we ourselves may have leisure to ripen a report for the consideration of our constituents.

Having only the general good at heart, we have no doubt that we shall meet your feelings in this respect, and we trust that you will have no objection against joining in deliberations, the sole object of which, whatever may be their issue, will be to promote it.

By order of the Convention,

WILLIAM GORHAM, President

Nathaniel Dummer, Secretary.

N.B. The Convention is adjourned to the second Tuesday of October, at 2 o'clock, P.M. to meet at Portland.

Extract of the report of a committee of nine members (three from each county) referred to the adjournment, but ordered to be printed and forwarded with the Address.

The amount necessary for the support of government, as appears by the Treasurer's report to the Legislature, in January last, is 30,122£. 13s. 4d. per annum. The proportion of this to be paid by the District of Maine, on the principles of the last valuation, will be about 5000£. An additional sum, not less, we presume, than 1200£. is remitted to the General Treasury, from this District, in duties of excise.--The sum total is 6,200£.

The proportion of public taxes on the principles of the last valuation, to be defrayed by the counties of Hancock and Washington, is to that which is to be defrayed by the counties of York, Cumberland and Lincoln, nearly as 16 to 140.

The probable expense of a new government, is calculated as follows:--

Governor's salary,.....	£ 300
Lieut. Governor's salary,.....	120
Secretary and Treasurer,.....	300
Clerks of ditto,.....	140

Judges of the Supreme Judicial Court,.....	850
Attorney General,.....	150
Legislative Department,.....	1500
Clerks of both Houses,.....	60
Messenger,.....	30
Contingencies,.....	1200

£4650

Sum now to be paid to Massachusetts,	£6200
Sum necessary to support a Government,	4650

Difference in favor of a new Government,	£1550
--	-------

All which is submitted.

Attest,

NATHANIEL DUMMER, Sec'y.

APPENDIX V

TABULATION OF VOTES FOR SIX SEPARATION ELECTIONS IN THE DISTRICT OF MAINE BETWEEN 1792 AND 1819.¹

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
YORK		F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Alfred	c	a	2-69	10-41	54-77	100-29
	Arundel	1-64	39-1	3-128	23-63	16-106	23-109
	Biddeford	6-33	a	4-61	14-63	43-88	50-49
	Berwick	3-107	1-88	a	35-17	71-50	39-54
	Buxton	46-3	a	0-132	210-15	244-26	365-11
	Cornish	c	a	52-27	58-8	71-15	95-16
	Elliot	c	c	c	30-18	a	20-122
	Hollis (Little Falls)	2-13	a	a	111-13	162-6	174-1
	Kittery	0-134	0-85	0-208	89-3	94-1	24-36
	Lebanon	0-103	a	0-140	21-41	29-128	62-106
	Limerick	3-41	24-0	6-56	13-50	19-69	50-78
	Lyman	c	c	1-89	4-107	6-179	21-117
	(cont'd)						

¹Returns for 1792, 1797, 1807, and May 1816 in Massachusetts Archives; returns for September 1816 from Massachusetts Legislative Documents, "Proceedings of the Convention of Delegates, Held in Brunswick, Maine, 1816," No. 45. Returns for 1819 from Portland Gazette August 10, 17, 1819; Portland Eastern Argus 3, 10, 17, 1819; Bangor Register, August 5, 1819.

KEY: a= No return received
b= Return rejected

c= Town not incorporated nor a plantation
d= Occupied by Great Britain

COUNTY TOWN	1792	1797	1807	May 1816	September 1816	1819
YORK (cont'd)	F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
Limington	c	30-0	a	111-11	83-39	118-34
Newfield	0-21	4-4	7-17	15-60	19-94	35-110
Parsonfield	24-25	a	a	91-50	105-113	163-90
Saco	18-36	6-44	a	220-7	215-16	325-16
Sanford	2-102	a	4-151	40-50	118-56	97-69
Shapleigh	0-46	1-62	3-107	59-42	115-102	100-135
So. Berwick	c	c	c	35-27	81-77	35-70
Waterborough	a	13-2	a	21-23	51-48	61-32
Wells	6-124	15-115	8-320	27-151	47-374	49-408
York	1-140	3-79	1-99	126-36	141-81	150-136
OXFORD						
Albany	c	c	21-0	a	9-15	6-9
Bethel	c	56-7	40-17	70-23	89-31	117-24
Brownfield	14-1	a	43-0	60-9	79-14	94-11
Buckfield	c	20-4	39-32	100-16	110-18	119-11
Denmark	c	c	36-0	40-19	68-5	91-4
Dixfield	c	c	c	37-8	40-18	57-0
East Andover	c	c	41-0	40-19	35-18	36-13
Fryburgh	64-1	51-1	78-29	29-70	65-76	78-70
Greenwood	c	c	c	c	16-9	37-1
Gilead	c	c	0-14	a	16-0	17-5
Hartford	c	8-23	3-60	45-17	48-33	40-20
Hebron	38-17	26-9	a	47-50	48-131	60-80
Hiram	c	c	c	32-13	43-14	53-9
Jay	c	12-3	22-60	114-4	119-14	150-7
Livermore	c	22-0	83-53	163-8	124-20	131-25
Lovell	c	c	11-17	0-34	7-38	13-36
Mexico (Holmans- town Plantation)	c	c	c	c	7-0	12-0
Newry (cont'd)	c	c	a	a	41-0	45-1

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
OXFORD (cont'd)		F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Norway	c	a	10-70	35-85	71-102	67-56
	Paris (Plant. #4)	21-8	20-17	38-43	129-55	157-59	171-40
	Porter	c	c	1-27	46-0	37-8	48-0
	Rumford	c	a	57-5	54-22	59-18	52-2
	Summer	c	c	8-14	57-22	68-31	73-38
	Sweden	c	c	c	11-7	20-7	
	Turner	c	10-0	66-31	154-9	75-65	136-15
	Waterford	c	19-2	1-80	32-70	31-85	42-52
	Woodstock	c	c	c	23-0	35-0	40-0
	Weld	c	c	c	a	40-2	55-0
	Howard's Gore	c	c	c	c	6-0	11-0
CUMBERLAND							
	Baldwin	c	c	0-35	21-19	40-36	53-23
	Bridgton	c	26-4	2-72	55-45	77-53	90-34
	Brunswick	16-61	a	24-158	61-90	93-144	222-89
	Cape Elizabeth	22-21	22-10	8-123	55-26	80-44	79-17
	Durham	11-20	a	6-113	45-54	55-92	45-71
	Falmouth	84-20	34-21	a	108-50	107-60	135-35
	Freeport	0-85	9-104	a	59-107	74-160	103-107
	Gorham	75-16	a	0-209	83-111	127-180	183-95
	Gray	24-12	15-21	5-103	101-28	120-33	126-22
	Harpswell	20-36	a	0-82	6-65	2-87	32-55
	Harrison	c	c	7-28	21-4	23-15	40-2
	Minot	c	c	a	89-108	89-159	100-95
	New Gloucester	94-5	50-2	a	88-85	139-106	150-65
	North Yarmouth	36-92	98-35	0-295	48-316	71-323	178-194
	Otisfield	c	32-0	0-47	4-80	12-95	27-42
	Danville	16-0	a	0-52	8-22	27-40	52-34
	(Pejebscot)						
	Poland	26-7	35-5	a	118-13	110-21	141-5
	(cont'd)						

COUNTY TOWN	1792	1797	1807	May 1816	September 1816	1819
CUMBERLAND (cont'd)	F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
(Bakerstown)						
Portland	86-50	38-70	a	533-140	475-201	637-188
Pownal	c	c	a	42-34	64-74	55-39
Raymond	c	c	a	56-6	49-20	77-0
Scarborough	4-96	2-87	0-125	134-12	156-32	254-24
Standish	43-14	28-12	18-91	79-38	95-54	143-59
Westbrook	c	c	c	228-7	246-29	338-12
Windham	18-36	16-6	a	15-25	38-90	54-83
SOMERSET						
Anson	c	c	a	66-0	80-25	91-0
Athens	c	c	35-3	25-0	18-15	31-6
Avon	c	36-1	a	23-3	12-4	50-0
Bingham	c	c	c	a	7-10	11-3
Bloomfield	c	c	c	24-71	22-92	48-41
Canaan	41-0	30-0	30-80	93-7	102-24	192-16
Cornville	c	c	3-29	18-14	26-41	40-2
Corinna	c	c	c	c	a	35-4
Embden	c	7-15	a	23-0	32-7	33-3
Fairfield	10-5	36-22	37-57	69-23	84-63	117-26
Freeman	c	c	a	15-5	35-1	22-0
Harmony	c	c	43-0	12-0	7-31	14-13
Industry	c	c	7-26	26-24	38-40	51-11
Kingfield	c	c	c	18-3	38-4	52-2
Moscow	c	c	c	a	1-16	13-3
Madison	c	c	12-29	53-25	52-37	68-11
Mercer	c	c	30-10	30-16	12-57	47-21
Northhill	c	c	c	c	a	32-2
New Portland	c	c	a	33-0	29-7	40-1
New Vineyard	c	c	2-25	16-1	a	a
Norridgewock	32-2	54-6	3-94	33-51	64-65	160-33
(cont'd)						

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
SOMERSET	(cont'd)	F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Palmyra	c	c	c	16-3	17-15	32-0
	Phillips	c	c	c	a	25-1	50-1
	Ripley	c	c	c	c	c	16-0
	St. Albans	c	c	c	7-0	12-9	20-3
	Solon	c	c	c	33-4	27-14	46-2
	Starks	c	22-4	6-36	32-33	34-50	30-25
	Strong	c	c	24-15	25-5	26-40	30-10
	Pl. No. 1	c	c	c	a	26-0	7-2
	Warsaw	c	c	c	c	c	32-0
	Plymouth Cove	c	c	c	c	16-0	a
KENNEBEC							
	Augusta	c	a	46-120	245-24	258-39	293-48
	Belgrade	30-0	24-1	68-35	66-9	62-12	84-8
	Chester ville	9-2	a	23-12	24-24	24-27	61-4
	China	c	c	c	c	c	38-5
	Clinton	c	93-1	48-1	50-0	110-4	164-1
	Dearborn	c	c	c	18-0	32-0	43-0
	(Oakland)						
	Fairfax (Albion)	c	c	50-30	62-12	103-22	67-7
	Farmington	11-6	47-7	a	134-54	140-86	188-63
	Fayette (Ster- ling)	28-0	39-2	45-25	54-26	70-54	85-14
	Freedom	c	c	c	77-0	73-4	115-0
	Gardiner	c	c	c	62-41	69-76	215-41
	Green	36-2	7-7	c	118-9	114-15	138-9
	Hallowell	56-52	84-32	39-143	211-89	190-134	344-96
	Harlem	c	0-29	a	46-28	36-65	48-9
	Joy (Troy)	c	c	c	30-8	30-8	25-4
	(Kingsville)						
	Leeds	7-6	a	74-27	154-3	128-20	168-8
	(cont'd)						

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
KENNEBEC	(cont'd)	F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Malta (Windsor)	c	c	c	50-0	56-0	131-0
	Monmouth	36-0	34-0	109-31	134-10	136-25	273-6
	Mt. Vernon	c	50-0	85-8	127-0	135-1	160-0
	New Sharon	c	7-15	a	56-5	60-26	90-4
	Pittston	23-1	76-19	a	54-5	52-34	66-18
	Readfield	42-2	50-3	34-51	61-25	70-49	156-17
	Rome	c	c	23-19	14-0	a	35-0
	Sidney	43-27	4-41	4-127	57-57	65-124	100-86
	Temple	c	c	a	13-28	9-34	24-30
	Vassalboro	19-26	45-36	a	84-56	76-64	114-37
	Vienna	c	c	40-5	35-5	53-13	72-1
	Unity	c	c	53-0	85-1	86-3	98-5
	Waterville	c	c	90-22	135-38	114-51	118-28
	Wayne	c	c	15-30	52-16	56-68	80-31
	Wilton	c	c	41-4	78-6	74-14	113-2
	Winslow	46-19	137-2	a	50-1	57-3	84-0
	Winthrop	72-1	86-1	a	77-81	76-110	119-98
	25 Mile Pond (Unity)	18-1	a	a	19-0	32-0	38-0
LINCOLN							
	Alna	c	17-0	30-54	24-48	22-65	40-50
	Bath	14-47	3-70	116-99	105-85	146-138	250-76
	Boothbay	a	a	7-113	10-52	12-64	10-36
	Bowdoin	42-3	a	54-62	64-20	66-51	145-26
	Bowdoinham	10-3	9-25	20-35	45-30	51-36	84-23
	Bristol	a	33-4	77-100	73-97	76-142	80-50
	Camden	25-4	26-4	7-133	37-83	32-95	97-36
	Cushing	0-32	1-60	0-37	21-14	23-12	25-8
	Dresden	c	1-66	13-103	39-24	50-61	48-8
	Edgecomb	a	8-28	0-94	16-28	24-32	25-37
	(cont'd)						

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
LINCOLN	(cont'd)	F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Friendship	c	3-16	0-39	13-2	9-19	a
	Georgetown	2-49	17-33	5-174	17-34	53-33	56-20
	Hope	c	c	a	a	14-39	33-19
	Jefferson	c	c	c	61-45	78-66	75-23
	Lewiston	c	40-0	a	49-62	73-83	92-36
	Lisbon	c	c	25-56	63-44	116-60	170-35
	Litchfield	c	17-14	109-6	147-18	196-51	282-4
	Montville	c	22-0	64-2	67-4	79-5	a
	Newcastle	c	43-23	4-72	21-52	22-67	22-29
	Nobleboro	c	18-5	26-66	84-33	80-49	95-38
	Palermo	c	c	a	70-8	78-20	106-6
	Phipsburg	c	c	0-66	5-65	23-74	21-111
	Putnam (Wash. Plantation)	57-0	a	a	12-36	14-26	13-24
	St. George	c	c	2-40	8-31	13-33	30-18
	Thomaston	10-26	1-49	22-148	26-107	75-100	121-89
	Topsham	a	a	41-108	29-73	31-86	113-64
	Union	27-2	26-12	53-69	41-68	56-98	19-82
	Wales	c	c	36-0	26-5	25-13	39-7
	Waldoboro	21-54	18-33	0-265	8-261	11-306	24-280
	Warren	1-14	10-25	0-161	36-139	27-144	24-103
	Whitefield (Ballstown)	16-1	84-2	b130-47	60-8	70-28	80-10
	Wiscasset	110-4	99-0	10-77	78-95	68-123	101-56
	Woolwich	8-45	10-52	a	8-53	8-110	38-41
	Appleton Plant.	c	c	c	c	7-27	20-2
HANCOCK							
	Brooks (Wash.Pl.)	c	c	c	18-5	16-7	9-43
	Belfast	43-2	14-4	50-22	86-55	95-65	145-25
	Belmont (Cont'd)	c	c	c	53-0	73-4	81-2

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
HANCOCK (cont'd)		F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Blue Hill	0-22	1-54	0-65	0-59	0-77	4-27
	Bucksport	0-54	4-26	2-84	18-20	19-94	8-93
	Castine	c	6-38	1-70	3-49	7-65	43-35
	Deer Isle	a	11-31	a	0-105	0-160	20-88
	Eden	a	15-8	11-37	a	0-61	a
	Ellsworth	c	c	0-41	0-59	4-101	14-30
	Frankfort	2-82	17-10	4-91	54-20	a	67-7
	Gouldsboro	3-34	a	0-48	1-25	1-42	a
	Knox	c	c	c	33-0	49-3	35-1
	Islesboro	17-0	a	0-36	a	0-34	a
	Lincolnville (Ducktrap)	24-0	63-3	60-48	35-12	11-46	38-54
	Monroe (Lee Cove)	c	c	c	45-0	a	44-9
	Mt. Desert	a	0-11	0-65	a	0-48	a
	Northport	c	43-0	c	23-11	17-20	29-14
	Orland Pl.#2	17-17	28-8	17-18	8-13	0-47	0-48
	Penobscot	42-70	10-42	2-119	28-15	7-80	28-2
	Prospect	a	0-44	17-62	27-24	34-28	80-34
	Swanville	c	c	c	15-13	27-9	25-7
	Searsmont	c	c	c	19-7	14-15	24-6
	Sedgewick	0-17	3-19	a	0-8	1-77	17-27
	Surry	c	c	0-53	1-16	2-34	4-38
	Sullivan	6-13	6-9	9-34	13-23	7-18	a
	Thorndike (Lincoln Pl.)	c	c	c	36-0	31-0	35-0
	Trenton	a	a	1-38	0-10	0-57	12-38
	Vinalhaven	0-27	0-22	0-84	a	0-33	4-44
	Brooksville	c	c	c	c	c	9-43
	Jackson	c	c	c	18-1	27-9	24-0
	Etna (Crosly- Town Pl.)	c	c	c	13-0	a	0-11

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
PENOBSCOT		F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Ackinson	c	c	c	c	c	8-18
	Bangor	a	8-0	68-19	66-29	81-24	89-17
	Brewer	c	c	c	32-7	28-21	37-18
	Carmel	c	c	c	a	1-16	2-14
	Corinth	c	c	c	24-0	32-0	21-2
	Dexter	c	c	c	c	27-0	58-0
	Dixmont	c	c	c	37-0	17-7	40-1
	Eddington	c	c	28-24	22-7	11-1	6-10
	Exeter	c	c	c	30-0	24-0	34-0
	Foxcroft	c	c	c	a	15-5	20-1
	Guilford	c	c	c	a	31-5	a
	Garland	c	c	c	a	26-8	18-0
	Hampden	c	57-3	0-108	58-43	45-38	38-5
	Hermon	c	c	c	a	46-11	a
	Williamburg					c	2-13
	Stetson Pl.	c	c	c	c	15-5	15-0
	Levant	c	c	c	8-0	9-0	9-2
	New Charleston	c	c	c	36-0	26-0	18-18
	Newport	c	c	c	a	46-6	90-0b
	Orono	c	c	37-1	a	8-5	4-19
	Orrington	8-3	4-4	40-85	a	26-32	25-37
	Sangerville	c	c	c	10-6	13-14	19-16
	Sebec	c	c	c	26-0	24-7	48-2
	Newburg (Pl. #3)	c	c	c	c	11-0	a
	No. 2-3rd Range					a	a
	No. 3-6th Range					a	a
WASHINGTON							
	Addison	c	1-27	1-34	a	a	a
	Calais	c	c	c	a	a	57-2
	Columbia	c	1-22	6-54	a	1-47	2-30
	(cont'd)						

COUNTY	TOWN	1792	1797	1807	May 1816	September 1816	1819
WASHINGTON (cont'd)		F.A.	F.A.	F.A.	F.A.	F.A.	F.A.
	Cherryfield	c	c	0-30	a	3-17	a
	Eastport	c	c	13-60	d	d	147-5
	Harrington	c	26-38	0-40	a	2-7	a
	Jonesboro	c	c	c	a	15-3	21-0
	Lubec	c	c	c	a	a	67-8
	Machias	a	2-90	0-136	36-46	18-57	103-24
	Robbinston	c	c	c	a	13-1	25-0
	Perry	c	c	c	c	c	40-0
	Dennysville	c	c	c	c	0-5	6-4
	Stenben Pl. #4	0-49	2-32	1-75		3-39	a
	New Sanwich Pl.	26-10					
	Gore adjacent to Lewiston	22-0					
	Seven Mile Brook	35-23					
	No. 22 Pl.	1-42					
	Francisborough Plantation	12-0					
	New Suncook Pl.	16-6					
	Albion Pl.	14-0					

APPENDIX VI

PETITION ADDRESSED TO THE GENERAL COURT IN JANUARY 1803
FROM A TOWN IN THE DISTRICT OF MAINE¹

To the honorable the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, at Boston, January 1803,

Humbly represent, the subscribers inhabitants of the District of Maine--That they have long been deeply impressed with the importance and convinced of the expediency of erecting the District of Maine into a separate and independent Commonwealth--That this impression does not result from any aversion to the constitution or government of the state with which they have so long been happily connected; but from certain natural and immutable principles which unequivocally dictate the propriety of such a measure--Those positions which without the aid of reasoning are accredited as truth by every unprejudiced mind, need not be enforced by detail arguments or labored investigation--That the District of Maine ought to become a state whenever its population & property should be sufficient to render its Government respectable, has ever been received as a self evident proposition.

That its population is now sufficient is proved by the late census, which gives upwards of one hundred and

¹Eastern Argus, November 15, 1815.

fifty thousand inhabitants to this District. That it has property to support a Government, is proved by the recent valuation, which is among the public records--That a territory having three hundred miles of sea coast for one of its boundaries, the British dominions for two others, and the state of New-Hampshire for the fourth, with 150 thousand inhabitants, will be accommodated, improved and enriched, by making its own laws, and having its own Legislature, instead of being a distant member of a Commonwealth separated from it by the ocean, and by an independent state and territory, will in our opinion be doubted only by those who have not paid a due consideration to the subject. A majority of the people have declared their wish upon the subject--The years that have passed since that declaration have in the opinion of your petitioners, greatly increased that majority.

Your petitioners would do nothing without the sanction of the government; they therefore pray that measures may be taken to put in execution the wish of the inhabitants of this District as heretofore expressed to the Legislature on this subject--And they humbly suggest that the best mode will be for the Legislature to authorize a convention of delegates from all the towns in the District at some central and convenient place, which convention shall have power to declare the sense of their constituents, to frame a constitution of Government and to do and transact all things which may be necessary to the perfect establish-

ment of a separate and independent State.

APPENDIX VII

CIRCULAR LETTER AND SUBSCRIPTION LIST DISTRIBUTED IN THE
SUMMER OF 1815 ON BEHALF OF THE UNION SOCIETY OF MAINE¹

Sir,

At a general convention of the Republicans from all parts of the Commonwealth, holden at Boston, on the 7th of June 1815, it was unanimously agreed to form Union Societies--one at Boston, styled the UNION SOCIETY of MASSACHUSETTS, and one at Portland, styled the UNION SOCIETY OF MAINE--The object of this Society, is to organize the Republican interests--to call into action all its energies--to guard against every attempt to sever the Union of the States--and to disseminate more generally, the most useful political information--In aid of objects so necessary for the support of our cause--so necessary to counteract that unbending system of opposition and intrigue, pursued by our political enemies; it is found indispensable, to establish funds--which when received are to be held in common by the above Societies--and appropriated for such expences as may be incurred--more especially, to remunerate those, whose duty it is, to devote their time in collecting, writing and publishing such documents as will best promote the great objects in view.

The society in this Town is organized--the officers are the Hon. John Holmes, President, Hon. Woodbury Storer,

¹W K MSS (Me. H.S.), Box 8.

Treasurer, and Dr. Samuel Ayer, Secretary.---Branches can be established, wherever it is thought expedient, by the approbation of the officers of the Society.--Should our Political Brethren in your vicinity have a wish to form a Branch, let them meet, select their officers, form their Byelaws, transmit a copy thereof to this Society, and it will receive the necessary sanction, and a correspondence be immediately opened.

I enclose you subscription papers for the general fund, which I beg you to circulate, and remit the proceeds to the Treasurer, together with the names and sums--on this depends the success of our efforts--I trust you will give it that early attention its importance demands.--

In our exertions for the general good of our Country, we must keep an eye to the SEPARATION OF MAINE from Massachusetts. This subject will soon be spread before the People, and to accomplish an object so much for our interests and our honor, it is of the highest importance, to establish these Societies, and that each give his mite for their support.

The Eastern Argus is to be enlarged, and to appear in such a character, as it is confidently hoped will greatly contribute in promoting the interest of Maine, and be acceptable and gratifying to its Patrons.

Knowing Sir, your attachment to the Republican cause and your undeviating exertions for its support, I have taken the liberty in behalf of our society, to address you

on this subject, not doubting but it will meet your cordial approbation.

Relying on your ready co-operation in the measures proposed, and your prompt attention in communicating such information on this as well as any other subject which may concern our political interest and welfare,

I am very respectfully,

your obedient servant,

Sam'l Ayer
Secretary.

Please direct all communications to the Secretary of the Union Society of Maine.

