

it was understood at that time that the principle of arbitration would be decidedly objected to by the United States.

But, as the United States' Government have expressed a wish to embody that principle in the proposed Convention, the British Government is perfectly willing to accede to that wish; you are therefore instructed to state to Mr. Forsyth, that Her Majesty's Government consent to the two principles which form the main foundation of the American Counter-Draft, namely: 1st., That the Commission to be appointed should be so constituted as necessarily to lead to a final settlement of the questions at issue between the two countries; and secondly, that in order to secure such a result, the Convention, by which the Commission is to be created, should contain a provision for arbitration upon points as to which the British and American Commissioners may not be able to agree.

You will at the same time say, that there are some matters of detail in the American Counter-Draft, which Her Majesty's Government could not adopt, but that you will, by a very early opportunity, receive an amended draft to be submitted to the consideration of the President; and that you will at the same time be instructed to propose to the President a local and temporary arrangement, for the purpose of preventing collisions within the limits of the Disputed Territory.

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

No. 2.

Viscount Palmerston to Mr. Fox.

(No. 20.)

Sir,

Foreign Office, June 3, 1840.

WITH reference to my despatch No 18, of this day, I have to state to you, that it seems desirable that no time should be lost in endeavouring to settle with the United States' Government some temporary arrangement which shall effectually prevent local collisions within the Disputed Territory, during the period which may yet elapse before the question of the Boundary shall be finally determined.

I have, accordingly, to instruct you to call the serious attention of the President to the many inconveniences which are likely to result from the present state of things in that quarter, and to say, that it is the opinion of Her Majesty's Government, that the best way of preventing the friendly relations between the United States and Great Britain from being interrupted by the indiscreet acts of local authorities would be, to place these matters in the hands of the two Governments

For this purpose Her Majesty's Government would propose, that an agreement, to be recorded either by a protocol or by an exchange of notes, should be come to between yourself on the part of Her Majesty's Government, and Mr. Forsyth on the part of the Government of the United States, purporting that two Commissioners should be appointed, one by each Government, who should have charge of maintaining order in the Disputed Territory, during the interval of time which may elapse before the question of Boundary shall be finally settled.

That these Commissioners, neither of whom should be a citizen of any of the States on the immediate border, nor a native of Her Majesty's North American provinces, shall employ a civil force in the capacity of constables, to consist of an equal number of British subjects and of American citizens; and that the duty of these persons shall be to protect the timber from depredation, and to arrest and expel all trespassers; that any fortifications or entrenchments which either party may have constructed within the Disputed Territory shall be demolished; and that any post which it may be necessary for the Commissioners to cause to be occupied, for the purpose of preventing trespass and plunder, shall be occupied by an equal number of British and American constables. All