

timber which may be found cut down by trespassers within the Disputed Territory, shall be burnt on the spot where it may be found; and all trespassers who may be met with in the act of plundering, shall be delivered over to their respective country to be dealt with according to law.

I shall send you further instructions on this matter by the same opportunity by which I shall transmit to you the draft of a Convention for settling the Boundary.

I am, &c.,
(Signed) PALMERSTON.

No. 3.

Viscount Palmerston to Mr. Fox.

Sir,

Foreign Office, June 30, 1840.

I NOW transmit to you the Draft of a Convention which Her Majesty's Government wish to submit to the Government of the United States, for the purpose of appointing two Commissions, the one to explore and survey the line of boundary between the British Provinces of New Brunswick and Canada and the United States, and to determine and lay down that boundary in conformity with the Treaty of 1783; the other to act as Arbitrator on matters with respect to which the first Commission may be unable to come to a decision.

Her Majesty's Government trust that this Draft will be considered a fresh proof of their earnest desire to bring this long-pending business to a just and satisfactory conclusion.

The Government of the United States, in the year 1833, made to the British Government a proposal that a Commission of Exploration should be appointed by the two Governments to search for the Highlands of the Treaty of 1783. The British Government accepted that proposal in substance, but suggested certain modifications in its details. Some of these modifications were agreed to by the Government of the United States; and Her Majesty's Government prepared a Convention, which, in its preamble, recited the agreement that had been come to by the two Governments, and in its Articles was intended to carry that agreement into effect. But when the Draft of that Convention was received at Washington, the Government of the United States seemed to have changed its views; and without assigning any specific reasons for not abiding by the agreement which had previously been come to, with respect to a proposal originating with the Cabinet of Washington, it transmitted, in reply, a Draft of Convention, differing essentially from that in which Her Majesty's Government thought they had embodied the result of the preceding negotiations.

The chief reason assigned, or rather implied, by the Government of the United States for rejecting the British Draft was, that in the present state of things, it has become inexpedient for the two Governments to take any measure on these matters which shall not contain within itself the certainty that it will lead to a final settlement. Her Majesty's Government concur in that opinion, but they think that the Draft which they proposed last year will be found, upon attentive examination, to contain arrangements which must almost necessarily have led to a final settlement. There was not, indeed, in that Draft any provision for arbitration upon points on which the Members of the Commission, and the two Governments who were to appoint them, might be unable to agree; and it may certainly be said that an arrangement is in a case of this kind the best adapted to render a final settlement certain. But one principal reason why that Draft did not contain a provision for arbitration was, that no such provision had then been proposed by the Government of the United States, and that, on the contrary, the Government of the State of Maine had distinctly resolved that it would not consent to any further arbitration.