THE SUBSCRIBERS AGREE TO PAY THE SUMS SET AGAINST their respective names, to the Hon. James Prince, of Boston, or to the Hon. Woodbury Storer, of Portland, for the purpose of establishing a fund, for disseminating Political Information; one half on demand, and the other half on or before the last day of January, A. D. 1816.

Subscribers' names.

Residence.

Amount.

APPENDIX VIII

ACT OF SEPARATION ENACTED BY THE MASSACHUSETTS GENERAL
COURT, JUNE, 1816.¹

SEPARATION OF MAINE.

AN ACT,

Concerning the Separation of the District of Maine, from
Massachusetts Proper, and forming the same into a separate
and Independant State.

WHEREAS, in conformity to a Resolve of the General
Court of this Commonwealth, passed at the last session
thereof, the people of the District of Maine did, on the
Twentieth day of May last past, assemble in their respect-
ive towns and districts, and give in their votes upon the
question proposed in said Resolve, to wit: "Shall the
Legislature be required to give its consent to the separa-
tion of the District of Maine from Massachusetts Proper,
and to the erection of said District into a separate State;"
and by majority of the persons voting on the said question,
have answered the same in the affirmative: Therefore,

Sec.1. BE it enacted by the Senate and the House of
Representatives in General Court assembled and by the
authority of the same. That the consent of this Common-
wealth be, and the same is hereby given, that the District
of Maine may be formed and erected into a separate and in-
dependent State, if the people of the said District shall

¹Eastern Argus, June 26, 1816.

in the manner hereinafter mentioned, express their consent and agreement thereto upon the following terms and conditions: And provided, the Congress of the United States shall give its consent thereto before the fourth day of March next; which terms and conditions are as follows, viz.

First--All the lands and buildings belonging to the Commonwealth within Massachusetts Proper, shall continue to belong to said Commonwealth, and all the lands belonging to the Commonwealth within the District of Maine shall belong, the one half thereof to the said Commonwealth, and the other half thereof to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District which shall belong to the said Commonwealth shall be free from taxation while the title to the said lands remains in the Commonwealth: and the rights of the Commonwealth to their lands within said District and the remedies for the recovery thereof shall continue the same within the proposed State, and in the Courts thereof; as they now are within the said Commonwealth and in the Courts thereof; and all obligations given to the Commonwealth with conditions to perform settling duties so called, with the District of Maine, when all the principals are persons inhabiting the same District, shall become the property of the New State; and all other obligations with such conditions shall remain the property of this Commonwealth.

Secondly--All other property belonging to the Common-

wealth shall be holden by the said Commonwealth as a fund and security for the payment of all the debts due by the same. But at the end of three years, or whenever the Congress of the United States shall assume the debts contracted by the Commonwealth for the defence of the Commonwealth during the late war with Great Britain, the Commissioners to be appointed as hereinafter provided shall assign a just portion of the said property to the said Commonwealth as an equivalent and indemnification for all other debts which may remain due, and for the debt so contracted as aforesaid during the late war, in case the same should not be assumed within three years as aforesaid; but, if the same should be assumed as aforesaid, then, for any loss which the Commonwealth may sustain from the manner in which the same shall be assumed. And all the surplus of said property shall be divided between the said Commonwealth, and the said District of Maine, in the proportion of three fourths thereof to the Commonwealth other than the lands & real estate aforesaid shall prove insufficient as a fund or security to pay and discharge the debts due by the said Commonwealth and all demands against the same, the said District of Maine shall assume, pay and discharge one quarter part of the debts and demands against the said Commonwealth which shall be found by the said Commissioners to be over and above the value of said property so held by the said Commonwealth as a fund and security as aforesaid. And if the Congress of the United

States shall, after the expiration of said three years assume the debts so contracted for the Commonwealth during the late war, then the said District of Maine shall be entitled to, and shall receive one quarter part of the Stock or Certificates which may be issued for the debt so assumed, beyond what may be required to pay the debts due if exceeding the property reserved for that purpose.

Thirdly--Commissioners with the powers and for the purposes mentioned in this Act, shall be appointed in the following manner; two shall be appointed by the Governor and Council of the Commonwealth, two by the said Convention of the Delegates of said District, and two more by the four first named; and, if they cannot agree, the appointment of the two last mentioned shall be with the Governor and Council of this Commonwealth; not however in that case to be inhabitants of said Commonwealth. And the said Commissioners may fill up any vacancies in their board not exceeding three, and four of their number shall constitute a quorum to transact business; the determination of a majority of whom shall, in all cases be final. And all question which may arise respecting the property of the Commonwealth or the division thereof not herein expressed, shall be decided by the said commissioners. And the said Commissioners shall determine what portion of the said public lands shall be surveyed from time to time; and such survey shall thereupon be made, and the expenses thereof shall be borne equally by the said Commonwealth and pro-

posed State; provided always, that the said lands shall be surveyed into tracts of twelve miles square, or as near thereto as conveniently may be; and such tracts shall be divided by lot by the said Commissioners between the respective States. And if the said Commission shall expire, & a new Commission shall be required by either State, for the purpose of directing further surveys or for any other purpose six new Commissioners shall be appointed, two by each State, and the remaining two in manner aforesaid and with the powers aforesaid.

Fourthly--All grants of lands, franchises, immunities corporate or other rights, and all contracts which have been or may be made by the said Commonwealth, before the Separation of said District shall take place, and having or to have effect within the said District, shall continue in full force after the said District shall become a separate State.

Fifthly--No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars of limitation thereof, or otherwise making any distinction between the lands and rights of property of proprietors non resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State resident therein.

Sixthly--These terms and conditions, as here set forth, when the said Convention shall have expressed the consent and agreement of the said District to become a

separate and independent State, shall, ipso facto be incorporated into, and become a part of any Constitution, provisional or other, under which the government of the said proposed State shall at any time hereafter be administered--subject, however, to be modified or annulled by the agreement of both the said States.

Sec. 2. Be it further enacted by the authority aforesaid, that the Convention to be assembled for the purposes expressed in this act, shall be composed of Delegates chosen in the manner following, viz: The inhabitants of the several towns in the District of Maine, now entitled to send one or more Representatives to the General Court, shall, on the first Monday of September next, assemble in Town-Meeting, to be notified by warrant of the Selectment of said towns, in due form of law; at which Meetings, every inhabitant having the qualifications required by the Constitution of this Commonwealth to vote for Senators shall have a right to vote in the choice of a Delegate or Delegates to the Convention aforesaid; and each such town as aforesaid shall and may elect one or more Delegates, not exceeding the number of Representatives which it is not entitled to send to the General Court. And at such meetings, the Selectmen of the said several towns, shall preside impartially, and shall receive the votes of all the inhabitants of such towns present, and qualified as aforesaid to vote for Such Delegates, and shall sort and count such votes in open Town-Meeting, and in presence of the

Town Clerk, who shall make a fair record in presence of the Selectmen, and in open Town-Meeting, of the name of every person voted for, and of the number of votes given for him, and the person or persons having a majority of all the votes shall be chosen; and fair copies of the said record shall be attested by the selectmen and the Town Clerk and one such copy shall be delivered by the Secretary to each of the persons whom they shall determine to have been duly elected a Delegate. And the Delegates chosen as aforesaid, shall assemble in Convention, on the last Monday of September next, at the Meeting-house, near the College in Brunswick, in said District of Maine, and shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and to such other place or places sucessively, in the towns of Brunswick or Topsham, as they shall think proper; and shall as soon as may be, proceed to organize themselves, by chosing, by a vote of the majority of the Delegates present, a President, and such other officers as they may judge expedient, and establishing proper rules of proceeding;-- Which Delegates shall be paid by the inhabitants of said District of Maine; and on the day of the meeting for the choice of Delegates as aforesaid the inhabitants of the Towns, Districts and Plantations in the District of Maine, qualified to vote for Senators, shall in open meeting summoned also for this purpose, give in their written votes on the question: "Is it expedient that the District of

Maine shall be separated from Massachusetts and become an independent State?" And the Selectmen of the Towns and Districts, and the Assessors of the unincorporated Plantations, shall, in open meeting, receive, count and sort and declare; and the Clerks thereof respectively, shall record the votes for and against such expediency. And said Selectmen and Town Clerks, and the Assessors and Clerks of said Plantations, shall seal up and transmit said votes to the President of the Convention, at their meeting herein provided: and if it shall appear to said Convention, that a majority of five to four at least, of the votes returned, are in favor of said District's becoming an independent State as aforesaid, then and not otherwise, said Convention shall proceed to form a Constitution as is provided in this act.

Sec. 3 Be it further enacted, by the authority aforesaid, that the said Convention, when organized as aforesaid, shall declare the assent of the people of the said District, to be formed into a separate and independent State, upon the terms and conditions above expressed; which assent being so declared, the said Convention shall make known the same to the Governor and Council of this Commonwealth, and also to the Congress of the United States, and request its consent that the said District should be formed into a separate and independent State; and the said Convention after having so declared such assent shall proceed to form a Constitution or frame of government for the said

new State, and shall determine the style and title of the same; and such Constitution, when adopted and ratified by the people of said District, in the manner herein after mentioned, shall, from and after the fifteenth day of March, one thousand eight hundred and seventeen, (the consent of the Congress of the United States then being had as aforesaid) be the Constitution of said new State. And the Convention shall, as soon as may be, after having formed such Constitution, or frame of government for such new State, cause the same to be published, and sent to the several towns, districts and plantations within the said District of Maine; and there shall be a Meeting of the inhabitants in each of said towns, districts and plantations, to be called and warned by the Selectmen and Assessors respectively, in due course of law, at which Meeting every male inhabitant, having the personal qualification herein declared requisite in the election of Delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the Constitution, so prepared and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts and plantations respectively, shall preside at such Meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in the open Meeting of the town, district or plantation, and the same shall be then and there

recorded in the books of the town, district, or plantation, and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district or plantation, respectively, and shall be by the said Selectmen or Assessors, transmitted and delivered to the said Convention. or to the President thereof, for the time being, or to any Committee appointed to receive the same, on or before the first day of January next--on which day, or within the ten days thereafter, the said Convention shall be in session, and shall receive and count all the votes returned and declare and publish the result; and if a majority of the votes returned shall be in favor of the Constitution proposed as aforesaid the said Constitution shall go into operation according to its own provisions; otherwise the Constitution of Massachusetts shall be, and be considered as, the Constitution of the said proposed State in the manner as herein after provided. And to the end that no period of anarchy may happen to the people of said proposed State, in case a new Constitution shall not be so adopted and ratified by the people of said District of Maine, the present Constitution of the Commonwealth of Massachusetts shall except as herein excepted, be provisionally, the Constitution or frame of government for said District; except only such parts of said Constitution of Massachusetts as relate to the style or title of said State, or may be otherwise inconsistent with or repugnant to the situation and condition of said New State; and ex-

cept, that the people of said District shall choose in their Senatorial Districts as now established three times the number of Senators now allowed them & that the Legislature shall choose such a number of Counsellors not exceeding nine, as they shall determine proper. And the said Convention shall designate the place for the first meeting of the Legislature of said New State, and for the organization of its government; and shall appoint a Secretary pro tempore for said New State.

Sec 4. Be it further enacted. That until a Governor of the proposed State shall be chosen and qualified according to the Constitution which may be in operation in said State, the person last chosen President of the said Convention, shall from and after the 15th day of March next, have all the power of the Governor and Council under the Constitution of Massachusetts, until a new Governor shall be chosen and qualified in the said proposed State; excepting only that the said President shall not have the power to remove from office any officer who may be duly qualified and excepting the duties of his office according to the intent and meaning of this act.

Sec.5 Be it further enacted by the authority aforesaid, that all the laws which shall be in force within said District of Maine upon the said fifteenth day of March next, shall still remain and be in force within the proposed State, until altered or repealed by the government thereof, such parts only excepted as may be inconsistent

with the situation and condition of said new State, or repugnant to the Constitution thereof. And all the officers who shall on the 15th day of March next, hold commissions or exercise any authority within the District of Maine under the Commonwealth of Massachusetts, or by virtue of the laws thereof, excepting only the Governor, Lieutenant Governor and Council, the Members of the Legislature, and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the Government of the said proposed State. And all the Courts of law whatsoever within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters, and things which are or may be commenced or depending before them respectively upon the said fifteenth day of March next, or at any time afterwards and before the government of the said proposed State shall establish new Courts within the same, and shall continue from and after the said fifteenth day of March next to exercise the like power and authority and in like manner as they now by law may do, until new Courts shall be so established in their State.

Sec. 6 Be it further enacted. That all actions, suits and causes, civil and criminal, and all matters, and

things whatsoever, that shall on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts, then last holden within any County in the said District of Maine, and all writs, recognizances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, and have day in, and be heard, tried and determined, in the highest Court of Law that shall be established, in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the County in which such action, writ, process, or other matter, or thing, may be so pending, or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate or other Court, which shall be made after the said fifteenth of March next, in any action, cause, or suit whatsoever, and which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the Appellant to claim an appeal, without naming of designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the County in which such action, cause, or suit may be depending & shall be there heard, tried, and determined according to law; Provided however, that nothing contained in this section shall be understood

or considered to controul in any degree the right of the people of the said new State, or the government thereof, to establish Judicial Courts, in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their Constitution, respecting all the said actions, suits, processes, matters, and things, herein avove mentioned, as they shall think most proper, to prevent the discontinuance thereof, and avoid any delay or failure of justice.

APPENDIX IX

REPORT OF THE COMMITTEE TO EXAMINE ELECTION RETURNS,
ACCEPTED BY A MAJORITY OF DELEGATES ATTENDING THE
BRUNSWICK CONVENTION, OCTOBER, 1816.¹

REPORT

The committee appointed to examine the returns of Votes on the subject of the Separation of Maine from Massachusetts, and report thereon, and also to inquire what further measures it will be expedient to adopt to obtain the consent of the Legislature of this Commonwealth to such separation--also, to consider and report on the memorial of John Low, jr. and others against the votes from the town of Lyman, and also the memorials of the inhabitants of Mercer and other towns concerning said separation, have attended to that service, and ask leave respectfully to report in part--

That they have examined all the papers and documents purporting to be returns of votes from the towns and plantations in Maine, which have been committed to them and find that a very large proportion of those votes are incorrectly or illegally returned.

In nearly half of those returns the question which was to have been submitted to the people, was imperfectly or erroneously stated.

Very many of the meetings appear to have consisted of

¹Eastern Argus, October 16, 1816.

other persons than qualified voters. In several towns certain descriptions of voters appear to have been excluded--In this state of the votes, your Committee feel a reluctance on the one hand in excluding the expressions of the opinions of any portion of their fellow-citizens, possibly correct, and on the other in admitting any return which may be the result of imposition or fraud.

If other considerations or views of the subject, can authorize them to dispense with a strict, or rigorous scrutiny their inclinations urge them to the adoption of such a course.

But inasmuch as the memorial from John Low, jr. and others, relating to the improper and unfair conduct in the officers and voters of the town of Lyman, was specially referred to your committee, they were obliged to give it their particular consideration.

It appears to your committee that after the meeting was opened, a motion was regularly made, and put, and carried, that the voters be polled to see who were for and who against the separation; that though this course was objected to, it was carried into effect. Thus in a town where the majority was decidedly against the separation, were its advocates designated and pointed out, before they were allowed to carry their written votes. Thus were a portion of the citizens deprived of the privilege of expressing their opinions without inspection, and subjected to the influence of powerful men, and the censure or disapprova-

tion of a vindictive majority--Your Committee have therefore rejected the return from the town of Lyman.

By recurring to the second and third sections of the act concerning the Separation of the District of Maine from Massachusetts proper and forming the same into an independent State, we find that the Convention is authorized to form a Constitution, provided "a majority of five to four at least of the votes returned" are in favor of the measure. The meaning of the word majority is doubtful-- This word is sometimes understood to mean the excess of one number, over another, and sometimes the excess of half the whole number. Exclude the words "a majority of" in the second and third sections of the act, and no doubt remains but five yeas to four nays or five ninths of the votes returned, would be required. But your Committee do not feel authorized to say that those words have no meaning.

In the report of the Committee prefixed to the act, it appears to have been the intention, that the expediency of separation should have been decided, by "an assembly of men, charged with the most solemn duties," meaning no doubt a Convention of Delegates chosen by towns.

Here the Delegates would have been in proportion to the number of majorities in each corporation and not in proportion to the aggregate majority of all the votes returned.

It is understood that the bill as first reported to

the Legislature, authorized the Delegates to decide on the expediency. It was however so far amended as that on the day of the choice of delegates, the inhabitants of the towns, districts and plantations, qualified to vote for Senators, were to give in their written votes on the question proposed in the act, and a majority of five to four was required--As the Delegates must be apportioned according to the respective majorities of their towns, so on the question of Separation, the majority of yeas in the towns and plantations in favor must be, to the majority of nays in those opposed as five to four of the votes returned. The corporate majorities of yeas must be placed in one column and those of nays in the other and each added--Then, as five is to four so is the aggregate majority of yeas in the towns and plantations in favor, to the aggregate majority of nays in those opposed.--In this way only can your committee give a meaning to the word majority as contained in the second & third section of the act.

The whole number of votes returned, including those subject to the exceptions mentioned, is22,316

The yeas are11,969

The nays are10,347

The whole aggregate majority of yeas in the towns and plantations in favor, is 6,031

The whole aggregate majority of nays in the towns and plantations opposed is4,409

Then as five is to four so is 6,031 to 4,825 the nays required. But the majority of nays is 4409 only. Hence it appears that upon this construction of the act there is a majority of five to four at least of the votes returned in favor of the said District's becoming an Independent State.

Your Committee are aware that it has been the popular construction that five-ninths of the votes returned are necessary. But they apprehend that this construction has prevailed rather from the use of an expression not contained in the act, than from a necessary import of the words themselves. Where this Act is doubtful, it should receive such interpretation, as shall best comport with the public will.

That will has, often, been decidedly and unequivocally expressed. On the twentieth of May last the single question of expediency was decided in the affirmative by a very large majority. On the second of September, with the terms and conditions before them, and the groundless alarms of expence to the people and embarrassments to the coasters, the citizens of Maine, by the majority here reported, have decided the question again. And they are here represented by a majority of Delegates in favor of the measure. It is expedient therefore, that this Convention should give such a construction to the Act as shall best

effectuate the hopes and gratify the expectations of the people of Maine. But your Committee forbear to recommend that this Convention act without deliberation and advice. The Legislature of Massachusetts will soon be in session. No inconvenience would arise in consulting their wishes or asking their opinions. Should they, as they undoubtedly will, confirm this construction, or otherwise explain or modify the law so as to give effect to the voice of this majority of the people, much dispute would be prevented and great satisfaction afforded to the opposers of the separation.

But if contrary to all reasonable expectation the opinion and decision of Massachusetts should be unfavorable, we could at an adjourned session of the Convention act as may be thought proper.

But in the report of the Committee, prefixed to the Act, we find it conceded, that "expectations have been authorized, that the Legislature of Massachusetts, would consent to the proposed separation, when the deliberate wishes of a majority of the people should be developed in favor of the measure." And we have no doubt that, with the present commanding majority, Massachusetts will give such fair and rational interpretation to the law, as shall carry into effect the "deliberate wishes" of the people of Maine.

Confident that a separation must be declared, your committee would recommend, that, as soon as may be, a Con-

stitution of Government should be prepared, to be presented to the people of Maine. But as much time and labor would be required, before so important a document could be matured, they would propose an adjournment to some future day, and that a Committee be appointed to set in the recess and report a Constitution at the next meeting of the Convention.

In this stage of the progress of the people of Maine by independence, it is proper that they should apply to Congress for their admission into the Union. It is important also, that a law be passed, that in case of separation, our coasting trade should be secured from additional embarrassment. Should the Legislature confirm their consent. Congress at their next session, would admit us into the Union.

Your Committee have considered the memorials from sundry inhabitants of Mercer and other towns, complaining, that they have no delegates in the Convention. And they are satisfied that in forming a Constitution, these and other towns and plantations are entitled to be heard. They can, however, devise no other remedy, (except what may be contained, in that part of the Constitution which shall provide for amendments,) than an application to the Legislature, so to modify the Act, as to admit those towns and plantations not represented, to send delegates to this Convention at its next meeting.

Your Committee, therefore, ask leave to report the

following resolutions--which are submitted.

(Signed)

JOHN HOLMES, per order.

RESOLVED--That the further consideration of the votes returned, be referred to the next session of this Convention to be held by adjournment.

RESOLVED--That, provided all those papers and documents, which purport to be returns of votes, should be legal and correct,

the whole number of yeas is.....11,969

The whole number of nays is.....10,847

That the majority of yeas of the

towns and plantations in favor

of separation is..... 6,031

That the majority of nays in the

towns and plantations opposed

to a separation is..... 4,409

and that the majority of yeas as aforesaid is to the majority of nays as aforesaid a majority of five to four, at least, of the votes returned.

APPENDIX X

"MEMORIAL" WHICH ACCOMPANIED THE REPORT OF THE COMMITTEE TO EXAMINE RETURNS OF THE BRUNSWICK CONVENTION, SUBMITTED TO THE GENERAL COURT IN DECEMBER, 1816.¹

TO THE HONORABLE THE SENATE AND House of representatives of the Commonwealth of Massachusetts in General Court assembled, the undersigned, a Committee appointed for this purpose, by the Delegates assembled in Convention at Brunswick, pursuant to an act of this Commonwealth, entitled "An Act concerning the Separation of the "District of Maine from Massachusetts proper, and "forming the same into a separate and independent State,"

RESPECTFULLY REPRESENT,

THAT the separation of Maine from Massachusetts proper, is a subject from its nature interesting to the whole Commonwealth, but more peculiarly so to the people of Maine. It is an event which all, who have considered the detached situation, the extent of territory, and the population, resources, and local interests of Maine, agree, must in the course of things, ultimately take place. The only difference of opinion, as respects the measure itself, seems to be, as to when is the proper time to carry it into effect. It has often been the subject of the deliberation of the legislature, and we owe it to the people of Maine thus publicly to acknowledge, that it has always re-

¹Eastern Argus, November 25, 1816.

ceived prompt attention, and that the course adopted with respect to it, has been uniformly liberal and magnanimous.--Viewing the separation as inevitable, whenever the subject has been brought under their consideration, the legislature have by their proceedings "authorised the people of Maine to expect that it would not withhold its consent, when the deliberate wishes of a majority of the people of Maine should be developed in favor of the measure"--thus leaving it to the people of Maine to choose their own time, when they would withdraw from that government under which they have grown up and ripened into manhood, and assume the responsibility of governing themselves.

We will not occupy the time of the legislature by advertng to the state of the public sentiment in Maine on the question in times past but we would ask leave to call their attention to the history of it for the present year. At their session in Jan'y last, the legislature authorized the people of Maine to assemble in their respective town and plantation meetings on the 20th of May, there to give in their votes on the question, "Shall the legislature be requested to give in consent to the separation of the District of Maine from Massachusetts proper, and to the erection of said District into a separate State." The people of Maine, knowing that the question of separation would be a subject of deliberation in the present legislature, in selecting their representatives to this honorable

body, were with scarcely an exception, governed in their choice by the well known sentiments of their candidates. These points of controversy, which too often agitate the people, and with reference to which candidates are usually selected, were lost and absorbed in the to them more important question of the Independence of Maine. Of the members of this legislature, thus selected in Maine, a very large proportion were the advocates of separation. Again on the 20th of May in their legal towns and plantation meetings, called for the express purpose of making known their sentiments, and that under the sanction of the Legislature, the people of Maine by a majority of more than four thousand votes declared their deliberate wishes in favor of the measure.

