

correspondence Great Britain, the arbiters, that endeavoring for the establishment of the treaty of 1783, declined to insist and to be substituted no mistake correspondence be examined the 21st of Mr. Bank had been resident, in proposed "to annie Majes- of the bound- United States northeastern to the treaty suggested that ree upon the ns might be difficulties shment of a ties than that ch a negotia- of naviga- April, 1833, this Majesty's scover in this arriving at a It appears to rly hopeless to y, by means of boundary which commis- ing so many is Majesty's elves of any tion to a sa- o time in en- gton in the plan of bound- ant appear to convenient to hat arrange- difficulties e of Maine, y's Govern- on which it an either en- structions to asumed that carrying in- p; and that e the nego- ing up with the river St.

ngston pro- the disad- hereofore ing a new

commission, consisting of an equal number of commissioners, with an umpire selected by some friendly sovereign, to decide on all points on which they disagree; or by a commission entirely composed of skilful men in Europe, so selected, to be attended in the survey and view of the country, by agents appointed by the parties. And further suggested that where two natural boundaries are named, and running from one towards the other on the prescribed course will not touch the other, the rule is not to consider the boundary as one impossible to be traced, but to preserve the natural boundary, and to reach it by the nearest direct course. Thus, if after more accurate surveys shall have been made, it should be found that the north course from the head of the St. Croix should not reach the highlands, which answer the description of those designated in the treaty of 1783, then a direct line from the head of the St. Croix, whatever may be its direction, to such highlands ought to be adopted, and the line will still be conformable to the treaty; and Mr. Livingston informs Sir Charles R. Vaughan, that the anticipations of an arrangement by which the Government of the United States might be enabled to treat for a more convenient boundary have not been realized, and in the present state of things, they must treat on the basis of the establishment of the boundary presented by the treaty.

On 11th of May, 1833, Sir Charles R. Vaughan replies that he is convinced that it is hopeless to expect a favorable result from a renewed negotiation upon that basis; that with regard to the proposal of a commission of boundary, it would be with great reluctance that the British Government could consent to have recourse to such a measure; and that he does not sufficiently comprehend the other view which Mr. L. has partially developed, and suggests that in deviating from the direct north line might lead to mountains to the eastward of it, which would trench upon his Majesty's territories of New Brunswick, and invites Mr. L. to offer some more prompt and effectual measure for the settlement of the boundary, than the renewal of a negotiation on an inadmissible basis, or having recourse again to commissions of boundary, &c.

On the 23th May, 1833, Mr. Livingston informs Sir Charles R. Vaughan that the American Government make no pretensions further east than a line directly north from the source of the river St. Croix; but if, on a more accurate survey, it should be found that the north line mentioned in the treaty should pass each of the highlands therein described, and that they should be found at some point further west, then the principle would apply, viz: that the direction of the line to connect the two natural boundaries must be altered, so as to suit their ascertained position; and to simplify the operation, the President is willing that the commissioners should be restricted to the single question of determining the point designated by the treaty as the highlands which divide the waters, to which point a straight line shall be drawn from the monument, etc.

On the 31st May, 1833, Sir Charles R. Vaughan replies, that it appears to him that the question of boundary can only be set at rest by an abandonment of the defective description of boundary contained in

the treaty, and the two Governments mutually agreeing upon a conventional line more convenient to both parties; that the proposition of Mr. Livingston is so restricted to the terms of the treaty, that the basis of it is the same as that which he has been instructed by his Government to inform the Government of the United States that it was hopeless to negotiate upon. While the point of departure of the line to be traced according to the proposition of Mr. Livingston is clearly established, the point at which it is to terminate is left in doubt, and to be decided by the special commission, etc. He wishes to be informed what limitations it is intended to put upon the course to be followed by the commission; whether the attention of the commissioners is to be directed to any particular spot, or whether they are to be left at liberty to stop at the first highlands answering the required description, and observes that the impression left upon his mind, after a conversation with Mr. Livingston, and the production of a map upon a small scale, is, that the highlands to be sought in the manner he proposed, would probably be found north of the St. Johns, but westward some miles of the river St. Francis, and that he would be happy to receive from Mr. McLane some further explanation of the intended course to be pointed out to the special commissioners.

On the 5th June, 1833, Mr. McLane replies that it is not expected that any limitations will be put upon the course to be pursued by the special commissioners, but such as are required by a faithful adherence to the description of the boundary in the treaty of 1783, and proposes to make another effort to overcome the difficulty, and discarding the due north line, should that become necessary; to seek for and find, in the first place, the "highlands which divide these rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean;" and when the line shall be found in any part of the disputed territory, north or south of the St. Johns river, to draw a line from the monument to the said highlands, and to that point thereof which shall be nearest to a due north line from the monument.

On the 10th February, 1834, Sir Charles R. Vaughan replies, that no satisfactory or useful result could be obtained from the local survey proposed by the American Government, until the two parties are agreed upon certain points urged to him, and says no doubt can exist that by going far enough to the westward, such highlands as those required by the treaty could be found, because it is well known that the high ground in the neighborhood of the source of the St. Johns divides the Kennebec, which falls into the Atlantic Ocean, from the Chaudiere, which falls into the St. Lawrence; and upon a full view of the matter, his Majesty's Government think that, in the first place, and previously to any further negotiation, they are entitled to claim from the Government of the United States an acquiescence in the decisions pronounced by the arbiters upon all those points which he has decided; and in the next place, that as a preliminary to any attempt to settle the remaining point by negotiation, they ought to be satisfied that the Government with which they have to treat is possessed of the powers necessary for carrying into effect any arrangement upon which the two parties might agree.