

Those means consist in a renewal of negotiation, and, in the event of its failing, a recurrence to commissions of boundary, either consisting of an equal number of commissioners, attended by an umpire, to be selected by a friendly Sovereign, with a power to decide, finally, all disputed points; or a commission of the most skilful persons in Europe, to be selected by a friendly Sovereign, and to be attended by agents appointed by both parties, in their view and survey of the country, to decide peremptorily the conflicting claims.

I am happy to observe, that the Government of the United States has consented "not now to insist" on the navigation of the St. John, which Mr. Livingston states was only brought forward as forming part of a system of compensation in settling a more convenient boundary.

With regard to the renewal of negotiation proposed by Mr. Livingston, I must first call your Lordship's attention to the declaration in his note, that the Government of the United States "in the present state of things can only treat" on the basis of the establishment of the boundary presented by the Treaty," the arrangement having failed which was announced to be in progress last summer, with the State of Maine, and which was to enable the General Government to treat for a more convenient boundary. It appears to me that to renew a negotiation, restricted to that basis, would be perfectly useless.

With regard to the commissions of boundary proposed by Mr. Livingston, they differ from those under the Vth Article of the Treaty of Ghent, in as much as they are to be attended by an umpire empowered to decide, at once, all disputed points; or a final decision is to be given by the commission of scientific persons, accompanied by agents of all the parties, for the purpose, I presume, of arguing any disputed points. I have ventured to express to Mr. Livingston my conviction, that His Majesty's Government would, with great reluctance, consent again to have recourse to commissions, after the delay, expence and unsatisfactory result of those under the Treaty of Ghent. The commissioners were then attended by agents, and they had the assistance of scientific persons, and their statements, when they disagreed, were finally submitted to their respective Governments.

The view partially developed by Mr. Livingston of deviating from the direct line from the sources of the St. Croix, I was afraid was meant to pledge the British Government to drawing a line to mountains eastward of the present supposed position of the highlands of the Treaty, which, though they may be a more decided feature in the country than the latter, could not be placed upon the boundary without allowing the Americans to trench upon the acknowledged possessions of His Majesty in New Brunswick.

Mr. Livingston, however, has called upon me, and explained more clearly the view which he had only partially developed in his note. According to his explanation, the line which he would propose to draw from the sources of the St. Croix River, would be carried to the left of the due north line, or westward, instead of to the right, or eastward towards New Brunswick, upon a supposition that at a point some fifty miles (according to a small defective map which he produced) westward of the position upon the St. Francis River, given to the United States by the decision of the King of the Netherlands, highlands may be found which would, as described in the Treaty of 1783, divide waters falling on the one side into the River St. Lawrence, and on the other, into the Atlantic. To ascertain this fact, Mr. Livingston would propose that the two Governments should appoint a commission, in either of the forms suggested in his note.

Mr. Livingston called upon me, as I understood, after having submitted to the President my observations upon his note of the 30th April, and he stated to me, that after the proceedings in the Senate last year, the President was restricted to tracing a line of boundary according to the terms of the Treaty of 1783.

I can only at present give to your Lordship an account of my conversation with Mr. Livingston this day; and as I found that he was to leave Washington for several days, and that I could not expect a written statement of his proposal, the necessity of which I impressed upon him, till his return, I lose no time in making your Lordship acquainted with what has passed.

There certainly seems to be a disposition on the part of the President and his Secretary of State to settle the disputed question of boundary.

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