In consequence of the expression of the public will, this Legislature at their last session proposed to the people of Maine certain terms respecting the disposition and division of the public property, and gave its consent to the proposed separation on condition, that the people of Maine in their several town and plantation meetings to be held for that purpose on the first Monday of September, should by a majority of five to four accede to the terms proposed. In thus requiring a "majority of five to four" or any thing more than a bare majority, a principle introduced as we believe, not with a view to defeat the wishes of the people of Maine but for the sole purpose of satisfying the opposition: with deference to the more mature

and better wisdom of the Legislature your memorialists view with regret a departure from the first principles of the Republic. At the same time they beg leave in this public manner to declare, that the terms respecting the disposition and division of the public property thus proffered by Massachusetts to the People of Maine, were fair, liberal and just. It is however a fact of the most public notoriety, that those terms, liberal and just as they are, were seized upon by the opposition to create heart-burnings and dissatisfaction among the people. We do not mean to allude to those anonymous publications in the papers of the day, devoted to the views of the opposition, in which it was so repeatedly and in such a variety of form and expression declared, that "as to the terms of separation, every farmer in the District, if he will take the pains to examine, must view them with abhorrence and detestation"--and that "there is not a disinterested, enlightened and independent man in Maine who will agree to such terms." We allude to the publications of men of high legal standing, who with their associates, under the sanction of their names, and with the imposing influence of their station and characters, have represented to the people of Maine that Massachusetts was endeavoring to take advantage of their disposition to be separated, and "will make as good a bargain for herself as she can." "That the terms are incompatible with the interest and highly derogatory to the honor of Maine."--That "If the measure

were in itself expedient on equal terms, the act concerning the separation would of itself render it ruinous to the people of Maine;" that "we relinquish all our right in the public buildings in Massachusetts and get no equivalent;" that even if the United States should assume the war debt, "we can see no good reason to believe that we shall ever receive a single dollar of all the public funds;" that with respect to the wild lands, there was to Maine an "unparalleled disadvantage in the proposed division;" that the exemption from tax" of the lands to be assigned to Massachusetts, "is such an abridgment of State sovereignty, and such an impediment to revenue, as seems not only injurious to the interest, but degrading to the character of a people who would assume the name of independence," that "the probable loss which we shall sustain in the funds of the State, occasioned principally by the terms of separation, will be one hundred ninety six thousand four hundred ninety seven dollars and thirty nine cents;" and " that the probable loss we shall sustain by giving up the public buildings and other real estate in Massachusetts, will be at least one hundred thousand dollars."

With such representations, made under the sanction of their names, by such men, who also publicly "pledged themselves for the correctness of their statements," it is perhaps to be wondered at, rather that more were not deceived, than that so many should have been.

But on the first Monday of September, the people of

Maine once more met in their primary assemblies, and for the purpose of expressing their approbation or disapprobation of the proposed terms; when, notwithstanding the representations, to which we have already alluded, that these terms were "inequitable" and "unjust" and to accede to them would be to sacrifice the "rights and interests of Maine," the people did give their assent by a majority of more than sixteen hundred votes, and again expressed their "deliberate wishes in favor of the separation. It was not, however, only by the vote on the question, submitted by the Legislature, that the public sentiment was developed. On the same day the people were called upon to elect their delegates to that Convention, in whose name and behalf this memorial is presented. Of the delegates thus chosen, selected with a special view to their sentiments, notwithstanding the small towns and plantations, almost universally in favor of separation, were not represented, a very considerable majority were the known and professed advocates of the measure. Thus have the people of Maine within the period we speak of, four several times, and in different modes, manifested their sentiments on the question of separation. Your memorialists therefore feel themselves authorized to state, and to state with confidence, that the deliberate wishes of a majority of the people of Maine have been clearly and unequivocally developed in favor of the measure.

The delegates chosen by the several towns assembled

in Convention at Brunswick, having organized themselves, they proceeded to examine the votes given in by the people on the first Monday of September; and it appeared that provided all those papers and documents, which purported to be returns of votes, were legal and correct, the whole number of yeas was 11,969--and the whole number of nays 10,347--But it also appeared, that a very large proportion of those votes were incorrectly or illegally returned. In nearly one half of those returns the question, which was to have been submitted to the people, was imperfectly or erroneously stated. Many of the meetings appeared to them to have consisted of other person, than qualified voters; and in some towns certain descriptions of voters were excluded. In this state of things the Convention, unwilling to reject votes however palpably and grossly defective might be the returns; unwilling to avail themselves of any construction of the Act, the correctness of which might admit of doubt, and feeling great confidence in the justice and magnanimity of the Legislature, thought it proper to avoid entering upon any scrutiny or investigation whatever of the legality or illegality of the returns; and, neither admitting them on the one hand or rejecting them on the other, they postponed the farther consideration of them to an adjourned session of the Convention, for the purpose in the meantime of laying the whole subject before this honorable body for their advice and direction. This course

appeared to them the more proper and expedient, inasmuch, as the fact was unquestionably that whatever was the correct and sound construction of the Act, there was a large majority of the People of Maine in favor of the separation upon the terms and conditions proposed by the Legislature.

Your Memorialists therefore in behalf of said Convention, and through them in behalf of the People of Maine, pray this honorable Legislature to take the subject into their consideration, and to grant its consent to the proposed separation on the state of the votes as given in by the people of Maine on the first Monday of September; and to make such further laws and provisions concerning the separation, as in their wisdom shall be deemed most expedient and proper to carry the proposed separation into full and complete effect. And as in duty bound will ever pray--

ALBION K. PARRIS,

JOHN DAVID,

W.P. PREBLE,

JOHN CHANDLER

APPENDIX XI

MINORITY REPORT OF THE BRUNSWICK CONVENTION OF 1816
PROTESTING THE REPORT OF THE COMMITTEE TO EXAMINE RETURNS.¹

Wednesday, Oct. 9

The Hon. Judge Stebbins moved for leave to have entered on the journals the following

PROTEST:--

IN CONVENTION OF DELEGATES, AT BRUNSWICK, Octo. 9, 1816

Being convened in the first assembly called in Maine, to deliberate on the momentous subject of forming the District into a separate State, a subject in which all the members of this convention have like rights, duties and interests; we, whose names are underwritten, Delegates in the convention, feel deep regret, that such diversity of opinion should prevail, as to render it necessary for a minority to declare their dissent from the measures of the majority. It would be in the highest degree gratifying to us, if discussion had produced a result in which we could have united. But we hold, that all power emanates from the people; that no bodies of men, acting in virtue of delegated powers, have a right to designate, not only to whom they will delegate power, but what power will they delegate; that according to our civil compact, by which the whole people covenant with each citizen and each citizen with the whole people, that all shall be governed by

¹Eastern Argus, November 6, 1816.

certain laws for the common good," the citizens, besides their natural rights, possess, as members of the body politic, the rights secured by this covenant; that as this compact between the Commonwealth and its citizens is mutual, it cannot, as respects any portion of its citizens, be annulled without mutual consent, and without power delegated from them, no man or body of men can establish a new government over them, or abolish that which they have legitimately established for themselves. Considering these principles as true and unquestionable, we protest against the report of the committee on the subject of the returns of votes and the resolutions thereto subjoined, and against the vote of this convention yesterday, passed for accepting the same; because we consider that said report and resolves, as in their general tenor and spirit, inconsistent with these principles and with propriety; and as instances we adduce the following--

By the said report it appears that apart from the votes of the town of Lyman, which were in our opinion, improperly rejected, of which a majority of 178 were against separation, there are returned 11,969 votes in favor of separation, and 10,347 against it; the former being less than a majority of five to four of the votes returned. Nothing therefore remains to be done by the Convention. The only duty, in this event, assigned to them by the Legislature and their constituents, here terminates. An adjournment of this convention to a future

day must throw upon our constituents an expense, without possible advantage and without their consent. The exercise of further powers by this convention, we are constrained to consider as usurpation. To "proceed to form a constitution," is, in our view, at once a violation of express law, and invasion of the right of our constituents.

We protest against the separation of Maine from the present government by any means whatever, without the consent of the people. No such consent has been given. Their last vote was with a full understanding that a majority of five to four was necessary to a separation. This conclusion was by the competent authority rightfully adopted, and became a law. It is a conclusion distinct and obvious. It was distinct in the legislature, where it passed against but a small majority, who magnimously submitted to it, and constantly support it. It was as we understand, and never heard denied, sanctioned by the vote of every member of the legislature present from Maine, who was in favor of the separation. It has been distinct to the mind of every voter and every citizen. How the people would have decided on a different question had a different question been submitted to them, we have neither the knowledge nor the right to decree. The principles of amendment, variously inserted in the constitutions of the states & of the union, countenance the opinion entertained by many, that five-ninths is a smaller proportion of votes than ought to dissolve the important relations of civil

society. In the present case, the proportion of five-ninths was fixed by a large majority and binding on the whole. Should the late vote in favor of the separation of Maine be made the foundation of its erection into a state, the government would be founded in force, not in right. The vote was given on a condition which has not happened.

We protest against a reference of this subject to the General Court for the purpose expressed in the resolution, because, for the reasons already mentioned, it is in our estimation, a request of that honorable body to enact that which cannot be reconciled with constitutional principles nor actual fact.--We protest against the proposed application to Congress, because it is unreasonable & presents not even a hopeful prospect of utility. And we protest against addressing either Congress or the General Court on behalf of our fellow citizens, because such an address implies a right to bind them by the result; a right which they have not given us.

We protest against the report on which the resolution are predicated, as indecorous, as not expressed in terms suitable to the respect which this convention owes itself, nor to the honor due to the legislature--because, to our apprehension, it intimates in terms too plain to be misunderstood, that, that august body may fail to do what "justice requires," and, though it purports to request advice and discretion, holds forth, in language of superiority and menace, a signification, that, if the General

Court should not do what we considered to be proper, we shall condemn and disregard their opinion; and advice, as far as indicated in the report, to be sought of the Legislature, respects a case so free from doubt that a regard to our own understanding & that of the legislature, forbids us to admit, even by implication that advice is necessary.

Impressed with the presence of Him who knows our motives and will judge them, we declare that we offer this protest not from a wish to discountenance a faithful and liberal discharge by this convention of all the duties confided to them; but from a conscientious belief that the measure against which we protest are mistaken in principle and dangerous in their tendency; and, if effectuated, will be subversive of the rights and destructive to the liberties of the citizens. And we request that this dissent may be entered on the journal, and remain a witness for us that we reasonably and solemnly give our voice and offer our reasons against them.

Nathan Goold,	Sam'l M. Pond	David Harding, jr.
Samuel A. Bradley	Joseph Lee,	Lemuel Smith,
Peleg Tallman,	Edward Russell,	Josiah Burhham,
Joseph Gilman,	Elias Upton,	John Mitchell,
Robert D. Dunning,	William Barrows, jr.	Wm. Abbot,
Jacob Waterhouse,	John Burnham,	Wm. Chamberlain,
Convers Libby,	Joseph McCobb,	Nahum Morrill,
John Low,	Geo. W. Wallingford,	Pearl Spofford,
Ephraim Clark,	Josiah Stebbins,	Thos. Beverage,
Patrick Drummond,	Benj. Brown,	Barstow Sylvester,
John Watson,	Issac G. Reed,	James Waugh,
William Barrows,	Sam'l A. Whitney,	Josiah W. Mit-
Ambrose Howard,	Joseph McKeen	chell,
George Herbert,	Levi Whitman,	Fred. Allen,
Thomas Hill, Jr.	Dummer Sewall,	Silas Blake,

John Cooper,
Jabez Simpson,
Jeremiah Hill,
Jos. Dow,
Lothrop Lewis,
Daniel Cleaves,
Joel Thompson
Ever Rice,
Sam'l Thacher,
Eliphalet Perkins,
William Allen, jr.
Joshua Head,
Ammi R. Mitchell,

Rob't Foster,
Sam'l Eaton,
Ebenezer Farley,
Jere. Bailey,
Bryce McLelian,
Gamalief E. Smith,
Godfrey Grovesnor,
William Ladd,
Andrew R. Giddings
Sam. Stephenson,
Dan'l Quinham,
John Mcknown

Alford Richard-
son,
Moses Little.

APPENDIX XII

ADDRESS TO THE PEOPLE OF MAINE IN ANSWER TO THE PROTEST OF
THE MINORITY OF THE BRUNSWICH CONVENTION TO THE REPORT OF
THE COMMITTEE TO EXAMINE RETURNS.¹

ADDRESS

From the Convention assembled at Brunswick, by a Committee
appointed for that purpose.

TO THE PEOPLE OF MAINE--

The undersigned, a committee appointed by the Conven-
tion of Delegates assembled at Brunswick, on the subject
of the separation of Maine from Massachusetts, "to prepare
and publish an address in answer to the protest of the
minority, and in support of the proceedings of said Con-
vention,"--ask leave to make the following communication:--

An act was passed at the last session of the Legisla-
ture prescribing the "terms and conditions" upon which
Maine might be separated, and providing that "a majority
of five to four at least of the votes returned" should be
required to authorize the Convention to form a constitu-
tion.--Without deciding on the imperfections or illegal-
ties of the returns, the Convention found that of all the
votes there were one thousand, six hundred and twenty two
more in favor than against the separation. This majority
was short of five ninths, but the majority in the towns

¹Eastern Argus. November 6, 1816.

in favor, were, to the majority in the towns opposed as "five to four at least of the votes returned."--They have expressed a preference, but not a decided opinion, in favor of the latter construction, and have referred the whole subject to the advice and decision of Massachusetts. And availing themselves of the power granted them by the act, have adjourned to hear the result.--This course was deemed the most fair, liberal and satisfactory.

Very little doubt was entertained but that "a strict and rigorous scrutiny" would have so far reduced the numbers that the requisite majority would have been obtained, upon any construction of the law. To receive these returns, imperfect as they were, and thereby defeat the wishes of a very respectable majority of the people, would be taking a responsibility, which the Committee thought proper to decline. To reject votes on the ground of illegality would have been invidious. To resist a plausible and rational construction of the act which gives the requisite majority, on the ground of its novelty, would have been highly censurable. To adopt this construction, without the opinion and advice of Massachusetts, might have been deemed presumptuous. To have yielded to the importunate zeal and inveterate perseverance of the opposers of separation, by adopting a measure that must have dissolved the Convention, would have been betraying our trust and sacrificing the rights of the people of Maine. The course adopted is firm, but temperate. It yields no powers

granted by the act--it assumes none, not granted. It affords time for deliberation, and opportunity for advice; and reserves all legal rights for ultimate determination. The Convention are satisfied that Massachusetts will approve of this course. When they consider the reasons and wishes of the people so repeatedly urged in favor of a separation, it is impossible for them to doubt the willingness of Massachusetts to do us justice.

The undersigned would now proceed to the residue of the duty assigned them, in answering the protest of the minority; It would, perhaps, seem uncharitable to believe that seventy one delegates so respectable, did not know that, in their protest, they had misrepresented facts--It would be worse to suppose that they did.

AFTER their preliminary remarks, most of which are too general or too obscure to afford any illustration of any subject, the gentlemen protest against a separation "without the consent of the people," and then state that "no such consent has been given." Was the majority of about four thousand in May, no consent? Was the election of a majority of two to one of the Senators and Representatives in favor of a separation, no consent? Were the majority of the ballots and Delegates in September, no consent? If these repeated expressions are not evidence of consent, then surely these protestants are the people and wisdom must die with them. But hear the plausible evasion of these questions! "The last vote was with a full under-

standing that a majority of five to four was necessary." Indeed! And suppose the "understanding" had been that a mere majority was to have decided? Would any advocate of the measure have then opposed it, or any opposer have been more encouraged in his opposition? It is pity that these gentlemen, in the plenitude of their wisdom had not given some good reason why a diminution of the requisite majority, would have induced a stronger vote against the measure. Yet they gravely tell us, that "the vote was given on a condition which has not happened." The undersigned have been taught to believe that zeal in the pursuit of a favorite object, was somewhat proportionate to the prospect of success. It therefore surpasses their understanding to discern, how the humble and modest exertions of the opposers of separation could have been increased by a diminution of their prospects. These protestants are opposed to an application to the Legislature, because that body have no power to ratify their consent. It seems scarcely necessary to answer this objection. The Constitution of the United States requires the consent of the Legislature, before Congress can admit us into the Union. This consent, it is within the discretion of the Legislature to grant or refuse. That discretion will be regulated by the evidence before them. They have said that it has been the understanding that Maine should be independent when "the deliberate wishes of a majority of the people should be developed in favor of the measure." This ex-

pression has been repeated, and the "wishes" expressed in the last vote, were sufficiently "deliberate," notwithstanding all the influence of the Gentlemen's "condition." --The whole subject is before them, and they have an unquestionable right to give their consent. Congress will then decide on the expediency of admitting us into the Union.

The residue of the protest requires a more particular attention: The protestants allege that the report and resolutions adopted by the Convention are "indecorous, not expressed in terms suitable to the respect which the Convention owes itself, nor to the honor due to the legislature. That it uses a language of superiority and menace in case Massachusetts should refuse to do what justice requires." Had this been an attempt to produce popular excitement, these groundless assertions might have had their effect. But this protest is a document to be examined and decided on by a deliberate assembly, capable of detecting misrepresentation. Can gentlemen who regard their reputation for veracity deliberately allege that any of these charges against the report are true? We would charitably hope that the protest was drawn with a view to what the report might be, rather than what it was; and that after its adoption, the gentlemen were deficient in time and skill to make the necessary alterations. But it must be distinctly understood that these errors and misstatements were pointed out to the minority before their protest was

entered on the journal. They were cautioned and advertised that the report contained none of the obnoxious expressions or sentiments described in the protest. Surely honorable men will not resort to a newspaper publication of a report which was not finally accepted, to justify their protests against a very different one. Nothing indecorous, disrespectful, dishonorable or threatening is contained in the report or resolutions. To give a description so palpably untrue and even to quote expressions not contained in the report or resolutions, is absolutely inexcusable. Errors of reasoning or wrong conclusions from true premises, are incident to human nature. Every man may make his own inferences from facts, but a perversion of truth, is a disgrace to any cause. Gentlemen who profess such a regard for truth and such an abhorrence of art and contrivance would do well to beware. Their appeal to "Him, who perceives their motives," may not well comport with their statement of facts.

We forbear minutely to comment on the diction of the protest; it is before a discerning public and will rightly estimated. Yet we cannot but express our regret, as affecting the literary reputation of Maine, that the united wisdom of the minority would not have produced a more able state paper.

Thus, fellow citizens, have we, concisely and we hope satisfactorily executed the duty imposed on us by the Convention. We are free to confess that we feel a solicitude

for the independence of Maine. We have advocated the separation from honest motives. Whatever may be the result, we are disposed to avoid irritation and treat our opponents with personal respect. May the Lover of Peace and the Hater of Discord unite us in such measures as shall promote the prosperity and happiness of Maine.

Before we close this address, permits us, fellow citizens, to call your attention for a moment to a different subject: We presume it has not escaped your notice that the papers unfriendly to the independence of Maine have teemed with every species of scurrility and abuse. The Convention, its Committees, and indeed the population of the whole District have been vilified and traduced. Slander and misrepresentation have marked every communication of these newspaper assassins, and their malignity of heart seems only to be equalled by their impotence and vulgarity. The Committee have been particularly selected as the object of this ineffectual outrage; but trusting under God in the justice of our cause, in the purity of our motives and conduct, we have felt too much pride of character and self respect to notice their calumnies or detect their misrepresentations. Had the ability and influence of the authors of these scurrilous communications been in any degree proportionate to their wickedness and inclination for mischief, we might have been in danger; but judgement has been tempered with mercy. In their impotence and insignificance we have found safety and the

shafts of malice and rancorous abuse, like the viper at Melita, have fallen harmless at our feet. Who these calumniators of private character are, we know not; unwillingly should we believe they are to be found among the minority of the Convention; we have too much respect for themselves to warrant it--But you, fellow citizens, will not be imposed upon; you will examine for yourselves; you will distinguish between right and wrong; between truth & falsehood. To you we commit the sacred charge of reputation, and conscious of our own rectitude we feel no anxiety as to the result.

We have now only to recommend that you steadily persevere in the cause of separation. If we are united and determined the independence of Maine will be accomplished.

John Holmes,
John Davis,
W.P. Preble

APPENDIX XIII

REPORT OF THE COMMITTEE OF BOTH HOUSES OF THE GENERAL
COURT REJECTING THE REPORT OF THE COMMITTEE TO EXAMINE
RETURNS OF THE BRUNSWICK CONVENTION OF 1816.¹

COMMONWEALTH OF MASSACHUSETTS.

In Senate, Nov. 16, 1816.

ORDERED, That the Memorial of a Committee appointed by the Delegates assembled in Convention at Brunswick, pursuant to an act of this Commonwealth, entitled, "An Act concerning the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and Independent State together with the several Petitions and Remonstrances relative to the subject, be committed to Hon. Messrs. Otis, Pickman, Pickering, Fuller and Weston, with such as the Hon. House may join, to consider and report.

Sent down for concurrence.

JOHN PHILLIPS, President.

IN THE HOUSE OF REPRESENTATIVES, Nov. 16, 1816

Read and concurred, and Messrs. Gorham, of Boston; Fay, of Cambridge; Saltonstall, of Salem; Lawrence, of Groton; Hubbard, of Boston; and Howard, of Newburyport are joined.

TIMOTHY BIGELOW, Speaker.

¹Eastern Argus, December 10, 1816. The report was adopted on November 16, 1816.

The Committee of both Houses, to whom were referred the Memorials and Documents presented to the Legislature, concerning the Separation of Maine, respectfully

REPORT:

That by an act passed at the last session of this Legislature, concerning the separation of the District of Maine, it was, among other things, provided, that the inhabitants of the Towns, districts, and plantations in the District of Maine, qualified to vote for Senators, should, in open town meetings, summoned for the purpose, give in their written votes on the question--"Is it expedient that the District of Maine shall be separated from Massachusetts, and become an Independent State, upon the terms and conditions provided" in said act? And the votes thus taken, were to be sealed up, and transmitted in manner provided by said act, to a Convention, which was also instituted by said act; and if it appeared to said Convention, "That a majority of five to four at least, of the votes returned, are in favor of said District's becoming an Independent State aforesaid, then, and not otherwise, said Convention shall proceed to form a Constitution, as is provided in this act." Pursuant to this act, a Convention was formed and duly organized at Brunswick, in said District, on the last Monday of September last, and the following days; and a Committee appointed to examine the returns of votes, reported, that "The whole number of votes which the Committee thought proper to admit, (dispensing with some want of for-

malities in many of the returns,) was.....22,316

Those in favor of Separation, were.....11,969

Those opposed, were.....10,347

The whole aggregate majority of
yeas, in the towns, and planta-
tions, in favor, was..... 6,031

The whole aggregate majority of
nays, in the towns and planta-
tions opposed, was..... 4,409

Then as five is to four, so is 6,031 to 4,825, the nays required. But the majority of nays is 4,409 only.--Hence it appears, upon this construction of the act, there is a majority of five to four at least, of the votes returned, in favor of said District's becoming an Independent State."

This report and construction were in substance accepted, and adopted by the Convention, as appears by their journal, of which attested copies are before the Legislature; and they, thereupon, proceeded to pass divers resolutions, among others, one appointing a Committee to frame a Constitution, and another to apply to Congress for admission into the Union. The powers of these Committees are suspended only, until the result of an application to this Legislature, to confirm their doings, shall be known; and in order to ascertain this, the Convention stands adjourned to the third Tuesday of December next.

Upon this statement, the Committee have no hesitation in expressing their full conviction, that the Convention have misconstrued the act by which their powers were de-

defined: That the word "majority," refers to the majority of votes returned, and not to the aggregate of local and municipal majorities: That this is a self evident position, resulting from a perusal of the act, and not susceptible of illustration or contravention by any argument. That of consequence, the contingency, provided by the act as prerequisite to the formation of a Constitution, and as a condition of the consent of the Legislature, to the Separation of Maine, has not occurred, and that the powers of said Convention are at an end.

It is not less evident to the minds of your Committee, that this Legislature is not competent to enlarge, vary, or revive the powers of the Delegates to that Convention:-- These powers, though defined and prescribed by the Legislature, were vested in each Delegate, by his own immediate constituents.. He was chosen to execute a special power, and in a certain event. To vary his authority, or provide for his acting upon another and different contingency, would be to render him the representative of this Legislature, and not of the people. Such an act would be repugnant to the elementary principles of a government by representation, and utterly void.

