

*Mr. Fox to Viscount Palmerston.—(Received October 1.)*

(No. 83.)

My Lord,

*Washington, September 12, 1841.*

IN my despatches, No. 73, of August the 8th, and No. 75, of August the 11th, I had the honour to forward to your Lordship copies of various correspondence between the Governor-General of British North America and myself, and between the United States' Government and myself, upon the subject of a proposed amended arrangement for the provisional custody and occupation of the Disputed Territory, by a limited force, on both sides, of regular troops, to the exclusion of the armed civil posse of the State of Maine.

I have now the honour to forward copies of my further correspondence with the same quarters, upon the same subject, up to the present time.

I have not found it possible to conclude any satisfactory agreement with the United States' Government upon the general provisions, taken together, of the amended arrangement desired by Her Majesty's Authorities. The only measure at present adopted by the United States' Government, will be the substitution of two companies of United States' regular troops, in the place of the armed civil posse of the State of Maine, at the two posts occupied by the Americans in the Disputed Territory. I consider that this change will be of great advantage, both with a view to the preservation of peace on the border for the present, and with a view also to the safe and prompt delivery of the territory, if the British title thereto shall be eventually established. At the same time I have stated to Mr. Webster, in my official letter herewith inclosed, dated the 6th instant, that I am not prepared to say what view Her Majesty's Government will take of the movement of the United States' troops, adopted, as it now is, as a separate measure, without reference to those other provisions, of an amended arrangement, which were proposed by the British Government, and without reference, either, to the well-grounded and reiterated remonstrances of Her Majesty's Authorities against the establishment of the American post called Fort Jarvis, at the mouth of Fish River.

I had reason to complain of the conduct of the American Government in prematurely ordering the two companies of regular troops to be moved into the Disputed Territory, pending the negotiation of the other parts of the proposed arrangement. Mr. Webster, it will be seen, has given some explanation of the matter in his letter to me, herewith inclosed, of the 4th instant. I am persuaded that the equivocal conduct of the Government in this particular has not been owing to intentional bad faith, but to the state of discord and disorganization of the public departments at Washington during the present political and ministerial crisis. I have expressed my opinions upon this subject at greater length in letters to Lord Sydenham, marked "Private and Confidential," of the 1st and 7th instant, of which copies are herewith inclosed.

I have also, it will be seen, in the same letters addressed to Lord Sydenham, given my reasons for doubting whether it will be practicable at the present time, or perhaps useful, to conclude any more precise or detailed arrangement for the provisional custody of the Disputed Territory. Considering the perpetual conflict of the Federal and State Authorities, it would be scarcely possible, in concluding such an arrangement, to avoid the insertion of articles that would, in fact, be binding upon us, and not upon the Americans. With regard to the proposed stipulation, forbidding any further construction of roads or erection of buildings, it would be exceedingly difficult to avoid giving to the Americans a right of supervision over the important British lines of military communication, north of the River St. John's, more inconvenient and embarrassing to us than a reciprocal right given to Her Majesty's