

been a want of information as to the topographical features and physical character of the district in dispute. This want of adequate information may be traced as one of the difficulties which embarrassed the Netherland Government in its endeavours to decide the points submitted to it in 1830.

It has been felt by the British Government, by the United States' Government, and even by the Government of the contiguous State of Maine.

The British Government and the Government of the United States agreed, therefore, two years ago, that a survey of the Disputed Territory, by a joint commission, would be the measure best calculated to elucidate and solve the questions at issue. The President accordingly proposed such a commission, and the British Government consented to it; and it was believed by the British Government, that the general principles upon which the Commission was to be guided in its local operations, had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838.

The British Government accordingly transmitted in April of last year, for the consideration of the President, the draft of a convention to regulate the proceedings of the proposed Commission.

The preamble of that draft recited textually, the agreement which had been come to, by means of notes which had been exchanged between the two Governments; and the Articles of the Draft were framed, as Her Majesty's Government considered, in strict conformity with that agreement. But the Government of the United States did not think proper to assent to the Convention so proposed. That Government did not, indeed, allege that the proposed Convention was at variance with the result of the previous correspondence between the two Governments; but it thought that Convention would establish a joint commission "of mere exploration and survey;" and the President was of opinion, that the step next to be taken by the two Governments, ought to bear upon its face stipulations which must necessarily lead to a final settlement under some form or other, and within a reasonable time. The United States' Government accordingly sent to you, for transmission to Her Majesty's Government, a counter-draft of convention, varying considerably, as Mr. Forsyth admitted, in some parts from the Draft as proposed by Her Majesty's Government. But Mr. Forsyth added, that the United States' Government did not deem it necessary to comment upon the alterations so made, as the text of the Counter-Draft would be found sufficiently perspicuous.

Her Majesty's Government certainly might have expected that some reasons would have been given to explain why the United States' Government declined to confirm an arrangement which was founded on propositions made by that Government itself, and upon modifications to which that Government had agreed; or that if the American Government thought that the Draft of Convention thus proposed to it, was not in conformity with previous agreement, it would have pointed out in what respect the two differed.

Her Majesty's Government, however, in the present state of this question, concur with the Government of the United States in thinking that it is on every account expedient that the next measure to be taken by the two Governments should contain in its details, arrangements which should necessarily lead to some final settlement; and they think that the Convention which they proposed last year to the President, instead of being framed so as to constitute a mere Commission of Exploration and Survey, did, on the contrary, contain stipulations calculated to lead to the final ascertainment of the boundary which is to be determined.

There was, however, undoubtedly, an essential difference between the British Draft and the American Counter-Draft; the British Draft contained no provision embodying the principle of arbitration. The American Counter-draft did contain such a provision.

The British Draft contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that draft was founded, and because, moreover,