Having disposed of this inquiry, your Committee have in the next place directed their attention to the several Memorials presented by the Deputies from the Brunswick Convention, and by a number of Senators and Representatives of the District of Maine. The object of these Memorials

is either to obtain the consent of this Legislature to a Separation, upon the present majority, or such further provisions as may be expedient for consummating that event.--With respect to the first of these objects, a Separation on the present majority, it is respectfully suggested that while the result of the votes returned to the Convention, affords presumptive evidence of a disposition in a majority of those voters favorable to a Separation, without reference to the prescribed ratio; yet this inference is by no means conclusive. Those who voted in the affirmative on the question as stated in the town meetings, acted under an impression that unless those on the same side should amount to five ninths of the whole number, their votes would be ineffectual for the object of Separation. It is impossible to determine to what extent or in what number these voters may have been influenced by their reliance on this ratio as an indispensable preliminary to further measures. Probably in the estimation of the greater number--possibly of all, it was a subordinate and insignificant consideration. But it may have been otherwise. It would then be a measure pregnant with hazard to adopt as proof of the public opinion in Maine, in this important concern, a standard liable to error, when certainty is attainable. There could be no reparation for the consequence of mistake; no relief from the misfortune. The cord once broken could not be re-united; and the people of Maine might thus be transferred to a new Government.

under a misapprehension of their will and against their consent.

There remained, therefore, to be considered by your Committee, the expediency merely of adopting some new measures to facilitate the expression of the sense of the people of Maine upon the great question.

In arriving at a result upon this point satisfactory to themselves, the Committee have excluded all considerations affecting the propriety or necessity of the Separation, viewed as an abstract or original proposition. They apprehend this question to be at rest with the present General Court. After consenting to relinquish the jurisdiction over Maine, upon terms satisfactory to Massachusetts Proper, her Senators and Representatives can feel on her account, no interest in the degree of unanimity with which it may be effected, and no desire to procrastinate the event from selfish considerations.

The Committee, therefore, have anxiously and deliberately endeavored to discern the course which it is incumbent on this Legislature to pursue, through respect to their own dignity and consistency, and to the claims of justice and equity from the respective parties in the District of Maine, coming before them as a tribunal which has once decided their cause.

It is then submitted as a fact familiar to recollection, that although the ratio of five ninths was not

recommended by this Committee, in the former report which they had the honor to make, yet that principle was engrafted upon the act with the full approbation and consent of the advocates for separation. It was at that time foreseen and alledged by them that a majority of voters would indubitably be found in favor of the measure, but they were content to wave their pretensions to enforce it upon this foundation, and to abide by the issue of an experiment to be made upon a ratio which seemed to be little more than a necessary means of ascertaining the fair and deliberate sense of an undoubted majority de facto, though nominally aiming at something more;--While these proceedings on the part of those at whose request, the act was passed, do not amount to a formal agreement, always to acquiesce in the correctness of this ratio, or to be perpetually concluded by the result; yet as there was a fair and equitable understanding between the parties with respect to the basis on which the experiment should be tried, and which had the sanction of this Legislature, it would not be easy to justify at one session, a wide departure from principles established at another, without the pressure of some great emergency, or at least without some important variation of facts and circumstances, not anticipated, which should urgently demand a prompt and repeated interposition.

The Committee pretend to no accurate knowledge or information respecting the progress of opinion in the Dis-

trict, either for or against the measure: A comparison between the current of votes in May and September does not warrant the belief that the tide in favor of it has been greatly if at all augmented. Should the fact be otherwise, it will be displayed, and the people of the District will be in no danger of being baffled in the pursuit. Massachusetts will be anxious for no union which does not spring from mutual affection and a sense of common interest. But in the ordinary course of legislation, question involving merely the division of a parish or a town are rarely agitated more than once in the same political year. Should then the same Legislature which has once and so lately adjusted the principles, and with great deliberation fixed the terms and conditions which appertain to the dismemberment of the State, revise the fundamental provisions of its act without any new occasion, they might be considered as betraying an undue solicitude to accelerate the partition, and as regardless of the feelings and interest of a large and respectable class of their fellow citizens.

It is a source of great satisfaction to your committee to reflect, that their views, if adopted, cannot prove detrimental to any party. If at this moment, a provision should be made for instituting a new Convention, nothing short of great precipitancy, not required by the occasion, and hostile to all hopes of wise and temperate counsels, would enable the people of Maine to become a State, with

the consent of Congress during the present session. The interval between this period and the next political year, will not have been lost. The public attention has been roused and attracted to the great question--Arguments on both sides will have become familiar--Truth will be separated from fallacy--Men's judgments will be cleared and their passions calmed--And both parties being satisfied that no prejudice can arise from delay, will wait event of things with that mutual forbearance which becomes those who are in any event destined to remain fellow citizens.

Your Committee therefore recommend the following Resolves--which are respectfully submitted

Per order,
H.G. OTIS, Chairman.

RESOLVED, that the contingency upon which the consent of Massachusetts was to be given for the separation of the District of Maine has not happened; and that the powers of the Brunswick Convention to take any measure tending to that event has ceased.

RESOLVED, that it is not expedient for the present General Court to adopt any further measures in regard to the separation of the District of Maine.

APPENDIX XIV

ARTICLES OF SEPARATION, APPROVED JUNE 18, 1819 WITH
A PROCLAMATION BY GOVERNOR JOHN BROOKS CALLING FOR
A CONSTITUTIONAL CONVENTION¹

ACT OF SEPARATION--1819

WHEREAS it has been represented to this Legislature, that a majority of the people of the District of Maine are desirous of establishing a Separate and Independent Government within said district; Therefore,

Sec. I. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a Separate and Independent State, if the people of the said District shall, in the manner, and by the majority, hereinafter mentioned, express their consent and agreement thereto, upon the following terms and conditions; and, provided, the Congress of the United States shall give its consent thereto, before the fourth day of March next: which terms and conditions, are as follows, viz:

First, All the lands and buildings belonging to the Commonwealth, within Massachusetts Proper, shall continue to belong to said Commonwealth; and all the lands belonging to the Commonwealth, within the District of

¹Journal of the Constitutional Convention of the District of Maine, (Augusta: Fuller and Fuller, 1856), pp. 3-14; 17-18.

Maine, shall belong, the one half thereof, to the said Commonwealth, and the other half thereof, to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District, which shall belong to the said Commonwealth, shall be free from taxation, while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands, within said District, and the remedies for the recovery thereof, shall continue the same within the proposed State, and in the Courts thereof as they now are within the said Commonwealth, and in the Courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said Commonwealth shall be entitled to all other proper and legal remedies, and may appear in the Courts of the proposed State, and in the Courts of the United States, holden therein, and prosecute as a party, under the name and style of the Commonwealth of Massachusetts; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this Commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this Commonwealth may hereafter determine: Provided, however, that whatever this Commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges re-

lating thereto, be divided, one third part thereof, to the New State, and two thirds parts thereof, to this Commonwealth.

Second. All the arms which have been received by this Commonwealth from the United States, under the law of Congress, entitled "An act making provisions for arming and equipping the whole body of militia of the United States," passed April the twenty-third, one thousand eight hundred and eight, shall, as soon as the said District shall become a Separate State, be divided between the two States, in proportion to the returns of the militia, according to which, the said arms have been received from the United States, as aforesaid.

Third. All monies, stock, or other proceeds, hereafter obtained from the United States, on account of the claim of this Commonwealth, for disbursements made, and expenses incurred, for the defence of the State, during the late war with Great Britain, shall be received by this Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to this Commonwealth, and one third to the new State.

Fourth. All other property, of every description, belonging to the Commonwealth, shall be holden and receivable by the same, as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by said Commonwealth; and within two years after the said District shall have become a Separate State, the Commissioners

to be appointed, as hereinafter provided, if the said States cannot otherwise agree, shall assign portion of the productive property, so held by Commonwealth, as an equivalent and indemnification to said Commonwealth, for all such debts, annuities, or Indian subsidies or claims, which may then remain due, or unsatisfied; and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said Commonwealth and the said District of Maine, in the proportion of two thirds to the said Commonwealth, and one third to the said District. And if, in the judgment of the said Commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification, the said District shall be liable for, and shall pay to said Commonwealth, one third of the deficiency.

Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties or otherwise; and for this purpose, shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed,

shall pay to said new State, the value of thirty thousand dollars, in manner following, viz.: The said Commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon, assign the same to the said new State; or in lieu thereof, may pay the sum of thirty thousand dollars, at its election, which election of the said Commonwealth, shall be made within one year from the time that notice of the doings of the Commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

Sixth. Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: The Executive authority of each State shall appoint two; and the four so appointed, or the major part of them, shall appoint two more; but if they cannot agree in the appointment, the Executive of each State shall appoint one in addition; not, however, in that case, to be a citizen of its own State. And any vacancy happening with respect to these two Commissioners, shall be supplied in the manner provided for their original appointment; and in addition to the powers herein before given to said Commissioners, they shall have full power

and authority, and it shall be their duty, within ten years, next after the commissions shall be filled up, to divide all the public lands within the District, between the respective States, in equal shares, or moieties, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time to time; the expense of which surveys, and of the commission shall be borne equally by the two States. They shall keep fair records of their doings, and of the surveys made by their direction; copies of which records, authenticated by them, shall be deposited in the archives of the respective States; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The Executive authority of each State may revoke the power of either or both its Commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own Commissioners; four of said Commissioners shall constitute a quorum, for the transaction of business; their decision shall be final, upon all subjects within their cognizance. In case said commission shall expire, the division not having been completed, and either State shall request the renewal or filling up of the same, it shall be renewed, or filled up in the same manner as is herein provided for filling the same, in the first instance, and with the like powers; and if either State shall, after six months notice,

neglect or refuse to appoint its Commissioners, either for filling the commission in the first instance, or the renewal thereof, the other may fill up the whole commission.

Seventh. All grants of lands, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said Commonwealth, before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force, after the said District shall become a Separate State. But the grant which has been made to the President and Trustees of Bowdoin College, out of the tax laid upon the banks, within this Commonwealth, shall be charged upon the tax upon the banks within the said District of Maine, and paid according to the terms of said grant; and the President and Trustees and the Overseers of said College, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to the principles of law; and in all grants hereafter to be made, by either State, of unlocated land within the said District, the same reservations shall be made for the benefit of Schools, and of the Ministry, as have heretofore been usual, in grants made by this Commonwealth. And all lands heretofore granted by this Commonwealth, to any religious, literary, or eleemosynary corporation, or society shall be

free from taxation, while the same continues to be owned by such corporation, or society.

Eighth. No laws shall be passed in the Proposed State, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of the proposed State, resident therein; and the rights and liabilities of all persons, shall, after the said separation, continue the same as if the said District was still a part of this Commonwealth, in all suits pending, or judgments remaining unsatisfied, on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine; or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies, within the proposed State, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March, within the said District of Maine; and all

officers within Massachusetts Proper and the District of Maine, shall conduct themselves accordingly.

Ninth. These terms and conditions, as here set forth, when the said District shall become a Separate and Independent State, shall, ipso facto, be incorporated into, and become, and be a part of any constitution, provisional, or other, under which the government of the said proposed State shall, at any time hereafter, be administered; subject, however, to be modified, or annulled, by the agreement of the Legislature of both the said States; but by no other power or body whatsoever.

Sec. 2. Be it further enacted, That the inhabitants of the several towns, districts, and plantations, in the District of Maine, qualified to vote for Governor or Senators, shall assemble in regular meeting, to be notified by warrants of the proper officers, on the fourth Monday of July next, and shall, in open meeting, give in their votes, on this question: "Is it expedient, that the District of Maine shall become a Separate and Independent State, upon the terms and conditions, provided in an act, entitled An act relating to the separation of the District of Maine from Massachusetts Proper, and forming the same into a Separate and Independent State?" And the Selectmen of the towns and districts, and the Assessors of the plantations, shall, in an open meeting, receive, sort, count and declare, and the Clerks thereof, respectively shall record the votes given for and against the measure; and

the said Selectmen, Assessors, and Clerks, respectively, shall make out an exact return thereof, under their hands, and shall seal up and transmit the same to the office of the Secretary of this Commonwealth, on or before, the fourth Monday of August next. And all returns, not then made, shall be rejected in the counting; and the Governor and Council shall open and examine the said returns, made as aforesaid, and shall count the votes given on the said question: and the Governor shall, by public proclamation, to be made as soon as the state of the votes can be ascertained, after the said fourth Monday of August next, make known the result, by declaring the number of votes appearing in favor of the separation of said District, as aforesaid, and the number of votes appearing against it. And, if the number of votes for the measure shall exceed the number of votes against it, by fifteen hundred, then, and not otherwise, the people of said District shall be deemed to have expressed their consent and agreement, that the said District shall become a Separate and Independent State, upon the terms and conditions above stated; and in case of such majority, the Governor, in his said proclamation, shall call upon the people of said District to choose Delegates to meet in convention for the purposes, and, in the manner hereinafter provided; and in addition to publishing said proclamation, in one or more of the public newspapers printed in Boston, and in the District of Maine, copies of the same, duly authenticated, shall,

as soon as can conveniently be done, after the making of the same, be transmitted to the office of the Clerks of the Courts of Common Pleas, in the several counties of the District of Maine, for public examination; and one such copy, at least, shall be transmitted to the Convention of Delegates, hereinafter mentioned, when said Convention shall be formed.

Sec. 3. Be it further enacted, That if it shall be declared by said proclamation, that the said majority of fifteen hundred votes appeared by the returns to be in favor of the separation of the said District as aforesaid; the inhabitants of the several towns and districts, now entitled to send one or more Representatives to the General Court, and all other incorporated towns, shall, on the third Monday of September next, assemble in town meeting, to be notified by warrant of the Selectmen, and shall elect one or more Delegates, (not exceeding the number of Representatives which such town is now entitled to; each town, however, to be at liberty to elect at least one,) to meet Delegates from other towns within the said District, in Convention, for the purpose of forming a Constitution, or frame of Government, for the said District. And at such meeting of the said inhabitants, every person qualified to vote for Senators, shall have a right to vote in the choice of Delegates. And the selectmen shall preside, at such meeting, and shall in open meeting, receive, sort, count and declare the votes, and the Clerk shall

make a record thereof, in presence of the Selectmen, and in open meeting. And fair copies of the said record shall be attested by the Selectmen and Town Clerk, and one such copy shall be delivered by the Selectmen to each of the persons duly elected a Delegate.

Sec. 4. Be it further enacted. That the persons so elected Delegates, shall meet in convention, at the Court House, in Portland, in the County of Cumberland, on the second Monday of October next, and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and sixty of the persons elected shall constitute a quorum for the transaction of business; and the said Delegates shall, as soon as may be, proceed to organize themselves, in Convention, by choosing a President, and such other officers as they may judge expedient, and establishing proper rules of proceedings; and it shall be the duty of the said Convention, to apply to the Congress of the United States, for its assent to be given, before the last day of January next, that the said Convention, to form a Constitution, or frame of government, for said new State, and to determine the style and title of the same; and such Constitution, when adopted, and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, in the year of our Lord, one thousand eight hundred and twenty, (the consent of the Congress of the United States, then being first had as

aforesaid,) be the Constitution of said new State. And the said Convention shall, as soon as may be, after having formed such Constitution, or frame of government, for such new State, cause the same to be published, and sent to the several towns, districts, and plantations, within the said District of Maine; and there shall be a meeting of the inhabitants, in each of said towns, districts, and plantations, to be called and warned by the Selectmen, and Assessors respectively, in due course of law; and on the day named by said Convention, at which meeting, every male inhabitant, having the personal qualifications, herein declared requisite in the election of Delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the Constitution so prepared, and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts, and plantations respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in open meeting of the town, district, or plantation; and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district, or plantation, respectively, and shall be, by the said Selectmen or Assessors, transmitted and delivered to the said Convention, or to the President thereof, for the time being, or to any Committee appointed

to receive the same, on or before the first day of January next; on which day, or within ten days thereafter, the said Convention shall be in session, and shall receive and count all the votes returned, and declare and publish the result; and if a majority of the votes so returned, shall be in favor of the Constitution proposed, as aforesaid, the said Constitution shall go into operation, according to its own provisions; otherwise the constitution of Massachusetts, with the addition of the terms and conditions herein provided, shall be, and be considered as the Constitution of the said proposed state, in case a new Constitution shall not be so adopted and ratified by the people of said District of Maine, the present Constitution of the Commonwealth of Massachusetts, shall, with the terms and conditions aforesaid, and with the exceptions hereinafter made, be provisionally, the Constitution or frame of government, for said District; except only such parts of said Constitution of Massachusetts, as relate to the style or title of said State, or may be otherwise inconsistent with, or repugnant to the situation and condition of said new State; and except, that the people of said District shall choose in their Senatorial Districts, as now established, three times the number of Senators now allowed them, and that the Legislature shall choose such a number of Counsellors, not exceeding nine, as they shall determine to be proper. And the said Convention shall designate the place for the first meeting of the

Legislature of said new State, and for the organization of its government, and shall appoint a Secretary, pro tempore, for said new State; and the said Convention shall regulate the pay of its members; and the person, authorized by said Convention, may draw upon the treasury of the Commonwealth for the amount of the pay roll, not, however, to exceed the amount of the money paid into the treasury by the several banks within said District, for the tax upon the same, due and payable on the first Monday of October next; and the sum or sums so drawn for, and paid out of the treasury, shall be a charge upon the new State in the division of the property, provided for in the fourth article of the terms and conditions stated in the first section of this act.

Sec. 5. Be it further enacted, That until a Governor of the proposed State shall be chosen and qualified according to the Constitution which may be in operation in said State, the person last chosen President of the said Convention, shall, from and after the fifteenth day of March next, have all the power of the Governor and Council under the Constitution of Massachusetts, until a new Governor shall be chosen and qualified in the said proposed State; excepting only, that the said President shall not have the power to remove from office any officer who may be duly qualified, and executing the duties of his office according to the intent and meaning of this act.

And in order that there may be no failure of

justice, and that no danger may arise to the people of the said District of Maine, after the fifteenth day of March next, and before the government of the said State shall be fully organized; therefore,

Sec. 6. Be it further enacted. That all the laws which shall be in force within said District of Maine, upon the fifteenth day of March next, shall still remain and be in force, within the said proposed State, until altered or repealed by the government thereof, such part only excepted as may be inconsistent with the situation and condition of said new State, or repugnant to the Constitution thereof. And all officers, who shall, on the said fifteenth day of March next, hold commissions, or exercise any authority within the said District of Maine, under the Commonwealth of Massachusetts, or by virtue of the laws thereof, excepting only, the Governor, Lieutenant Governor and Council, the Members of the Legislature, and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy, all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of said proposed State. And all Courts of Law, whatsoever, within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters and things, which are or may be commenced

or depending before them, respectively, upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed State shall establish new Courts within the same; and shall continue from and after the said fifteenth day of March next, to exercise the like power and authority, and in like manner as they now by law may do, until such new Courts shall be so established, in their stead.

Sec. 7. Be it further enacted, That all actions, suits, and causes, civil and criminal, and all matters and things whatsoever, that shall, on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts, then last holden within any county in the said District of Maine, and all writs, recognizances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, have day in, and be heard, tried and determined in the highest Court of Law that shall be established in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate, or other Court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit whatsoever, and

which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the appellant to claim an appeal, without naming or designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the county in which such action, cause, or suit may be pending, and shall there be heard, tried, and determined, according to law.

Provided, however, That nothing contained in this section shall be understood or construed to control, in any degree, the right of the people of the said new State, or the government thereof, to establish Judicial Courts, in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their Constitution, and not repugnant to the terms and conditions, above set forth, respecting all the said actions, suits, processes, matters and things, herein above mentioned, as they shall think most proper, to prevent the discontinuance thereof, and to avoid any delay or failure of justice.

(Approved by the Governor, June 19, 1819.)

APPENDIX XV

CONSTITUTION OF MAINE OF 1819 TO WHICH IS PREFIXED
"AN ADDRESS TO THE PEOPLE."¹

ADDRESS

The Committee appointed on the 27th of October, 1819, to prepare an address to the people of Maine, to accompany the Constitution to be submitted, made the following report, by Mr. Preble, their Chairman, which was printed by the previous order of the Convention. The following is the address:

To the People of Maine..

FELLOW CITIZENS:--The Delegates, elected to form a Constitution and Frame of Government, now present you the result of their deliberations. ..

They invite you to review it carefully, to weigh well its provisions. It is not submitted as a perfect system. In some few important provisions it is a compromise of conflicting interests and opinions; and, though not perfect, it is the best, upon which the convention under existing circumstances could agree..

In deciding upon its merits and demerits, the convention feel assured, you will be influenced by that candor, and liberality, which always pervades an enlightened community.

¹Journal of the Constitutional Convention of the District of Maine, (Augusta: Fuller and Fuller, 1856), pp. 90-95; Perley, op. cit., pp. 5-31.

The Constitution of Massachusetts, venerable as the work of the father of the revolution, endeared to the people by many associations and replete with the soundest principles of liberty and government, has in forty years experience proved inconvenient and defective in some few of its provisions.

Assuming that instrument for a basis, the convention proceeded to frame a Constitution for the State of Maine, deviating in those cases only, where the experience of this and of other States in the Union seemed to justify and require it.

They have omitted, as inconsistent with the dignity of the subject and the simplicity of "the truth," a provision, which, though professing much, is utterly nugatory in practice.

The worship of Jehovah, to be acceptable, must be a free will offering. The laws of man can reach no further, than to external deportment.

Our holy religion neither requires nor admits their aid. The heart and affections, the seat of vital religion, cannot be regulated by human legislation.

The rights of conscience are secured by universal toleration, placing all religious denominations on the footing of the most perfect equality. For the purpose of rendering this provision more certain in its operation all religious tests, as qualifications for office, are excluded. By requiring however that all officers shall be

under oath, it is necessarily presupposed, that they believe in the existence and providence of God.

In times of party excitement the doctrine of libels, recognized by the common law, is sometimes employed as an engine of oppression.

The convention have endeavored to guard against the evil by making the truth of the matter published a sufficient justification in all cases, where the conduct of public men is in question, or where the public good may be promoted by a knowledge of the facts disclosed.

Pecuniary qualifications of electors have been productive of little benefit--sometimes of injustice.

They are too often relaxed or strained to suit the purposes of the day. The convention have therefore extended the right of suffrage, so that no person is disqualified for want of property, unless he be a pauper. With the same views electors under certain limitations and restrictions are also privileged from arrest on days of election.

The necessity of a reduced representation seems to be acknowledged by all. The number, to which it ought to be reduced, and the manner of making that reduction, are questions, on which scarcely two could be found to precisely agree. If some were in favor of even less than one hundred, others were the advocates of unlimited representation.

The convention adopted an intermediate course, limit-

ing the number of representatives at not less than one hundred, nor more than two hundred, and referring the question back to the people themselves, when the number shall have reached the highest limit, whether that number shall be increased or diminished.

But the difficulties arising out of this embarrassing branch of the business entrusted to your delegates, did not here terminate. Many were advocates of a general districting system--others were equally strenuous for a representation by towns. The convention once more adopted an intermediate course.

The whole number of representatives to be elected is first to be apportioned and assigned to the several counties on the most exact principles of equity and justice. Thus the great sections of the State, the several counties, which are but larger corporations, actuated to a certain extent by a community of interests, have their due weight according to their population. The number of representatives, thus apportioned and assigned to any county, is next to be distributed among the respective towns in such county, each town, having the competent number of inhabitants, being entitled to one or more; and towns and plantations not having that number, to be classed as conveniently as possible. On any practicable system there will be fractions, and the representation of course unequal. If under the system adopted by the convention, the large towns have not their full representation, it is

preserved in the county of which they are a part. They have their representatives; and even their fractions, which would otherwise be lost to them, are represented through the smaller towns of their county, who can seldom have an interest at variance with their own.

The Senate is predicated upon population.

This rule of apportionment seemed to the convention most consonant to the principles of a government by the people. Property will always possess at least its full share of influence without being specially represented in the Senate.

The Council are selected from among the people by the two branches of the Legislature. You thus avoid the idle ceremony of electing in the first instance from the Senate; and you preserve to the Senate its proper number and distinctive character. And with the view to preserve in the Council a steady regard to the public good, councilors are precluded from receiving any appointment during the time, for which they shall have been elected.

The provision respecting exempts from military duty was called for by the united voice of the militia. It tends to equalize the burthen, and to render the militia more respectable and more efficient. This duty, in its nature a personal service, ought not to fall exclusively upon any class of citizens. In the opinion of the convention, every able bodied male citizen of suitable age ought to perform it, or, in some form or other, pay an

equivalent.

Free governments cannot long exist, where the people are ignorant and depraved. The due administration of our own must essentially depend upon the intelligence and virtue of our citizens. The State therefore has a deep interest in the education of our youth. Hence the convention have made it the imperative duty of the Legislature to cause schools to be supported in the several towns, and to encourage and suitably endow academies, colleges and seminaries of learning, by extending to them as far, as the circumstances of the people would authorize, the patronage of the State. At the same time it was thought proper, that the Legislature should so far retain such a general and superintending power over these institutions, as should enable it to aid the cause of good learning, and prevent the perversion or abuse of the public munificence.

To preserve the purity of the Legislature, its members under certain limitations and restrictions are disqualified, during the term, for which they are elected, from being appointed to any civil office, which may be created, or the emoluments of which may be increased, during such term. With similar views, and to prevent a system of favoritism, all persons holding lucrative appointments are excluded both from the Legislature and Council. This exclusion was deemed peculiarly proper in so far, as respects judicial officers.

Thus you preserve the several departments of the

government distinct. Thus you remove those important offices as far, as possible, from all temptation to court the popular favor perhaps at the expense of justice.

On a pure, intelligent, upright, and independent judiciary, the people more immediately depend for the impartial interpretation and administration of the laws, and for protection in the enjoyment of their rights and privileges.

In the opinion of the convention, merit, not wealth, is the proper qualification for office. If with perfect safety to the people no pecuniary qualification is required for the highest offices under the United States, there is still less reason for requiring it under the government of the State. With the limitation in general, that but one important office can be held by one man, all offices are left open to all.

The settlement of our extensive vacant lands has been seriously retarded by the present unequal system of taxation. In the opinion of the convention no good reason exists, why an estate of a given value in uncultivated lands should pay only one-third so much tax, as an estate of the same value in lands under cultivation. It seemed to them not difficult to determine who best deserve the indulgence or patronage of the State, the man who brings forward and cultivates his lands, and renders them productive to the community, or the man, who suffers them to remain a useless wilderness, in order that his wealth may be increased

by their rise in value, occasioned by the industry and enterprise of contiguous settlements. To remedy the evil, the convention inserted the article requiring that real estate, whether cultivated or uncultivated, shall be equally taxed according to its just value.

The apportionment of Senators and Representatives for the first Legislature, it was apprehended, might not prove perfectly equal. The convention however proceeded upon the best data in their possession, and to them it is a gratifying circumstance, that, if any injustice is done, it can be of but short duration.

An actual census of the people being about to be taken, the first Legislature will be enabled to remedy such inequalities, as shall be found to exist, and to do exact and impartial justice to every district town and plantation.

It was not thought advisable by the convention to incumber the constitution by attempts to fix or regulate the salaries of any of your officers. This and many other objects suggested in convention are subjects of legislation and are left to the wisdom of your future legislatures.

Such, fellow citizens, are the principal provisions in the constitution submitted to you by your delegates, which embrace the material variances from the constitution, under which you have so long and so happily lived. We say principal provisions, because there are others, believed to be wholesome and salutary, which however are not deemed

of sufficient importance, to be particularly noticed in this address. To the constitution itself we respectfully refer you. We solicit you once more to weigh well its provisions, to examine it as a whole. If it be not perfectly satisfactory in all its parts, judge whether, considering the differences existing in men's views and opinions, you will be likely to obtain one, more acceptable.

Your delegates have felt a deep responsibility; your approbation could not fail to be highly gratifying to them. But they wish not to bias your judgment. You act for yourselves and posterity.

In behalf and by order of the convention.

WM. P. PREBLE	
GEO. THATCHER, JR.,	
BENJA. AMES,	
JOSHUA GAGE,	
LEONARD JARVIS,	Committee.
JOHN BURGIN,	
PETER C. VIRGIN,	
SIMEON STETSON,	
ELEAZER COBURN,	

CONSTITUTION OF MAINE.

We the people of Maine, in order to establish justice, ensure tranquility, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of Liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity so favorable to the design; and imploring his aid and direction in its

accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same.

ARTICLE I.

DECLARATION OF RIGHTS.

Sec. 1. All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Sec. 2. All power is inherent in the people; all free governments are founded in their authority, and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Sec. 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;-- and all persons demeaning themselves peaceably, as good

members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Sec. 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the Jury, after having received the direction of the Court, shall have a right to determine, at their discretion, the law and the fact.

Sec. 5. The people shall be secure in their persons, houses, papers and possession, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or things, shall issue without special designation of the place to be searched, and the person

or thing to be seized, nor without probable cause, supported by oath or affirmation.

Sec. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a Jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers, or the law of the land.

Sec. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offences, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

Sec. 8. No person, for the same offence, shall be

twice put in jeopardy of life or limb.

Sec. 9. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offence; excessive bail shall not be required nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Sec. 10. All persons, before conviction, shall be bailable, except for capital offences, where the proof is evident or the presumption great. And the privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

Sec. 11. The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood, nor forfeiture of estate.

Sec. 12. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 13. The laws shall not be suspended but by the Legislature or its authority.

Sec. 14. No person shall be subject to corporeal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

Sec. 15. The people have a right at all times in an

orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

Sec. 16. Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

Sec. 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times be in strict subordination to the civil power.

Sec. 18. No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

Sec. 19. Every person for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Sec. 20. In all civil suits and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practised; the party claiming the right may be heard by himself and his counsel, or either, at his election.

Sec. 21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

Sec. 22. No tax or duty shall be imposed without the consent of the people or of their Representatives in the Legislature.

Sec. 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behaviour.

Sec. 24. The enumeration of certain rights shall not impair nor deny others retained by the people.

ARTICLE II.

ELECTORS

Sec. 1. Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any town or

plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

Sec. 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

Sec. 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

Sec. 4. The election of Governor, Senators and Representatives, shall be on the second Monday of September annually forever.

ARTICLE III.

DISTRIBUTION OF POWERS.

Sec. 1. The powers of this Government shall be divided into three distinct Departments, the Legislative, Executive and Judicial.

Sec. 2. No person or persons, belonging to one of these Departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV--Part First.

Legislative Power--House of Representatives.

Sec. 1. The Legislative power shall be vested in two distinct branches, a House of Representatives, and a

Senate, each to have a negative on the other, and both to be styled the Legislature of Maine, and the style of their Acts and Laws, shall be, "Be it enacted by the Senate and House of Representatives in Legislature assembled."

Sec. 2. The House of Representatives shall consist of not less than one hundred nor more than two hundred members, to be elected by the qualified electors for one year from the day next preceding the annual meeting of the Legislature. The Legislature, which shall first be convened under this Constitution, shall, on or before the fifteenth day of August in the year of our Lord one thousand eight hundred and twenty one, and the Legislature, within every subsequent period of at most ten years and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed. The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of Representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty; and, whenever the number of Representatives shall be two hundred, at the next annual meetings of elections, which shall thereafter be had, and at every subsequent period of ten years, the people shall give in their votes, whether the number of Representatives

shall be two hundred, at the next annual meetings of elections, which shall thereafter be had, and at every subsequent period of ten years, the people shall give in their votes, whether the number of Representatives shall be increased or diminished, and if a majority of votes are in favor thereof, it shall be the duty of the next Legislature thereafter to increase or diminish the number by the rule hereinafter prescribed.

Sec. 3. Each town having fifteen hundred inhabitants may elect one representative; each town having three thousand seventeen hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect six; each town having twenty six thousand two hundred and fifty inhabitants may elect seven; but no town shall ever be entitled to more than seven representatives: and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle; and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it shall be so increased or

diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of representatives, on the application of such town or plantation, authorize it to elect a representative for such portion of time and such periods, as shall be equal to its portion of representation; and the right of representation, so established, shall not be altered until the next general apportionment.

Sec. 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty one years, have been a resident in this State one year, or from the adoption of this Constitution; and, for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

Sec. 5. The meetings for the choice of representatives shall be warned in due course of law by the selectmen of the several towns seven days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them

in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen, and in open town meeting; and a fair copy of this list shall be attested by the selectmen and town clerk, and delivered by said selectment to each representative within ten days next after such election. And the towns and plantations organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectment and town clerks have and are subject to by this Constitution. And the selectmen of such towns, and the assessors of such plantations, so classed, shall, within four days next after such meeting, meet at some place, to be prescribed and notified by the selectmen or assessors of the eldest town, or plantation, in such class, and the copies of said lists shall be then examined and compared; and in case any person shall be elected by a majority of all the votes, the selectmen or assessors shall deliver the certified copies of such lists to the person so elected, within ten days next after such election: and the

clerks of towns and plantations respectively shall seal up copies of all such lists and cause them to be delivered into the Secretary's office twenty days at least before the first Wednesday in January annually; but in case no person shall have a majority of votes, the selectmen and assessors shall, as soon as may be, notify another meeting, and the same proceedings shall be had at every future meeting until an election shall have been effected: Provided, That the Legislature may by law prescribe a different mode of returning, examining and ascertaining the election of the representatives in such classes.

Sec. 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

Sec. 7. The House of Representatives shall choose their Speaker, Clerk and other officers.

Sec. 8. The House of Representatives shall have the sole power of impeachment.

ARTICLE IV.--Part Second.

SENATE.

Sec. 1. The Senate shall consist of not less than twenty, nor more than thirty-one members, elected at the same time, and for the same term, as the representatives, by the qualified electors of the districts, into which the State shall from time to time be divided.

Sec. 2. The Legislature, which shall be first convened under this Constitution shall, on or before the

fifteenth day of August in the year of our Lord one thousand eight hundred and twenty-one, and the Legislature at every subsequent period of ten years, cause the state to be divided into districts for the choice of Senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of Senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.

Sec. 3. The meetings for the election of Senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the Secretary's office thirty days at least before the first Wednesday of January. All other qualified electors, living in places unincorporated, who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of voting for Senators, Representatives, and Governor in such town; and shall be notified by the selectmen thereof for purpose accordingly.

Sec. 4. The Governor and Council shall, as soon as

may be, examine the returned copies of such lists, and, twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a majority of the votes in each district, to attend that day and take their seats.

Sec. 5. The Senate shall, on the said first Wednesday of January, annually, determine who are elected by a majority of votes to be Senators in each district; and in case the full number of Senators to be elected from each district shall not have been so elected, the members of the House of Representatives and such Senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of Senators deficient, in every district, if here be so many voted for, elect by joint ballot the number of Senators required; and in this manner all vacancies in the Senate shall be supplied, as soon as may be, after such vacancies happen.

Sec. 6. The Senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same, as those of the Representatives.

Sec. 7. The Senate shall have the sole power to try all impeachments, and when setting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present. Their judgment, however, shall not extent

farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 8. The Senate shall choose their President, Secretary and other officers.

ARTICLE IV.--Part Third

LEGISLATIVE POWER

Sec. 1. The Legislature shall convene on the first Wednesday of January annually, and shall have full power to make and establish all reasonable laws and regulations for the defence and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Sec. 2. Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the House, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two thirds of that

House, it shall have the same effect, as if it had been signed by the Governor: but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

Sec. 3. Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

Sec. 4. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

Sec. 5. Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and the nays of the members of either House on any question,

shall, at the desire of one fifth of those present, be entered on the journals.

Sec. 6. Each House, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for any thing said, done, or doing in either House: Provided, that no imprisonment shall extend beyond the period of the same session.

Sec. 7. The Senators and Representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. The expenses of the members of the House of Representatives in travelling to the Legislature, and returning therefrom, once in each session and no more, shall be paid by the State out of the public Treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave.

Sec. 8. The Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for any thing spoken in debate in either House, in any court or place elsewhere.

Sec. 9. Bills, orders or resolutions, may originate

in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases: Provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

Sec. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people: Provided, that this prohibition shall not extend to the members of the first Legislature.

Sec. 11. No member of Congress, nor person holding any office under the United States, (post officers excepted) nor office of profit under this state, Justices of the Peace, Notaries Public, Coroners and officers of the militia excepted, shall have a seat in either House during his being such member of Congress, or his continuing in such office.

Sec. 12. Neither House shall during the session, without the consent of the other, adjourn for more than two days nor to any other place than that in which the Houses shall be sitting.

ARTICLE V.--Part First.

EXECUTIVE POWER.

Sec. 1. The supreme executive power of this State shall be vested in a Governor.

Sec. 2. The Governor shall be elected by the qualified electors, and shall hold his office one year from the first Wednesday of January in each year.

Sec. 3. The meetings for election of Governor shall be notified, held and regulated, and votes shall be received, sorted, counted, declared and recorded, in the same manner as those for Senators and Representatives. They shall be sealed and returned into the Secretary's office in the same manner, and at the same time, as those for Senators. And the Secretary of State for the time being shall, on the first Wednesday of January, then next, lay the lists before the Senate and House of Representatives to be by them examined, and, in case of a choice by a majority of all the votes returned, they shall declare and publish the same. But, if no person shall have a majority of votes, the House of Representatives shall, by ballot, from the persons having the four highest numbers of votes on the lists, if so many there be, elect two persons, and make return of their names to the Senate, of whom the Senate shall, by ballot, elect one, who shall be declared the Governor.

Sec. 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a natural

born citizen of the United States, have been five years, or from the adoption of this Constitution, a resident of the State; and at a time of his election and during the term for which he is elected, be a resident of said State.

Sec. 5. No person holding any office or place under the United States, this State, or any other power, shall exercise the office of Governor.

Sec. 6. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

Sec. 7. He shall be commander in chief of the army and navy of the State, and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State without their consent, or that of the Legislature, unless it shall become necessary, in order to march or transport them from one part of the State to another for the defence thereof.

Sec. 8. He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers, the Attorney General, the Sheriffs, Coroners, Registers of Probate, and Notaries Public; and he shall also nominate, and with the advice and consent of the Council, appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for; and every such nomination shall be made seven days, at least, prior to such appointment.

Sec. 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

Sec. 10. He may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall have power, with the advice and consent of the Council, to remit, after conviction, all forfeitures and penalties, and to grant reprieves and pardons, except in cases of impeachment.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. He may, on extraordinary occasions, convene the Legislature; and in case of disagreements between the two Houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next annual meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall have become more dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Sec. 14. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the

office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office or other disqualification of the President of the Senate, so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until a President of the Senate shall have been chosen; and when the office of Governor, President of the Senate, and Speaker of the House shall become vacant, in the recess of the Senate, the person, acting as Secretary of State for the time being, shall by proclamation convene the Senate, that a President may be chosen to exercise the office of Governor. And whenever either the President of the Senate, or Speaker of the House shall so exercise said office, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House, shall fill the vacancy, until his duties as Governor shall cease.

ARTICLE V.--Part Second.

COUNCIL.

Sec. 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this state, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble; and he, with the Counsellors, or a majority of them, may from time to time, hold and keep a Council, for ordering and directing the affairs of State according to law.

Sec. 2. The Counsellors shall be chosen annually, on the first Wednesday of January, by joint ballot of the Senators and representatives in Convention; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than one Counsellor shall be elected from any district, prescribed for the election of Senators; and they shall be privileged from arrest in the same manner, as Senators and Representatives.

Sec. 3. The resolutions and advice of Council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either House of the Legislature; and any Counsellor may enter his dissent to the resolution of the majority.

Sec. 4. No member of Congress, or of the Legislature of this State, nor any person holding any office under the United States, (post officers excepted) nor any civil officers under this State, (Justices of the Peace and Notaries Public excepted) shall be Counsellors. And no Counsellor shall be appointed to any office during the time, for which he shall have been elected.

ARTICLE V. --Part Third.

SECRETARY.

Sec. 1. The Secretary of State shall be chosen annually, at the first session of the Legislature, by joint ballot of the Senators and Representatives in Convention.

Sec. 2. The records of the State shall be kept in

the office of the Secretary, who may appoint his deputies, for whose conduct he shall be accountable.

Sec. 3. He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies, as they shall respectively require.

Sec. 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

ARTICLE V. --Part Fourth.

TREASURER.

Sec. 1. The Treasurer shall be chosen annually, at the first session of the Legislature, by joint ballot of the Senators, and Representatives in Convention, but shall not be eligible more than five years successively.

Sec. 2. The Treasurer shall, before entering on the duties of his office, give bond to the State with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

Sec. 3. The Treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

Sec. 4. No money shall be drawn from the Treasury, but by warrant from the Governor and Council, and in con-

sequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the annual session of the Legislature.

ARTICLE VI.

JUDICIAL POWER.

Sec. 1. The Judicial power of this state shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

Sec. 2. The Justices of the Supreme Judicial Court shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

Sec. 3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate or House of Representatives.

Sec. 4. All Judicial officers, except Justices of the Peace, shall hold their offices during good behavior, but not beyond the age of seventy years.

Sec. 5. Justices of the Peace and Notaries Public, shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be reappointed or others appointed, as the public interest may require.

Sec. 6. The Justices of the Supreme Judicial Court shall hold no office under the United States, nor any

state, nor any other office under this state, except that of Justice of the Peace.

ARTICLE VII.

MILITARY

Sec. 1. The captains and subalterns of the militia shall be elected by the written votes of the members of their respective companies. The field officers of regiments by the written votes of the captains and subalterns of their respective regiments. The Brigadier Generals in like manner, by the field officers of their respective brigades.

Sec. 2. The Legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making the returns to the Governor of the officers elected; and, if the electors shall neglect or refuse to make such elections, after being duly notified according to law, the Governor shall appoint suitable persons to fill such offices.

Sec. 3. The Major Generals shall be elected by the Senate and House of Representatives, each having a negative on the other. The Adjutant General and the Quartermaster General shall be appointed by the Governor and Council; but the Adjutant General shall perform the duties of Quartermaster General, until otherwise directed by law. The Major Generals and Brigadier Generals, and the commanding officers of regiments and battalions shall appoint their respective staff officers; and all military

officers shall be commissioned by the Governor.

Sec. 4. The militia, as divided into divisions, brigades, regiments, battalions and companies, pursuant to the laws now in force, shall remain so organized, until the same shall be altered by the Legislature.

Sec. 5. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court and Ministers of the Gospel may be exempted from military duty, but no other person of the age of eighteen and under the age of forty-five years, excepting officers of the militia, who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent to be fixed by law.

ARTICLE VIII.

LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorise, all academies, colleges and seminaries of learning within the State:

Provided, that no donation, grant or endowment shall at any time be made by the Legislature, to any Literary Institution now established, or which may hereafter be es-

tablished, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

ARTICLE IX.

GENERAL PROVISIONS.

Sec. 1. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any Judicial, Executive, Military, or other office under this State, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I, do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as according to the Constitution and the laws of the State.--So help me God:" Provided, That an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the Governor and Counsellors before the presiding officer of the Senate, in the presence of both

Houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor or any Counsellor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court: Provided, that the Senators and Representatives, first elected under this Constitution, shall take and subscribe such oaths or affirmations before the President of the Convention.

Sec. 2. No person holding the office of Justice of the Supreme Judicial Court, or of any inferior Court, Attorney General, County Attorney, Treasurer of the State, Adjutant General, Judge of Probate, Register of Probate, Register of Deeds, Sheriffs or their deputies, Clerks of the Judicial Courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising, at the same time, within this State more than one of the offices before mentioned.

Sec. 3. All Commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or his deputy, and have the seal of the State thereto affixed.

Sec. 4. And in case the elections, required by this Constitution on the first Wednesday of January annually, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: the vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two Houses shall elect the Council.

Sec. 5. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence.

Sec. 6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.

Sec. 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

Sec. 8. All taxes upon real estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof.

ARTICLE X

SCHEDULE

Sec. 1. The first Legislature shall meet on the last Wednesday in May next. The elections on the ~~second day~~ in September annually shall not commence until the year one thousand eight hundred and twenty one, and in the mean time the election for Governor, Senators and Representatives shall be on the first Monday in April, in the year of our Lord one thousand eight hundred and twenty, and at this election, the same proceedings shall be had as are required at the elections, provided for in this Constitution on the second Monday in September annually, and the lists of the votes for the Governor and Senators shall be transmitted, by the town and plantation clerks respectively, to the Secretary of State pro tempore, seventeen days at least before the last Wednesday in May next, the President of the Convention shall, in presence of the Secretary of State pro tempore, open and examine the certified copies of said lists so returned for Senators, and shall have all the powers, and be subject to all the duties, in ascertaining, notifying, and summoning the Senators, who appear to be elected, as the Governor and Council have, and are subject to, by this Constitution: Provided, he shall notify said Senators fourteen days at least before the last Wednesday in May, and vacancies shall be ascertained and filled in the manner herein provided; and the Senators to be elected on the said first Monday of

April, shall be apportioned as follows:

The County of York shall elect three.

The County of Cumberland shall elect three.

The County of Hancock shall elect two.

The County of Washington shall elect one.

The County of Kennebec shall elect three.

The County of Oxford shall elect two.

The County of Somerset shall elect two.

The County of Penobscot shall elect one.

And the members of the House of Representatives shall be elected, ascertained, and returned in the same manner as herein provided at elections on the second Monday of September, and the first House of Representatives shall consist of the following number, to be elected as follows:

COUNTY OF YORK.--The towns of York and Wells may each elect two representatives; and each of the remaining towns may elect one.

COUNTY OF CUMERLAND.--The town of Portland may elect three representatives; North-Yarmouth two; Brunswick two; Gorham, two; Freeport and Pownal, two; Raymond and Otisfield, one; Bridgton, Baldwin and Harrison, one; Poland and Danville, one; and each remaining town one.

COUNTY OF LINCOLN.--The towns of Georgetown and Phippsburg, may elect one representative; Lewiston and Wales, one; St. George, Cushing and Friendship, one; Hope and Appleton Ridge, one; Jefferson, Putnam and Patricktown plantation, one; Alna and Whitefield, one; Montville,

Palermo, and Montville plantation, one; Woolwich and Dresden, one; and each remaining town, one.

COUNTY OF HANCOCK.--The town of Bucksport may elect one representative; Deer Island one; Castine and Brooksville, one; Orland and Penobscot, one; Mount Desert and Eden, one; Vinalhaven and Isleborough, one; Sedgwick and Bluehill one; Gouldsborough, Sullivan and plantations No. 8&9 north of Sullivan, one; Surry, Ellsworth, Trenton and plantation of Mariaville, one; Lincolnville, Searsmont and Belmont, one; Belfast and Northport, one; Prospect and Swanville, one; Frankfort and Monroe, one; Knox, Brooks, Jackson and Thorndike, one.

COUNTY OF WASHINGTON.--The towns of Steuben, Cherryfield and Harrington, may elect one representative; Addison, Columbia and Jonesborough, one; Machias one; Lubec, Dennysville, plantations No. 9, No. 10, No. 11, No. 12, one; Eastport one; Perry, Robinston, Calais, plantations No. 3, No. 6, No. 7, No. 15, and No. 16, one.

COUNTY OF KENNEBEC.--The towns of Belgrade and Dearborn may elect one representative; Chesterville, Vienna and Rome, one; Wayne and Fayette, one; Temple and Wilton, one; Winslow and China, one; Fairfax and Freedom, one; Unity, Joy and 25 mile pond plantation, one; Harlem and Malta, one; and each remaining town one.

COUNTY OF OXFORD.--The towns of Dixfield, Mexico, Weld and plantations Nos. 1 and 4, may elect one representative; Jay and Hartford, one; Livermore one; Rumford. East

Andover and plantations Nos. 7 and 8, one; Turner one; Woodstock, Paris and Greenwood, one; Hebron and Norway, one; Gilead, Bethel, Newry, Albany and Howard's gore, one; Porter, Hiram and Brownfield, one; Waterford, Sweden and Lovell, one; Denmark, Fryeburg and Fryeburg addition, one; Buckfield and Sumner, one.

COUNTY OF SOMERSET.--The town of Fairfield may elect one representative; Norridgewock and Bloomfield, one; Starks and Mercer, one; Industry, Strong and New-Vineyard, one; Avon, Phillips, Freeman and Kingfield, one; Anson, New-Portland, Embden, and plantation No.1, one; Canaan, Warsaw, Palmyra, St. Albans and Corinna, one; Madison, Solon, Bingham, Moscow and Northhill, one; Cornville, Athens, Harmony, Ripley and Warrenstown, one.

COUNTY OF PENOBSCOT.--The towns of Hampden and Newburg may elect one representative; Orrington, Brewer, and Eddington and plantations adjacent on the east side of Penobscot river, one; Bangor, Orono and Sunkhaze plantation, one; Dixmont, Newport, Carmel, Hermon, Stetson, and plantation No. 4 in the 6th range, one; Levant, Corinth, Exeter, New-Charlestown, Blakesburgh, plantation No. 1 in 3d range, and plantation No. 1, in 5th range, one; Dexter, Garland, Guilford, Sangerville, and plantation No. 3 in 6th range, one; Atkinson, Sebec, Foxcroft, Brownville, Williamsburgh, plantation No. 1 in 7th range, and plantation No. 3 in 7th range, one.

And the Secretary of State pro tempore shall have the

same powers, and be subject to the same duties, in relation to the votes for Governor, as the Secretary of State has, and is subject to, by this Constitution: and the election of Governor shall, on the said last Wednesday in May, be determined and declared, in the same manner, as other elections of Governor are by this Constitution; and in case of vacancy in said office, the President of the Senate, and Speaker of the House of Representatives, shall exercise the office as herein otherwise provided, and the Counsellors, Secretary and Treasurer, shall also be elected on said day, and have the same powers, and be subject to the same duties, as is provided in this Constitution; and in case of the death or other disqualification of the President of this convention, or of the Secretary of State pro tempore, before the election and qualification of the Governor or Secretary of State under this constitution, the persons to be designated by this Convention at their session in January next, shall have all the powers and perform all the duties, which the President of this Convention, or the Secretary pro tempore, to be by them appointed, shall have and perform.

Sec. 2. The period for which the Governor, Senators and Representatives, Counsellors, Secretary and Treasurer first elected or appointed, are to serve in their respective offices and places, shall commence on the last Wednesday in May, in the year of our Lord one thousand eight hundred and twenty, and continue until the first

Wednesday of January, in the year of our Lord one thousand eight hundred and twenty two.

Sec. 3. All laws now in force in this state, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation.

Sec. 4. The Legislature, whenever two thirds of both houses shall deem it necessary, may propose amendments to this Constitution; and when any amendment shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at their next annual meetings in the month of September, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.

Sec. 5. All officers provided for in the sixth section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "An act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and Independent State," shall continue in office as therein provided; and the following provisions of said

act shall be a part of this Constitution, subject however to be modified or annulled as therein is prescribed, and not otherwise, to wit: [See Appendix ~~XIV~~ Section I, Parts one through nine]

Sec. 6. This Constitution shall be enrolled on parchment, deposited in the Secretary's office, and be the supreme law of the state, and printed copies thereof shall be prefixed to the books containing the laws of this state.

Done in Convention, October 29, 1819.

WILLIAM KING, President

of the Convention and member
from Bath.

APPENDIX XVI

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RETURNS
OF VOTES ON THE CONSTITUTION OF MAINE, 1819.¹

THURSDAY, January 6, 1820

Met according to adjournment.

Judge Parris, chairman of the committee appointed to examine the returns of votes from the several towns and plantations in Maine on the constitution prepared by this convention, having attended to the service assigned them, made the following

REPORT:

That the whole number of votes legally and seasonably returned, is nine thousand eight hundred and thirty-seven, of which nine thousand and forty are in favor of said constitution, and seven hundred and ninety-six are opposed.

And the committee further report, that the whole number of votes returned were ten thousand eight hundred and ninety-nine, of which ten thousand and twenty-five were in favor of said constitution, and eight hundred and seventy-three were opposed.

And the committee further report that the returns from the towns of Biddeford in the county of York, and Bingham in the county of Somerset, were signed by one only of the Selectmen in each town; and that the return from the town of Columbia, in the county of Washington, was not

¹Fuller and Fuller, op. cit., pp. 98-105.

signed by the town Clerk. And the committee do further report, that the returns from the towns of Cornish and Limington, in the county of York; Minot, in the county of Cumberland; Friendship, Hope, Cushing and Appleton plantation, in the county of Lincoln; Monroe, Eden and Trenton, in the county of Hancock; Cherryfield, in the county of Washington; Hallowell, Chesterville, Readfield, Malta and Joy, in the county of Kennebec; Turner, in the county of Oxford; New Vineyard, Fairfield, New Portland and Warsaw, in the county of Somerset; New Charleston, Foxcroft and Atkinson, in the county of Penobscot, were not returned until after the first day of January, 1820; all which is fully explained in the annexed schedule which makes a part of this report.

And the committee further report that by the return from the town of Bucksport, in the county of Hancock, although there appears to have been a meeting duly holden, and the return is duly signed and attested by the Selectmen and Town Clerk, yet it does not appear that any votes were given by the inhabitants of said town either in favor or against said constitution.

All which is submitted.

ALBION K. PARRIS, Per Order.

IN CONVENTION, January 6, 1820.

Read and accepted, and ordered that the report and schedule annexed, be entered upon the journals.

WILLIAM KING, President

[Tables follow on the next page.]

YORK COUNTY

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Alfred,	52	52	-	22	20	2	The return being signed by only one Selectman.
Arundel,	-	-	-				
Biddeford,	-	-	-				
Berwick,	41	41					Not returned until after January 1, 1820.
Buxton,	124	112	12	40	25	15	
Cornish,	-	-	-				
Elliot,	52	51	1				Not returned until after January 1, 1820.
Hollis,	71	71					
Kittery,	31	10	21				
Lebanon,	109	106	3				
Limerick,	58	57	1				
Limington,	-	-	-	73	73		
Lyman,	86	49	37				
Newfield,	30	17	13				
Parsonsfield,	107	107					
Sanford,	95	10	85				
Saco,	103	103					
Shapleigh,	157	25	132				
South Berwick,	47	36	11				
Waterborough,							
Wells,	157	156	1				
York,	91	91					
	1411	1094	317	135	118	17	

CUMBERLAND COUNTY.

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Baldwin,	30	30					Not returned until after January 1, 1820.
Bridgton,	78	78					
Brunswick,	90	88	2				
Cape Elizabeth,	44	44					
Danville,	44	44					
Durham,	64	58	6				
Falmouth,	58	58					
Freeport,	103	77	26				
Gorham,	95	94	1				
Gray,	87	86	1				
Harrison	19	19					
Harpwell,	18	10	8				
Minot,	-	-	-	70	57	13	
North Yarmouth,	169	115	54				
New Gloucester	119	118	1				
Otisfield,	31	26	5				
Portland,	298	286	12				
Poland,	96	94	2				
Pownal,	40	40					
Raymond,	58	52	6				
Scarborough	69	66	3				
Standish,	68	57	11				
Westbrook,	75	74	1				
Windham,	61	61					
	1814	1675	139	70	57	13	

LINCOLN COUNTY.

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Alna,	25	18	7				
Bath,	112	111	1				
Boothbay,	38	38					
Bowdoin,	80	80					
Bowdoinham,	46	46					
Bristol,	66	64	2				
Camden,	63	59	4				
Cushing,	-	-	-	18	18		Not returned until after January 1, 1820.
Dresden,	28	28					
Edgecomb,	32	32					
Friendship,	-	-	-	22	22		Not returned until after January 1, 1820.
Georgetown,	37	36	1				
Hope,	-	-	-	52	52		Not returned until after January 1, 1820.
Jefferson,	64	52	12				
Lewiston,	67	66	1				
Lisbon,	104	103	1				
Litchfield,	86	84	2				
Montville,	53	53					
Montville Plant.,	21	20	1				
New Castle,	42	36	6				
Nobleborough,	49	49					
Palermo,	48	48					
Phippsburg,	33	33					
(con't)							

LINCOLN COUNTY. (con't)

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Putnam,	18	18					Not returned until after January 1, 1820.
St. George,	23	23					
Topsham,	61	61					
Thomaston,	74	74					
Union,	54	49	4				
Warren,	42	35	7				
Waldoborough,	35	33	2				
Whitefield,	42	42					
Wales,	14	14					
Wiscasset,	57	52	5				
Wolwich,	39	39					
Appleton Plant.,	-	-	-	18	18		
	1553	1496	56	110	110		

HANCOCK COUNTY.

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Belfast,	71	59	12	18	18		Not returned until after January 1, 1820.
Belmont,	61	61					
Bluehill,	46	9	37				
Brooks,	24	23	1				
Brooksville,	18	7	11				
Bucksport,							
Castine,	33	29	4				
Deer Isle,	23	22	1				
Eden,	-	-	-				
Ellsworth,	25	24	1				
Frankfort,	60	59	1	34	33	1	Not returned until after January 1, 1820.
Gouldsborough,	14	14					
Isleborough,	11	10	1				
Jackson,	14	14					
Knox,	30	30					
Lincolnville,	64	62	2				
Monroe,	-	-	-				
Mount Desert,							
Northport,	13	13					
Orland,	22	22					
Prospect,	20	20					
Penobscot,	32	32					
Searsmont,	22	22					
Swanville,	21	21					

HANCOCK COUNTY. (cont'd)

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Sedgwick,	47	23	24				Not returned until after January 1, 1820.
Sullivan,	30	29	1				
Surry,	30	30					
Trenton,	-	-	-	22	22		
Thorndike,	21	21					
Vinalhaven,	32	30	2				
	784	686	98	74	73	1	

WASHINGTON COUNTY.

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Addison,	17	17					Not returned until after January 1, 1820. Return not signed by Town Clerk.
Calais,	-	-	-	14	14		
Cherryfield,							
Columbia,	-	-	-	20	9	11	
Dennysville,							
Eastport,	40	38	2				
Harrington,	14	12	2				
Jonesborough,	22	22					
Lubec,	44	44					
Machias,	38	38					
Orangetown	8	8					
Perry,							
Robbinstown,	20	20					
Steuben,							
	203	199	4	34	23	11	

KENNEBEC COUNTY

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Augusta,	81	80	1	46	38	8	Not returned until after January 1, 1820.
Belgrade,	30	28	2				
Chesterville,	-	-	-				
China,	40	39	1				
Clinton,	28	28		145	142	3	Not returned until after January 1, 1820.
Dearborn,	26	26					
Fairfax,	70	66	4				
Fayette,	105	105					
Farmington,	54	54		28	28		Not returned until after January 1, 1820.
Freedom,	70	70					
Gardiner,	-	-	-				
Greene,	34	33	1				
Hallowell,	-	-	-	40	40		Not returned until after January 1, 1820.
Harlem,	24	23	1				
Joy,	93	93					
Kingfield,	-	-	-				
Leeds,	98	98		28	20	2	
Malta,	70	70					
Monmouth,	55	53	2				
Mount Vernon,	28	20	8				
New Sharon,							
Pittstown,							

KENNEBEC COUNTY. (con't)

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Readfield,	-	-	-	70	70		Not returned until after January 1, 1820.
Rome,	25	24	1				
Sidney,	74	73	1				
Temple,	24	23	1				
Unity,	44	43	1				
Vienna,	32	32					
Vassalborough	50	50					
Wayne,	69	68	1				
Winslow,	31	31					
Waterville,	110	110					
Wilton,	62	62					
Winthrop,	82	64	18				
	1509	1466	43	329	318	11	

OXFORD COUNTY

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Albany,	21	5	16				
Bethel,	85	85					
Brownfield,	58	57	1				
Buckfield,	149	146	3				
Dixfield,	29	27	2				
Denmark,							
East Andover,	41	32	9				
Fryeburg,	73	73					
Gilead,	23	23					
Greenwood,	21	21					
Hiram,	29	28	1				
Hartford,	68	68					
Hebron,	73	70	3				
Jay,	75	72	3				
Livermore,	73	71	2				
Lovel,							
Mexico,	12	12					
Newry,	34	34					
Norway,	77	76	1				
Paris,	106	89	17				
Porter,	37	36	1				
Rumford,	52	52					
Sweden,	20	20					
Sumner,	52	48	4				
Turner,	-	-	-	88	88		Not returned until after January 1, 1820.

OXFORD COUNTY. (con't)

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Waterford,	58	35	23				
Weld,	37	37					
Woodstock,	29	27	2				
Plantation #1,	18	18					
	1350	1262	88	88	88		

SOMERSET COUNTY.

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Anson,	70	70					
Athens,	29	24	5				
Avon,	28	28					
Bloomfield,	52	50	2				
Bingham,	-	-	-	7	7		Return signed by only one Selectman.
Canaan,	40	40					
Corinna,	25	25					
Cornville,	27	27					
Embden,	15	14	1				
Fairfield,	-	-	-	71	67	4	Not returned until after January 1, 1820.
Freeman,	22	13	9				
Harmony,							
Industry,	29	29					
Mercer,	31	23	8				
Madison,	33	32	1				
Moscow,							
Norridgewock,	66	66					
New Portland,	-	-	-	24	9	15	Not returned until after January 1, 1820.
New Vineyard,	-	-	-	26	21	5	Not returned until after January 1, 1820.
North Hill,							
Palmyra,	27	27					
Phillips,	11	11					

SOMERSET COUNTY. (con't)

	Accepted.			Rejected.			
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	Cause of Rejection
Ripley,	34	34					
Starks,	39	38	1				
St. Albans,	22	22					
Solon,	33	33					
Strong,	20	20					
Warsaw,	-	-	-	19	19		Not returned until after January 1, 1820.
	653	626	27	147	123	24	

PENOBSCOT COUNTY.

Towns	Accepted.			Rejected.			Cause of Rejection
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Atkinson,	-	-	-	22	22		Not returned until after January 1, 1820.
Bangor,	51	47	4				
Brewer,	42	31	11				
Carmel,	12	12					
Corinth,	18	18					
Dixmont,	28	23	5				
Dexter,	41	41					
Exeter,	27	27					
Eddington,	20	20					
Foxcroft,	-	-	-	25	25		Not returned until after January 1, 1820.
Garland,	16	16					
Guilford,	27	27					
Hermon,	16	16					
Hampden,	36	36					
Levant,	6	6					
Newburg,	22	21	1				
Newport,	28	28					
New Charleston,	-	-	-	28	28		Not returned until after January 1, 1820.
Orono,	25	25					
Orrington,	58	58					
Sangerville,	17	17					
Sebec,	23	23					
Plantation #3, R.6,	20	20					

PENOBSCOT COUNTY. (con't)

Accepted.				Rejected.			Cause of Rejection
Towns	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.	
Plantation #1, R.3	14	14					
Williamsburg Pl..	13	10	3				
	560	536	24	75	75		

RECAPITULATION.

Counties	Aggregate of votes legally returned.			Aggregate of votes not legally returned.		
	Whole Number.	Yeas.	Nays.	Whole Number.	Yeas.	Nays.
York,	1,411	1,094	317	135	118	17
Cumberland,	1,814	1,675	139	70	57	13
Lincoln,	1,553	1,496	56	110	110	-
Hancock,	784	686	98	74	73	1
Washington,	203	199	4	34	23	11
Kennebec,	1,509	1,466	43	329	318	11
Oxford,	1,350	1,262	88	88	88	-
Somerset,	653	626	27	147	123	25
Penobscot,	560	536	24	75	75	-
	9,837	9,040	796	1,062	985	77

In Committee, January 6, 1820.--The foregoing is a true list of all the votes given on the adoption of the Constitution of Maine.

ALBION K. PARRIS, Per Order.

Attest:--Robert C. Vose, Secretary.

APPENDIX XVII

MASSACHUSETTS CONSTITUTION OF 1780.¹CONSTITUTION OR FORM OF GOVERNMENT FOR THE
COMMONWEALTH OF MASSACHUSETTS.

PREAMBLE.

The end of the institution, maintenance and administration of Government, is to secure the existence of the body-politic; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life: And whenever these great objects are not obtained, the people have a right to alter the Government, and to take measures necessary for their safety, prosperity and happiness.

THE body politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

WE, therefore, the people of Massachusetts, acknow-

¹Massachusetts Archives, CCLXXVI, 30.

ledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit and solemn compact with each other; and of forming a new Constitution of Civil Government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, DO agree upon, ordain and establish, the following Declaration of Rights, and Frame of Government, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

MASSACHUSETTS.

PART THE FIRST,

A DECLARATION OF THE RIGHTS of the Inhabitants of the Commonwealth of Massachusetts.

Art. I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. - IT is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to

the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

AND the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

PROVIDED notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

AND all monies paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided--there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised.

AND every denomination of christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; And no subordination of any one sect or denomination to another shall ever be established by law.

IV. THE people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. ALL power residing originally in the people, and being derived from them the several magistrates and offi-

cers of Government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. NO man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature ~~neither~~ hereditary, nor transmissible to children, or descendents, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

VII. GOVERNMENT is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honour, or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute Government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

VIII. IN order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX. ALL elections ought to be free; and all the in-

habitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

X. EACH individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: But no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people: In fine, the people of this Commonwealth are not controulable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI. EVERY subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; compleatly, and without any denial; promptly, and without delay; conformably to the laws.

XII. NO subject shall be held to answer for any

crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favourable to him; to meet the witnesses against him face to face; and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

AND the legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army, and navy, without trial by jury.

XIII. IN criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. EVERY subject has a right to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest

one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

XV. IN all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by a jury; and this method of procedure shall be held sacred, unless, in causes arising on the high-seas, and such as relate to mariners wages, the legislature shall hereafter find it necessary to alter it.

XVI. THE liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be restrained in this Commonwealth.

XVII. THE people have a right to keep and to bear arms for the common defence. And as in time of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

XVIII. A FREQUENT recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to pre-

serve the advantages of liberty, and to maintain a free government: The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: And they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

XIX. THE people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX. THE power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXI. THE freedom of deliberation, speech and debate in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XXII. THE legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as

the common good may require.

XXIII. NO subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

XXIV. LAWS made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceeding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. NO subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. NO magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. IN time of peace no soldier ought to be quartered in any house without the consent of the owner; and in time of war such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. NO person can, in any case, be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. IT is essential to the preservation of the

rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honourable salaries ascertained and established by standing laws.

XXX. IN the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: To the end it may be a government of laws and not of men.

PART THE SECOND.

The Frame of Government.

THE people inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body-politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

The Legislative Power

SECTION I.

The General Court

Art. I. THE department of legislation shall be formed by two branches, a Senate and House of Representatives: each of which shall have a negative on the other.

THE legislative body shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceeding the said last Wednesday in May; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal: And if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same together with his objections thereto, in writing, to the Senate or House of Representatives, in which soever the same shall have originated; who shall enter the objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill or resolve: But if after such reconsideration, two thirds of the said Senate or House of Representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the

objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, it shall have the force of a law: But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

AND in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the Governor within five days after it shall have been presented, the same shall have the force of a law.

III. THE General Court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixt; and for the awarding and making out of execution thereupon: To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth

in any matter in controversy or depending before them.

IV. AND further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth; the election and constitution of whom are not hereafter in the Form of Government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose, and levy, reasonable duties and excises, upon any produce, goods, wares, merchandize, and commodities whatsoever, brought into, pro-

duced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the Governor of this Commonwealth for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

AND while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto be practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at the least, and as much oftener as the General Court shall order.

CHAPTER I.

SECTION II.

SENATE

Art. I. THERE shall be annually elected by the freeholders and other inhabitants of this Commonwealth, qualified as in this Constitution is provided, forty persons to be Counsellors and Senators for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the General Court for that purpose: And the General Court, in assigning the numbers to be elected by the

respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the Commonwealth, the limits of each district, and the number of Counsellors and Senators to be chosen therein; provided that the number of such districts shall be never less than thirteen; And that no district be so large as to entitle the same to choose more than six Senators.

AND the several counties in this Commonwealth shall, until the General Court shall determine it necessary to alter the said districts, be districts for the choice of Counsellors and Senators, (except that the counties of Duke's County and Nantucket shall form one district for that purpose) and shall elect the following number for Counsellors and Senators, viz.

Suffolk	Six
Essex	Six
Middlesex	Five
Hampshire	Four
Plymouth	Three
Barnstable	One
Bristol	Three
York	Two
Duke's County and Nantucket	One
Worcester	Five
Cumberland	One
Lincoln	One
Berkshire	Two

II. THE Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz. There shall be a meeting on the first Monday in April annually, forever, of the inhabi-

tants of each town in the several counties of this Commonwealth; to be called by the Selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be Senators and Counsellors: And at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the Senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant" in this Constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district or plantation, where he dwelleth, or hath his home.

THE Selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for Senators, and shall sort and count them in open town meeting, and in presence of the Town Clerk, who shall make a fair record, in presence of the Selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the Selectmen and the Town-Clerk, and shall be sealed up, directed to the Secretary of the Commonwealth for the time being, with a

superscription, expressing the purport of the contents thereof, and delivered by the Town-Clerk of such towns, to the Sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May annually; or it shall be delivered into the Secretary's office seventeen days at least before the said last Wednesday in May; and the Sheriff of each county shall deliver all such certificates by him received into the Secretary's office seventeen days before the said last Wednesday in May.

AND the inhabitants of plantations unincorporated, qualified as this Constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for Counsellors and Senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the Assessors thereof shall direct; which Assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town-Clerks have in their several towns, by this Constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the Assessors of an adjacent town, shall have the privilege of giving in their votes for Counsellors and Senators, in the town where they shall be

assessed, and be notified of the place of meeting by the Selectmen of the town where they shall be assessed, for that purpose accordingly.

III. AND that there may be a due convention of Senators on the last Wednesday in May annually, the Governor, with five of the Council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: Provided nevertheless, that for the first year the said returned copies shall be examined by the President and five of the Council of the former Constitution of Government; and the said President shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. THE Senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the Constitution; and shall, on the said last Wednesday in May annually, determine and declare who are elected by each district, to be Senators by a majority of votes: And in case there shall not appear to be the full number of Senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. The members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of such persons as shall be found to

have the highest number of votes in such district, and not elected, amounting to twice the number of Senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of Senators sufficient to fill up the vacancies in such district: And in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.

V. PROVIDED nevertheless, that no person shall be capable of being elected as a Senator who is not seized in his own right of a freehold within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceeding his election, and at the time of his election, he shall be an inhabitant in the district, for which he shall be chosen.

VI. THE Senate shall have power to adjourn themselves provided such adjournments do not exceed two days at a time.

VII. THE Senate shall choose its own President, appoint its own officers, and determine its own rules of proceedings.

VIII. THE Senate shall be a court with full authority to hear and determine all impeachments made by the House

of Representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment, the members of the Senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honour, trust, or profit under this Commonwealth: But the party so convicted, shall be nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. NOT less than sixteen members of the Senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

Art. I. THERE shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II. AND in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty rateable polls, may elect one Representative: Every corporate town, containing three hundred and seventy-five rateable polls, may elect two Representatives: Every corporate town, containing six hundred rateable

polls, may elect three Representatives; and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number for every additional Representative.

PROVIDED nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one representative: but no place shall hereafter be incorporated with the privilege of electing a Representative, unless there are within the same one hundred and fifty rateable polls.

AND the House of Representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this Constitution.

THE expenses of travelling to the General Assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave.

III. EVERY member of the House of Representatives shall be chosen by written votes; and for one year at least next preceeding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any rateable estate to the value of two hundred pounds; and he shall

cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

IV. EVERY male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceeding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a Representative or Representatives for the said town.

V. THE members of the House of Representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

VI. THE House of Representatives shall be the Grand Inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the Senate.

VII. ALL money-bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

VIII. THE House of Representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. NOT less than sixty members of the House of Representatives, shall constitute a quorum for doing business.

X. THE House of Representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own Speaker; appoint their own officers, and settle

the rules and orders of proceeding in their own house: They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly, or contemptuous behaviour, in its presence; or who, in the town where the General Court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the House, in his way in going or returning; or who shall rescue any person arrested by the order of the House.

AND no member of the House of Representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the General Assembly.

XI. THE Senate shall have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases. Provided that no imprisonment on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above described offenses, be for a term exceeding thirty days.

AND the Senate and House of Representatives may try, and determine, all cases where their rights and privileges are concerned, and which, by the Constitution, they have authority to try and determine, by committees of their own

members, or in such other way as they may respectively think best.

CHAPTER II.

Executive Power

SECTION I.

Governor

Art. I. THERE shall be a supreme executive Magistrate, who shall be styled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be--HIS EXCELLENCY.

II. THE Governor shall be chosen annually: And no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceeding; and unless he shall, at the same time, be seized in his own right, of a freehold within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III. THOSE persons who shall be qualified to vote for Senators and Representatives within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April annually, give in their votes for a Governor, to the Selectmen, who shall preside at such meetings; and the Town-Clerk, in the presence and with the assistance of the Selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair

record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the Selectmen, and transmit the same to the Sheriff of the county, thirty days at least before the last Wednesday in May; and the Sheriff shall transmit the same to the Secretary's office, seventeen days at least before the said last Wednesday in May; or the Selectmen may cause returns of the same to be made to the office of the Secretary of the Commonwealth seventeen days at least before the said day; and the Secretary shall lay the same before the Senate and the House of Representatives, on the last Wednesday in May, to be by them examined: And in case of an election by a majority of all the votes returned, the choice shall be by them declared and published: But if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the Senate of the two persons so elected; on which, the Senate shall proceed, by ballot, to elect one, who shall be declared Governor.

IV. THE Governor shall have authority, from time to time, at his discretion, to assemble and call together the Counsellors of this Commonwealth, for the time being; and the Governor, with the said Counsellors, or five of them.

at least, shall, and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, agreeably to the Constitution and the laws of the land.

V. THE Governor, with advice of Council, shall have full power and authority, during the session of the General Court, to adjourn or prorogue the same to any time, the two Houses shall desire; and to dissolve the same on the day next preceeding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same: And in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

AND the Governor shall dissolve the said General Court on the day next preceeding the last Wednesday in May.

VI. IN cases of disagreement between the two Houses, with regard to the necessity, expediency or time of adjournment, or prorogation, the Governor, with advice of the Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days, as he shall de-

termine the public good shall require.

VII. THE Governor of this Commonwealth for the time being, shall be the commander in chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this Commonwealth; and

that the Governor be intrusted with all these and other powers, incident to the offices of Captain-General and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land, and not otherwise.

PROVIDED, that the said Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State, to which they cannot otherwise conveniently have access.

VIII. THE power of pardoning offences, except such as persons may be convicted of before the Senate by an impeachment of the House, shall be in the Governor, by and with the advice of Council: But no charter of pardon, granted by the Governor, with advice of the Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence, or offences intended to be pardoned.

IX. ALL judicial officers, the Attorney-General, the Solicitor-General, all Sheriffs, Coroners, and Registers of Probate, shall be nominated and appointed by the Gover-

nor, by and with the advice and consent of the Council; and every such nomination shall be made by the Governor, and made at least seven days prior to such appointment.

X. THE Captains and subalterns of the militia, shall be elected by the written votes of the trainband and alarm list of their respective companies, of twenty-one years of age and upwards: The field-officers of regiments shall be elected by the written votes of the Captains and subalterns of their respective regiments: The Brigadiers shall be elected in like manner, by the field-officers of their respective brigades: And such officers, so elected, shall be commissioned by the Governor, who shall determine their rank.

THE Legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the Governor the officers elected.

THE Major-Generals shall be appointed by the Senate and House of Representatives, each having a negative upon the other; and be commissioned by the Governor.

AND if the electors of Brigadiers, field-officers, Captains or subalterns, shall neglect or refuse to make such elections, after being duly notified according to the laws for the time being, then the Governor, with advice of Council, shall appoint suitable persons to fill such offices.

AND no officer, duly commissioned to command in the

militia, shall be removed from his office, but by the address of both Houses to the Governor; or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.

THE commanding officers of regiments shall appoint their Adjutants and Quartermasters; the Brigadiers their Brigade Majors; and the Major-Generals their Aids; and the Governor shall appoint the Adjutant-General.

THE Governor, with advice of Council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,--as also all officers of forts and garrisons.

THE divisions of the militia into brigades regiment and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. NO monies shall be issued out of the treasury of this Commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bill of credit or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, with the advice and consent of the Council, for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and re-

solves of the General Court.

XII. ALL public boards, the Commissary-General, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months officially and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the said commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbour or harbours adjacent.

AND the said boards, and all public officers, shall communicate to the Governor, as soon as may be after receiving the same, all letters, dispatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. AS the public good requires that the Governor should not be under the undue influence of any of the members of the General Court, by a dependence on them for his support--that he should in all cases, act with freedom for the benefit of the public--that he should not have his

attention necessarily diverted from that object to his private concerns--& that he should maintain the dignity of the Commonwealth in the character of its chief magistrate--it is necessary that he should have an honorable stated salary, of a fixed & permanent value, amply sufficient for those purposes, & established by standing laws: And it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such salary by law accordingly.

PERMANENT and honorable salaries shall also be established by law for the Justices of the supreme judicial court.

AND if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged as the General Court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor

Art. I. THERE shall be annually elected a Lieutenant-Governor of the Commonwealth of Massachusetts, whose title shall be HIS HONOR--and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the Governor: And the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a Governor. The return of the votes for this

officer and the declaration of his election, shall be in the same manner: And if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the Senate and House of Representatives, in the same manner as the Governor is to be elected, in case no one person shall have a majority of the votes of the people to be a Governor.

II. THE Governor, and in his absence the Lieutenant-Governor, shall be President of the Council, but shall have no vote in Council: And the Lieutenant-Governor shall always be a member of the Council, except when the chair of the Governor shall be vacant.

III. WHENEVER the chair of the Governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the Lieutenant-Governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the powers and authorities, which by this Constitution the Governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections
by the Legislature.

Art. I. THERE shall be a Council for advising the Governor in the executive part of government, to consist of nine persons besides the Lieutenant-Governor, whom the

Governor, for the time being, shall full power and authority, from time to time, at his discretion, to assemble and call together. And the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II. NINE Counsellors shall be annually chosen from among the persons returned for Counsellors and Senators, on the last Wednesday in May, by the joint ballot of the Senators and Representatives assembled in one room: And in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the Council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of Senators left shall constitute the Senate for the year. The seats of the persons thus elected from the Senate, and accepting the trust, shall be vacated in the Senate.

III. THE Counsellors, in the civil arrangements of the Commonwealth, shall have rank next after the Lieutenant-Governor.

IV. NOT more than two Counsellors shall be chosen out of any one district of this Commonwealth.

V. THE resolutions and advice of the Council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by

either House of the legislature; and any member of the Council may insert his opinion contrary to the resolution of the majority.

VI. WHENEVER the office of the Governor and Lieutenant-Governor shall be vacant, by reason of death, absence, or otherwise, then the Council or the major part of them, shall, during such vacancy have full power and authority, to do, and execute, all and every such acts, matters and things, as the Governor or the Lieutenant-Governor might or could, by virtue of this Constitution, do or execute, if they, or either of them, were personally present.

VII. AND ~~whereas~~ the elections appointed to be made by this Constitution, on the last Wednesday in May annually, by the two Houses of the legislature, may not be compleated on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows; the vacancies in the Senate, if any, shall first be filled up; the Governor and Lieutenant-Governor shall then be elected, provided there should be no choice of them by the people: And afterwards the two Houses shall proceed to the election of the Council.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Art. I. THE Secretary, Treasurer and Receiver-Gen-

eral, and the Commissary-General, Notaries Public, and Naval-Officers, shall be chosen annually, by joint ballot of the Senators and Representatives in one room. And that the citizens of this Commonwealth may be assured, from time to time, that the monies remaining in the public Treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver-General more than five years successively.

II. THE records of the Commonwealth shall be kept in the office of the Secretary, who may appoint his Deputies, for whose conduct he shall be accountable, and he shall attend the Governor and Council, the Senate and House of Representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

Judiciary Power.

Art. I. THE tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting such concerning whom there is different provision made in this Constitution: Provided nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature.

II. EACH branch of the Legislature, as well as the

Governor and Council, shall have authority to require the opinions of the Justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. IN order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of Justices of the Peace shall expire and become void in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the Commonwealth.

IV. THE Judges of Probate of Wills, and for granting letters of administration shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require. And the Legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective Judges shall direct.

V. ALL causes of marriage, divorce and alimony, and all appeals from the Judges of Probate shall be heard and determined by the Governor and Council, until the Legislature shall, by law, make other provision.

CHAPTER IV.

Delegates to Congress.

THE delegates of the Commonwealth to the Congress of the United States, shall, sometime in the month of June annually, be elected by the joint ballot of the Senate and House of Representatives, assembled together in one room; to serve in Congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the Governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

CHAPTER V.

The University at Cambridge, and Encouragement of Literature &c.

SECTION I.

The University

Art. I. WHEREAS our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard-College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State: And whereas the encouragement of arts and sciences, and all good literature, tends to the honour of GOD, the advantage of the christian religion, and the great benefit of this and the other United States of America--It is de-

clared, That the PRESIDENT and FELLOWS of HARVARD-COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: And the same are hereby ratified and confirmed unto them, the said President and Fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. AND whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard-College in Cambridge, in New-England, or to the President and Fellows of Harvard-College, or to the said College, by some other description, under several charters successively: IT IS DECLARED, That all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the President and Fellows of Harvard-College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

III. AND whereas by an act of the General Court of the Colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the Governor and Deputy-governor, for the time being, and all the magistrates

of that jurisdiction, were, with the President, and a number of the clergy in the said act described, constituted the Overseers of Harvard-College: And it being necessary, in this new Constitution of Government, to ascertain who shall be deemed successors to the said Governor, Deputy-Governor and Magistrates: IT IS DECLARED, That the Governor, Lieutenant-Governor, Council and Senate of this Commonwealth, are, and shall be deemed, their successors; who, with the President of Harvard-College for the time being, together with the Ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the Overseers of Harvard-College; PROVIDED, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the late Province of the Massachusetts-Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

WISDOM, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary

for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections and generous sentiments among the people.

CHAPTER VI.

Oaths and Subscriptions: Incompatibility of and Exclusion from Officers; Pecuniary Qualifications; Commissions; Writs; Confirmation of Laws; Habeas Provision for a future Revisal of the Constitution, &c.

Art. I. ANY person chosen Governor, Lieutenant-Governor, Counsellor, Senator, or Representatives and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.--

"I, A.B. do declare, that I believe the christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the Constitution as one qualification for the office or place to which I am elected."

AND the Governor, Lieutenant-governor, and Counsellors, shall make and subscribe the said declaration, in the presence of the two Houses of Assembly; and the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution, and forever afterwards before the Governor and Council for the time being.

AND every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.--

"I, A.B. do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, soverign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traiterous conspiracies and all hostile attempts whatsoever: And that I do renounce and abjure all allegiance, subjection and obedience to the

King, Queen or Government of Great Britain, (as the case may be) and every other foreign power whatsoever: And that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their Constituents in the Congress of the United States: And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation for the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever,

So help me GOD."

"I, A.B. do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as ; according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this Commonwealth.

"So help me GOD."

PROVIDED always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said

oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words "I do swear." and abjure." "oath or." "and abjuration." in the first oath; and in the second oath, the words "swear and," and in each of them the words "So help me GOD." subjoining instead thereof, "This I do under the pains and penalties of perjury."

AND the said oaths or affirmations shall be taken and subscribed by the Governor, Lieutenant-Governor, and Counsellors, before the President of the Senate, in the presence of the two Houses of Assembly; and by the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution; and forever afterwards before the Governor and Council for the time being: And by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the Legislature.

II. NO Governor, Lieutenant-Governor, or Judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this Constitution they are admitted to hold, saving that the Judges of the said court may hold the offices of Justices of the Peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State or government or Power whatever.

NO person shall be capable of holding or exercising at the same time, more than one of the following offices within this state, viz.--Judge of Probate--Sheriff--Register of Probate--or Register of Deeds--and never more than any two offices which are to be held by appointment of the Governor, or the Governor and Council, or the Senate, or the House of Representatives, or by the election of the people of the State at large, or of the people of any county, military offices and the offices of Justice of the Peace excepted, shall be held by one person.

NO person holding the office of Judge of the supreme judicial court--Secretary--Attorney-General--Solicitor-General--Treasurer or Receiver-General--Judge of Probate--Commissary-General--President, Professor, or Instructor of Harvard-College--Sheriff--Clerk of the House of Representatives--Register of Probate--Register of Deeds--Clerk of the Supreme Judicial Court--Clerk of the Inferior Court of Common Pleas--or Officer of the Customs, including in this description Naval-Officers--shall at the same time have a seat in the Senate or House of Representatives; but their being chosen or appointed to, & accepting the same, shall operate as a resignation of their seat in the Senate or House of Representatives; and the place so vacated shall be filled up.

AND the same rule shall take place in case any Judge of the said Supreme Judicial Court, or Judge of Probate, shall accept a seat in Council; or any Counsellor shall

accept of either of those offices or places.

AND no person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under the government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. IN all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce: And it shall be in the power of the Legislature from time to time to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV. ALL commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor and attested by the Secretary or his Deputy, and have the great seal of the Commonwealth affixed thereto.

V. ALL writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts: They shall be under the seal of the court from whence they issue: They shall bear test of the first Justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

VI. ALL the laws which have heretofore been adopted, used and approved in the Province, Colony or State of Massachusetts-Bay, and usually practised on in the courts

of law, shall still remain and be in full force, until altered or repealed by the Legislature; such parts only excepted as are repugnant to the rights and liberties contained in this Constitution.

VII. THE privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding twelve months.

VIII. THE enacting stile, in making and passing all acts, statutes and laws shall be----"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same."

IX. TO the end there may be no failure of justice or danger arise to the Commonwealth from a change of the Form of Government--all officers, civil and military, holding commissions under the government & people of Massachusetts-Bay in New England, and all other officers of the said government and people, at the time this Constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: And all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers shall continue in full force, in the enjoyment and exercise of

all their trusts, employments and authority; until the General Court and the supreme and executive officers under this Constitution are designated and invested with their respective trusts, powers and authority.

X. IN order the more effectually to adhere to the principles of the Constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary--the General Court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the Selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments.

AND if it shall appear by the returns made, that two thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, or direct them to be issued from the Secretary's office to the several towns to elect delegates to meet in Convention for the purpose aforesaid.

THE said delegates to be chosen in the same manner and proportion as their Representatives in the second branch of the Legislature are by this Constitution to be chosen.

XI. THIS form of government shall be enrolled on parchment and deposited in the Secretary's office, and be

a part of the laws of the land--and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, President
of the Convention.

Attest,

SAMUEL BARRETT, Secretary.

APPENDIX XVIII

TEXT OF THE "APOLOGIA" OF JOSHUA CUSHMAN, EZEKIEL WHITMAN, MARTIN KINSLEY, AND LEVI LINCOLN IN EXPLANATION OF THEIR VOTES IN OPPOSITION TO THE MISSOURI COMPROMISE.¹

AN ADDRESS
TO THE PEOPLE OF MAINE.

Fellow Citizens:

We, the undersigned, members of the House of Representatives in Congress, from Maine, deem it proper to unfold to you, some of the considerations which have governed us, in the late struggle to make the admission of Maine into the Union, depend on the unconditional admission of Missouri also. This is the first attempt, that is remembered in this government, bearing any analogy to any thing of this kind. The laws of a legislative body are, commonly, in part, at least, the result of usage. In this country there is certainly no usage to warrant the procedure in question. If there were, it would not be the less reprehensible in point of principle. There are here, none of the reasons for such a course, which may be supposed to exist in other countries.

In Great Britain the legislative power is in the hands of three distinct and independent branches; having interests differing from, and opposed to each other. There it may often be proper to struggle for the acquisition or the preservation of power, in order to promote the interests of a particular branch or class of the people. The

¹Portland Gazette. March 21. 1820.

crown might struggle for its privileges--the nobles for theirs--and the common for theirs.

In this country it is otherwise. The president, the Senate, and the House are, all, the creatures and servants, merely, of the people; and neither can have any other legitimate view than to the promotion of their interests. Whenever, then, we behold in this government a struggle, in which there shall be other than an open, liberal, and ingenuous course adopted, there must be something wrong; something that no man can justify.

In the intercourse between the different branches of a legislature, constituted like ours, there should be the utmost liberality; and nothing on the part of one that should imply, in any degree, a want of confidence in the justice, liberality, and virtue of the other.

When the Bill for the admission of Maine into the Union, was first discussed, at an early period of the session, the honourable Speaker of the House avowed his opposition to the admission of Maine, unequivocally, until Missouri should have been admitted, with the privilege of continuing the increase of the slave holding population; and alleged that this jealousy of power on the part of the south, was justified by a similar jealousy on the part of the north, manifested in the admission of Kentucky. He alleged that Kentucky had been kept out of the Union eighteen months, waiting for Vermont to be admitted, as a counterpoise in the scale of the Union. This piece of his-

tory he stated as having been handed down by tradition, and derived from sources on which he could confidently rely. The same facts were again asserted, subsequently, by an honourable member (Governor Barbour, of Virginia) of the Senate. On examination, this precedent turns out not to have had the slightest foundation in fact.

Kentucky experienced no delay or opposition on her application for admission, from any quarter whatever. The first, and only petition, she ever presented for admission, was communicated by the President of the United States, on the 9th of December, 1790. A Bill was introduced for her admission, in the Senate, by a member of that body from New-York, on the 3d of January, 1791, and finally passed that body on the 12th; and the House, on the 28th of the same month. Vermont did not determine to accede to the Union till the 15th, nor apply for admission till the latter part of the same month, and no Bill was introduced into either House of Congress for her admission, until the 10th of February, following--some weeks after the Bill for the admission of Kentucky had passed both branches. In the petition for the admission of Kentucky, she prayed that she might be permitted to become a state after the first of June, 1792. And this was in conformity to the act of the legislature of Virginia, giving her consent that Kentucky might become a state after that period. Congress had not the power to say that she should be admitted before that time. Not the slightest opposition appears,

either in the journals of Congress, or the newspapers of the day, to have been made to her admission. This imputation upon the people of the north, therefore, is wholly unsustained, and furnishes not precedent for such a procedure, as has been attempted in relation to Maine.

This obstruction to the admission of Maine, has in it no inconsiderable degree of inconsistency. It might well have been expected to defeat it at present; and for many years to come. Yet all agreed that Maine was entitled to admission. The faith of the government had been pledged for it. An act was passed at the last session, concerning the coasting trade, virtually saying to Maine, "Ask admission and you shall receive it." Those who have noticed the proceedings of the last Congress know that it was introduced into the Senate, and advocated in both Houses with this declared object. It had been seen, that, as the law had before stood, it formed an insuperable obstacle, on the part of Maine, to an admission into the Union. That having been removed and for this purpose, almost, solely--at any rate it was that which set it on foot--she immediately presented herself for admission. Her merits--her size--her population--all entitled her to it. Her size and population are at least equal to that of any or half the states in the Union. During the late war, she furnished more recruits for the army than any equal population in the Union besides; not part of which was employed in her immediate defence and protection, or

in repelling the invasion of half her territory--of which, circumstanced as the country then was, the undersigned are not to be understood as complaining.

It is now apparent, and the avowals in both Houses have been distinctly to this point, that they say to Maine, "you may come into the Union; we shall be glad to receive you; you are entitled to admission upon every principle. But if you do come in, you must bring with you Missouri--slaves and all--not only those which she now has, but all that she may acquire to the end of time." A prodigious load indeed!

The people of the north were, moreover, threatened, that if this admission of Missouri could not be accomplished, a continuation of the Union must not be expected. That the people of the south would never submit to have slavery prevented west of the Mississippi. We were told that we could never enforce any such restriction; that Missouri would never submit to it; that the people of the west and south would aid her in repelling every attempt to enforce it.

These proceedings and declarations are to be regretted and to be deprecated. They will have the worst possible effect. The north must, at least, stand upon the defensive. And, whatever may be its solicitude for the best interests of the Union; and however anxious it may be for the happiness and prosperity of it; such proceedings and such declarations should not be passed without animad-

version.

To be totally regardless of such--not indications merely--but positive declarations--over and over again repeated--and from all the prominent characters of the south, will not and ought not to be forgotten.

We are nevertheless, far from wishing or intending to excite political dissensions, or to create local jealousies. We must forever guard against such a tendency. It would jeopardize the best and dearest interests of our common country. We trust, and indeed, know, that the good sense of the people of Maine will enable them to discriminate between measures calculated to promote our great national interests, and those leading alone to secure power and influence in any particular portion of our country.

But we see here, a principle of union--a rallying point--a principle which creates in this union a solid column--an impenetrable phalanx, for ever united for political power and influence; while in the north we have no such common bond of union. There we have every variety of interest, keeping us, on the contrary, forever divided. We have our agriculturalists, our merchants, our manufacturers, our navigators, and every other species of pursuit; exciting jealousies, bickerings, heart burnings, and fostering continually the spirit of party.

While the south are united, and the influence of the north neutralized by their divisions, power, over the Union, must continue to reside where it has done ever since

the formation of the government. That we have been well governed thus far, the undersigned will not take upon them to deny. That the present chief magistrate is worthy of his station, is readily admitted; and could they prevent his re-election they would not do it. His long tried and faithful services, in the promotion of the best interests of his country, forbid it. We merely wish that the state of political influence and power in this Union, should be well understood and fully comprehended.

It should not be concealed, also, that the power of the executive, which we would not impair or diminish, in this country, is not inconsiderable. He has under his control, eight or ten thousand officers, distributed over the Union, comprising the most active and influential men, together with perhaps twice, nay, ten times that number of expectants of office; all of whom are under an inducement to adhere to him, with all their influence and power. Whenever power in this country, then, shall have taken root in a quarter in which there shall be found such a common principle of union, it cannot be easily eradicated.

The lessons which have been inculcated in the course of the discussion of the questions, in relation to Maine and Missouri, should forever hereafter be borne in mind. Missouri is now to be admitted as a slave-holding state. Arkansaw is next to follow. Thus this principle of union--this rallying point is to be extended and strengthened. The Indian title to the residue of the Louisiana country

is not yet extinguished. Till it shall be, the country cannot be settled, and it will depend on two thirds of the Senate whether the title ever shall be extinguished; as no treaty can be made for its extinguishment, but by the concurrence of two thirds of that body. Till the restriction as to slavery shall be removed, no doubt need be entertained, that more than one third of that body will be found in opposition to any such treaty. In this way they may prevent the formation of any new non slave-holding states, west of the Missouri. In this way too, they may prevent the possibility of having their influence impaired--but on the other hand, will secure its increase.

The undersigned, were, however, more especially prompted to address you, in order to explain the operation of this scheme, of making the admission of Maine depend on the admission of Missouri, upon ourselves. It was as it respects the members from Maine, in the highest degree insidious. It was calculated (and whether designed or not for that purpose, you will judge) to circumvent them. We cannot suppose that any member of the Senate was ignorant of what had been done in Maine. It was well known, in fact, that we have been long struggling for independence, and for admission, into the Union, that Massachusetts had, at length, consented to the separation--that, at great expense, and after a deliberation of many weeks, a numerous convention had formed a constitution--that the people, in their primary assemblies, had, almost unanimously, rati-

fied it--that upon this the delegation from Maine were expected to consummate their wishes by procuring admission into the Union. It was foreseen further, that the votes of the Maine delegation, if secured against the restriction upon Missouri, would defeat that measure; and, moreover, it cannot be doubted, it was believed, and in a manner known, that not more than one of your delegation was so inclined to vote.

What, then, did the Senate know to be the manifest tendency of this measure? How could they have been ignorant of it? What, then, did they virtually say to the members from Maine? Was it not this? You desire the admission of Maine--you are under the strongest necessity of obtaining it--we have not objection to it--you ought to have it; but you shall not have it, without you will, nolens volens, vote for the admission of Missouri into the Union, without any regulation as to slavery--whatever may be your sentiments, or however abhorrent it may be to your notions of the rights of man and of humanity.

By way of sweetening this bitter draught, a regulation is annexed in relation to territory, west and north of Missouri, which is not yet purchased from the Indians, and which, it may be intended, we never shall purchase. And this is called a compromise.

We were disposed to be governed, in this instance, by a spirit of amity, and of that mutual defence, and concession which the peculiarity of our political situation

might demand. But the undersigned believed they were not sent here to be influenced by considerations other than those flowing from the dictates of their own unbiased understanding; and, at any rate, that they were not to be placed in such a situation as to be compelled to yield implicit obedience to the mandates of any man or set of men whatever.

The undersigned, therefore, utterly protested against such a course of procedure; and refused to sanction it with their approbation. In doing so, we trust and believe, that we can but have fulfilled, at least, the reasonable expectations of our fellow citizens.

M. Kinsley,

Joshua Cushman,

Ezekiel Whitman,

Enoch Lincoln,

Washington, March 7, 1820.

APPENDIX XIX

1

MR. HOLMES' LETTER TO THE PEOPLE OF MAINE AND THE
ADDRESS OF MARK LANGDON HILL TO THE PEOPLE OF MAINE.²

MR. HOLMES' LETTER TO THE PEOPLE OF MAINE.

Fellow Citizens:

A representative of the people ought generally to expect that his constituents would understand the reasons of his conduct from the arguments which each subject invites. Apologies or justifications are extraordinary efforts, and calculated to excite suspicion. A premature defence betrays a consciousness of error, or implies an indirect censure of those from whom we differ.

With these impressions, and a confidence of my rectitude of intention, I have hitherto presented my official conduct to my constituents with the reasons only, which arise from ordinary discussion; presuming on the candour and intelligence of a generous and enlightened community, to do justice to my measures and motives.

It is with much hesitation and considerable reluctance, that I have, in the present instance, been induced to deviate from my usual course. But, in presenting this address to the people of Maine, I beg them fully to understand, that no fear of their suspicion, doubt of their

¹John Holmes MSS (Me. H.S.), II, 412; Eastern Argus, May 2, 1820.

²Eastern Argus, April 25, 1820.

candour, nor consciousness of any error of my own, has rendered it necessary for me to claim their attention.

Four of my colleagues, and a majority of the whole delegation from Maine, having differed from myself and Mr. Hill, on the Missouri Question, and the compromise of it as finally adopted, have deemed it expedient to make an extraordinary appeal to their constituents. Differing from the rest of the delegation with one exception; standing against such talents and numbers, who might urge their pretensions with a confidence which a majority inspires and popular excitement encourages; apprehending that a laboured defence of their own course must of necessity, operate as an attack upon mine; and understanding that their communication has been circulated into my own district to instruct my particular constituents; I am reluctantly compelled to offer to the people, the reasons for my conduct, and its effect upon the interests of the nation and the independence of Maine.

It will be recollected, that in the last Congress, and before the attempt for the separation of Maine had commenced, a proposition to inhibit slavery in Missouri, as a condition of her admission into the Union, was discussed, and the restriction imposed in the House and rejected in the Senate. At that time, upon mature reflection and without the aid of popular excitement, I was compelled to the conclusion, that the restriction could not be imposed; and this opinion was expressed in the House of Rep-

representatives, and went to the public through the medium of newspapers. Since that time, I have been called by my constituents to important public duties, wherein the rights and liberties of the people were intimately concerned; have acted with the most intelligent citizens of all classes and from all sections of Maine; and to my recollection, not one word of doubt, distrust, or regret, was ever expressed to me about the vote I had given. Until the commencement of this session of Congress, the people of the United States appeared disposed to submit the question to the uninfluenced decision of the only constitutional tribunal; and, until the circulars from New York had been obtruded upon the citizens of Maine, they had never felt an excitement, nor entertained a thought of, becoming parties to the discussion.

With a solitary exception, limited in its numbers, I had not, during this protracted discussion, from my constituents or the people of Maine, any instruction urging or requiring that my course should be different from what it had been. On the contrary, the tenor of my communications from gentlemen of the first political standing in the State, was in perfect accordance with my own opinion.

It would surely be paying a poor compliment to the people of Maine, to imagine for a moment, that they would wish or expect that a representative should yield to their opinions on a constitutional question at the expense of his conscience, and in violation of his oath. A high-

mind,ed, honourable, generous, and free people would pity and despise the man who should sacrifice his duty to popular feeling, or artificial excitement. Believing, as I most sincerely did, that the political right of regulating the condition of master and slave, belonged exclusively to the people of Missouri, I was constrained to refuse to Congress the exercise of a municipal power, in extent unlimited, and in operation dangerous and destructive to the sovereignty of the States.

For seventeen years the right to hold slaves in Missouri, had been recognised and confirmed. The lands there were purchased from a common fund, and the right of the slave-holder to emigrate, settle, and cultivate them, was coordinate with that of the rest of the people.

Parts of this same Territory had been incorporated into three different States, in each of which this right had been conceded. The treaty of cession was imperative--the terms were palpable, explicit, and unequivocal. The most ingenious dissertations to the contrary, were but a manifest perversion of a plain common-sense meaning, which, it was impossible to mistake. Thus did the Constitution, the treaty, and our own plighted faith forbid us to impose this restriction upon Missouri.

But, had the power existed, the effect of the experiment was doubtful and dangerous. Since the year 1808, Congress has been laudably engaged in prohibiting the importation of slaves. Laws have been enacted, amended, and

improved; punishments have been augmented and enforced; and the navy of the United States has been put to requisition to arrest the violators of the laws. The gentlemen from the slave-holding States, with a zeal, which is a pledge of their sincerity, have ever been foremost to provide for detecting the offender and bringing him to justice. A common sentiment of indigestion and abhorrence at the slave-trade, was beginning to prevail; and a correspondent feeling of humanity towards those already here, was inculcated and extended.

Experience had proved that to confine great numbers to slaves to a single owner, unable to afford them his personal protection, would expose them to the cruelty of overseers and other distresses. The constant emigration of free persons, without their slaves, would increase the evil and expose to danger those who remained. To permit the slave-holders to emigrate to Missouri with their slaves, would be to disperse but not to increase them. Distributed into the hands of more masters, they would be more intimately connected with their families, become the objects of their affection, and of their moral and religious instruction. Shall then the slaves now in the United States be confined to the slave-holding States, or be permitted to be carried to Missouri? This is the Missouri Question, so much spoken of and so little understood. Not whether more slaves shall be admitted into the United States--against this every hand is raised. Not

whether slavery is evil--all agree that it is a most afflicting, a most dangerous evil. Not whether it ought to be abolished--but what our Constitution means, to remove this evil without inflicting a greater? These are questions on which men may honestly differ. The best feelings of the human heart are instantly enlisted in favour of any measure, whose professed object is liberty to the slave, and without regarding its tendency or effect, humanity extorts an opinion, which pride forbids us to retract.

Born and nurtured in a land of liberty; habitually entertaining an utter abhorrence of slavery, in whatever disguise; witnessing as I verily believe, the happy moralizing influence of universal freedom; experience, moreover, the voluntary tribute of affection from freemen, which I ~~am~~ always proud to reciprocate; I seized with ardent partiality the proposed restriction, examined it with confident hope, and to my utter disappointment and regret was compelled to condemn it as unconstitutional, inexpedient, and dangerous.

The Constitution of the United States was a compromise of conflicting rights and interests. This having recognized the right of any State to its slaves and the treaty of cession and the laws in the territory having established and confirmed it to Missouri, the people there, complained of the interference of Congress in their internal concerns. Strong as were my impressions against

slavery, the right of a people to manage their own affairs in their own way, had been too lately exercised by the citizens of Maine to escape my recollection,--The attempt of Massachusetts to prescribe to us, our duties in regard to Bowdoin College, was not forgotten. The indignation felt, at this officious interference, and the very great unanimity with which we, by a Constitutional act, withhold all endowment from that institution, until it should renounce the odious provision, were strong and impressive proofs of our principles; and gave an assurance that we were too magnanimous to impose on Missouri a restraint, which we had so recently, emphatically and indignantly rejected.

The Senate of the United States by a decisive vote, had rejected the restriction, which the House had, by a small majority, imposed. By this disagreement of the two Houses, the admission of Missouri had been delayed from the last session, the public feeling was greatly excited, and a geographical division of parties was forming, which threatened danger, if not dissolution, to the Union. Meanwhile, slaves might be admitted into all our Territories and the evil, real or supposed, could not be restrained. The north and east were to be arrayed against the south and west, mutual animosities were fomented, recriminations reiterated, parties rallying, and leaders presenting themselves to martial, and conduct the parties to the field.

The friends of the republic began to perceive that the Union was in danger; and that another year's delay would impair if not dissolve it. The contest was approaching a crisis, and a compromise was the only remaining resort--the last hope for the restoration of tranquility.

To this there seemed an insuperable objection. A bill for the admission of Maine into the Union, had passed the House early in the session, and in the Senate had been united with that for the admission of Missouri. This union had been resisted in the House as unprecedented and improper. The discussion which these subjects, thus united, necessarily involved, had increased the excitement and widened the breach, between the parties. The liberal course of some gentlemen from the north, and the evidence exhibited that Maine, when admitted, would not be disposed to combine to enforce the proposed restriction, had induced several members of the Senate to relax, and to consent that Maine should be admitted alone. These, with the minority, originally against the union of the two subjects, would have secured a separate admission of Maine. But the doctrines advanced by a Senator in the second debate, and echoed in the House, the avowal that it was a contest for political power, and the consequent excitement and alarm, determined the majority to insist that both or neither should be admitted.

In this state of irritation, committees of conference

were appointed; the members on the part of the Senate were Messrs. Thomas, Barbour, and Pinkney, and, of the House, Holmes, Taylor, Lowndes, Parker, M. and Kinsley. A compromise was proposed--that Maine, should be admitted separately, Missouri without restriction, and that slavery should be inhibited in all the territory north of 36 degrees 30 min. N. lat. To the principles of manner of executing the compromise occasioned considerable discussion. The committee of the Senate, whose numbers were sufficient to effect a separation of Missouri from Maine by uniting with those who had opposed their union, offered their pledge that, if the compromise were effectuated in the House, Maine should be admitted unconnected. We objected, and insisted that Maine must be first admitted. The Senate's committee would have consented to this, could we have made a similar pledge in regard to Missouri. This we could not do, and were about to separate on a point of etiquette, which could be safely yielded by the House, but not by the Senate. The peace of the Union, as well as the admission of Maine, was involved in it; and at last a majority of the committee of the House, (Mr. Taylor dissenting to the principles, and Mr. Parker to the form) consented that separate and similar reports should be presented in both branches, and each acted on without any stipulation in regard to priority. The compromise was agreed to--the bills have passed--and the subject is at rest. Maine was admitted into the Union--the slave-

holding States obtained a southern latitude for themselves and their slaves, and the north, an exclusion of slavery from an immense territory sufficient for all their purposes of emigration. The probability that, for a long time, the non-slave-holding States will have a majority in the House, and the slave-holding States, in the Senate, affords each party a security that the compromise will be permanent.

To the people of Maine the event is interesting and important. I have in my possession the most positive proof, from gentlemen of unquestioned veracity and honour, with full liberty to publish it, if I please, that the Senate would never have yielded further than they did, and that, had not the report of the conferees been accepted, Maine must have been excluded. It is matter of satisfaction to Mr. Hill and myself that, while our votes secured the admission of Maine, they were in perfect coincidence with our principles in regard to Missouri; and the members of the delegation who have addressed you, have the consolation that they have been subject to no constraint, inasmuch as the previous admission of Maine could never have induced them to vote for a compromise which they condemn, as unequal and unjust.

In reflecting upon the conduct of the people of Maine, during this interesting and arduous struggle, it affords one high satisfaction, reminds me of the virtues of the past, and presents sure pledge for the wisdom of the

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In reflecting upon the conduct of the people of Maine, during this interesting and arduous struggle, it affords one high satisfaction, reminds me of the virtues of the past, and presents sure pledge for the wisdom of the

future. Just emerging from colonial dependence, commencing her career of policy, and establishing her character with her sister States; it became her to avoid sectional contests, to solicit the favour and friendship of all, and to exhibit a policy, at once national, liberal, and just.

When the tempest of war assailed us; when discord, distrust, and disaffection prevailed; when the hopes of the enemies of freedom were exalted, and the face of the patriot wore paleness and dismay, Maine was firm, confident, and unshaken. At this time, with present prospects, and an undiminished fidelity to the Union, was it expected that she would combine to produce a geographical division of party? Could she have wished that her representatives should have persisted in a restriction, which they could not enforce, at the expense of the independence of Maine, the harmony of the Nation, and the safety of the Union? A political combination of the discordant materials of the north, to over-balance the slave-holding States, promises but little to the harmony and prosperity of the Nation. From this, what political or moral benefit would result? Would a northern party, marked by geographical lines, in which all others might be absorbed, produce an amalgamation, very congenial with the feelings and wishes of Maine?

And who are the men against whom you are called to unite? Republicans, honorable and patriotic brethren, sympathizing and affectionate, who have fought by your side, and triumphed with you in your country's cause.

Your interests and prospects imperatively require you to discountenance and resist every attempt to excite local jealousies. Young, enterprising, and industrious, you will need the aid and friendship of the slave-holding States. Your navigation, commerce, fisheries, and manufactures must be cherished and improved. Protection to these is generally taxation upon their products of agriculture. On these subjects they have hitherto been liberal and magnanimous. But engage in this crusade against them; compel them to unite on the only subject in which their safety is exclusively concerned; combine against them in an affair so critical and delicate as the management of their slaves; and you provoke a hostility at once destructive of your own interests, and the safety of the nation.

But this attempt was most alarming to the slave-holding States. We, who know nothing of slaves, can have no correct conception of the excitement which the agitation of this question must naturally produce. Whatever may be imagined, the masters have a strong attachment to their slaves. So jealous are they of any attempt to infringe their rights to this species of property, that, to agitate the question, produces the keenest sensibility. Any indication of a wish to emancipate them, endangers the master, and subjects the slave to a more rigorous discipline. The slave-holding States would combine and resist every attempt of ours, at emancipation. Should we here-

after persist in provoking a union of these States, the parties would take their stand with all the inveterate obstinacy, which a deep sense of wrong on the one hand, and a zeal for humanity on the other, would inculcate. Instead of a competition in acts of kindness and magnanimity; instead of an honourable emulation in feelings and duties, of forbearance and charity; instead of patriotic struggles for the safety, prosperity, and glory of the nation; we should be engaged in the unprofitable and fatal strike of inflicting and retaliating injuries, provoking jealousies and deadly hate; throwing obstacles and stumbling blocks in the way of each other's prosperity and happiness; and, at last consummate the hopes of tyrants by destroying the Union, and prostrating, in the dust, the temple of liberty.

I have thus given you, my fellow-citizens, a plain, concise, and candid view of my conduct, and my reasons in this interesting and important question. If I have erred, it is from an excessive zeal for the preservation of the Constitution and a superabundant solicitude for the harmony and safety of the Union.

In reviewing, however, my course, since the question has been decided, I find no cause of regret, but much of felicitation. The framers of the Constitution were obliged to yield much for the sake of union; and the great Washington has told us that such concessions are necessary to preserve it. Those who apprehended that slavery would be extended over the immeasurable west, will derive consola-

tion that it is from thence excluded, and that settlements will be commenced and continued, by a people who will never after consent to establish it. Those who claim the territory as a common property for a common retreat, will be satisfied with the reflection, that though their portion is small, it is populous and valuable, and that they are excluded from a latitude where slaves could never be profitably employed. Those who saw, in this contest, an approaching storm with devastation and ruin in its wake, may rejoice "with joy unspeakable," that its fury is assuaged, its clouds are scattering, and the sun of harmony is rising "with healing in his wings and majesty in his beams."

JOHN HOLMES.

Washington, 10th April 1820.

FELLOW CITIZENS OF THE STATE OF MAINE

The Missouri question having excited unusual interest, not only in Congress, but throughout the Union, induces me, inconformity with the example of some other gentlemen from the same State, which I have the honor, in part, to represent, to assign the reasons for the vote I gave on that occasion; and as the admission of Maine into the Union, was connected with the Missouri question, I have thought it not improper, in this way, to address the people of the State generally.

When I first came to this city, the subject was almost new to me; I had, indeed, read some of the debates at the last session, but entertaining all those strong feelings against slavery in every possible shape, which characterize the people of New-England, the land of my nativity, I was naturally led to form opinions in favor of restricting Missouri, & applied to my constituents for instructions or advice; but they too, were either doubtful of the course to pursue, or too magnanimous to wish to control my judgment in the discharge of a highly responsible duty.

Soon finding, however, that the subject here was assuming a most serious aspect, I was led to inquire into the causes of urging the doctrine of restriction with so much pertinacity now, when slavery had been permitted to extend itself throughout the whole territory of Louisiana, including the State of that name, and the Missouri and

Arkansaw territories, ever since we purchased that country from France, in 1803, without one solitary check.

To this purpose, I read all the essays and pamphlets, written on both sides of the question, and they certainly were not few. I attentively listened to the speeches delivered on the occasion, and they, too, were neither inconsiderable as to numbers or the consumption of time. The result of my reflections, after mature deliberation led me to resist the connexion of Maine with Missouri, and to admit both by separate acts without restriction. Accordingly when the two Houses disagreed upon the point of that junction, I was instrumental in getting up a committee of conference, who recommended a separation of the two States the bill in which they were united: In pursuance of that recommendation, Maine was admitted into the Union by a distinct act, and Missouri was authorized by another act, to form a constitution for herself, and slavery was interdicted in all the territory of the United States beyond the Mississippi, lying west of the State of Missouri, and north of thirty-six and an half degrees of north latitude, in which there are now no white inhabitants, by a majority of three votes, which comprised mine for the following reasons, among others, viz:

1st. Because this mode of restricting slavery in territories, was in conformity to the celebrated ordinance of 1787, passed by the old Congress, in relation to the territory northwest of the Ohio, in which there were then

no white inhabitants, and which now constitutes the States of Ohio, Indiana, Illinois, and the Michigan Territory, comprising nearly a million of freemen; and this is the only precedent in point for restricting slavery known in the history of the general government.

2d. Because the slave-holding States, at the adoption of the Federal Constitution, would not surrender to Congress the control of their slaves, but permitted the power to be exercised, after 1808, of prohibiting the importation of them; to which effect, laws were enacted by Congress on the arrival of that period, with very severe penalties: and now, to admit new States into the Union, having a less degree of power or sovereignty, or not having the same rights to Senators, Representatives, or any other privileges possessed by the original States, finds no countenance in that Constitution which we have all solemnly sworn to support.

3d. Because, as Louisiana was purchased out of the common purse of the nation, it would be hard to deprive part of the citizens of the Union, of the liberty to purchase lands and to remove thither with their families and their property, when all others were tolerated so to do without condition; and slavery having been established in that province, while in the possession of the Spaniards & French; by the treaty of cession, dated 30th April, 1803, it was stipulated that "the inhabitants of the ceded territory shall be incorporated in the Union of the United

States, and admitted, as soon as possible, according to the principle of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States:--and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

4th. Because Congress had admitted Missouri to the first grade of territorial government on the third of March, 1805, and to the second grade on the fourth of June, 1812, without any restriction or limitation as to slavery, giving them complete legislative power over life, liberty, and property, which power cannot now, constitutionally, be taken away without their consent: as well might a law granting an incorporation, be annulled. Moreover, would it be just after Congress had tolerated slavery for seventeen years in that territory, and thereby greatly increased the price of the land, which they have sold in large quantities to individuals and put the money in the Treasury, now to abolish that right against the will of the people of Missouri, consisting, perhaps, of 150,000 freemen and 10,000 slaves. Such a measure would greatly depreciate the value of their estates, and by letting the negroes loose upon them produce confusion, danger, and dismay.

5th. Because the Federal Constitution was adopted in a spirit of compromise and conciliation, as is evident from the records of those transactions as well as Washing-

ton's letter to Congress; and after having received so many advantages from the Union, shall we now totally depart from that policy & menace the very existence of the government? I am compelled to remark, that whilst the great body of those who favored restriction were honest and sincere in the endeavor to limit the extension of an evil, there appeared to be some factious men, who were seeking to emerge from the disgrace brought upon them by their former misconduct, so as to acquire, in the general confusion, that public confidence which they had justly forfeited.

6th. Because if restriction on Missouri had been persisted in by the House, neither Maine nor Missouri would have been admitted this session, as I can prove, both from declarations made by a majority of the Senators, as well as documents of the highest authority in my possession, and which I shall publish if occasion requires. Maine, after spending hundreds of thousands of dollars, in time and money, in making preparations for self-government, would have had her hopes blasted by being kept out of the Union four years longer at least, for no sooner, if then, could a change be effected in the Senate sufficient to produce a different result; and all the intermediate time slavery would be increasing throughout that whole country without possibility of prevention; and finally, if the law restricting Missouri was passed, it never could be carried into effect against her will, without a resort to force,

which would have produced civil war, and probably disunion.

Whereas by admitting Missouri without restriction you quiet the Slave-holding States, constituting about one half the nation; you do not infringe the Constitution of the country; and you inhibit slavery from a territory larger than all the original thirteen United States, in exact conformity to the ordinance of 1787.

If any should think the perpetuity of the Union of little consequence, I beg them to read Washington's valedictory address, and to take Great Britain for an example, to show what our condition would be, if we lose the preponderating influence of the farming and planting interest; and, to this end, I subjoin a remark of the celebrated Adam Smith in his Wealth of Nations, "the violence and injustice of the rulers of mankind is an ancient evil, for which I am afraid the nature of human affairs can scarce admit of a remedy; but the mean rapacity, the monopolizing spirit of merchants and manufacturers, who neither are nor ought to be the rulers of mankind, though it cannot perhaps be corrected, may very easily be prevented from disturbing the tranquillity of any body but themselves."

I ask them to consider how this nation has flourished under this Union--the cities which have been built up and enriched by commerce--the extension of our navy--our rights and protection in the fisheries--the bounties paid to our fishermen--the pensions given to our soldiers and sailors--

the encouragement and protection given to our commerce--the interest accruing to our citizens from the funded and other public debts--the commerce and manufactures for the whole nation, which the people of the north must necessarily monopolize, and then say, if these advantages are to be put at hazard for a trifling consideration, or the decision of doubtful abstract questions?

As to our share of influence in the councils of the nation, we have our due proportion; but because we cannot control every body and every thing instantly, our ambitious men complain. All we have to do, in my humble opinion, is to adhere strictly to the provision of the Constitution, in their plain, literal, practical sense, and the ascendancy of the free States is certain; and if (which I do not believe,) there be any incompatibility of interest between free and slave-holding States, if it were necessary to produce concert between them on any great point, it now exists; but do not let us attempt to lay the foundation of lasting and implacable animosity, when there is no adequate motive for a disturbance of the general tranquillity.

Being no candidate for office in the new order of things, I could have no motive, but what was common to all, yet, having always been in favor of the independence of Maine, since I was a member of the convention, which met at Portland on the subject in 1795, it has invariably been an object dear to my heart.

If I have been in any degree instrumental in effecting that independence, I shall have conscious satisfaction, and have here frankly explained my views: but Maine out of the question, my vote on the Missouri bill, as at present advised, would have been the same; & if, by thus doing, I have contravened the wishes of the good people of Maine in general, and of my immediate constituents in particular, I pray them to appreciate my motives, and consider the error, if I have been mistaken, as one of the head and not of the heart.

MARK LANGDON HILL

Washington, March 31, 1820.

BIOGRAPHY OF THE WRITER

Ronald Fillmore Banks was born in Bangor, Maine on January 24, 1934. He received his early education in the public schools of Camden, Maine, and was graduated from Camden High School in 1952.

In 1956, he received a Bachelor of Science degree from Gorham State College. From 1956 to 1958, he served as a graduate assistant in history in the Department of History and Government of the University of Maine. In June, 1958, he received the degree of Master of Arts in history from the University of Maine. In 1955, he married Helena Poland. They have three children, Philip, born in 1959; Katherine, born in 1960; and Amy born in 1962.

In 1958, he was an instructor in history at Aroostook State Teachers College. In 1959, he was an instructor in history at Farmington State Teachers College. In 1960, he taught history at Rockland, Maine High School.

From 1961 to 1963, he was a N.D.E.A. fellow in history at the University of Maine. From 1963 to the present he has served as an instructor in history at the University of Maine. He is a candidate for the degree of Doctor of Philosophy in History at the University of Maine in June 1966.