

the main foundation of the American counter-draught, namely: first, that the commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the questions of boundary 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 shall contain a provision for arbitration upon points as to which the British and American commissioners may not be able to agree.

The undersigned is, however, instructed to add, that there are many matters of detail in the American counter-draught which her Majesty's Government cannot adopt. The undersigned will be furnished from his Government, by an early opportunity, with an amended draught, in conformity with the principles above stated, to be submitted to the consideration of the President. And the undersigned expects to be at the same time furnished with instructions to propose to the Government of the United States a fresh, local, and temporary convention, for the better prevention of incidental border collisions within the disputed territory during the time that may be occupied in carrying through the operations of survey or arbitration.

The undersigned avails himself of this occasion to renew to the Secretary of State the assurance of his distinguished consideration.

HON. JOHN FORSYTH, &c. &c. &c.

H. S. FOX.

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*Mr. Forsyth to Mr. Fox.*

DEPARTMENT OF STATE,  
Washington, June 26, 1840.

The undersigned, Secretary of State of the United States, has had the honor to receive a note addressed to him on the 22d instant by Mr. Fox, envoy extraordinary and minister plenipotentiary of Great Britain, enclosing printed copies of the report and map laid before the British Government by the commissioners employed during the last season to survey the territory in dispute between the two countries, and communicating the consent of her Britannic Majesty's Government to the two principles which form the main foundation of the counter proposition of the United States for the adjustment of the question.

The undersigned, having laid Mr. Fox's note before the President, is instructed to say, in answer, that the President duly appreciates the motives of courtesy which prompted the British Government to communicate to that of the United States the documents referred to; and that he derives great satisfaction from the announcement that her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success; and from the prospect held out by Mr. Fox of his being accordingly furnished, by an early opportunity, with the draught of a proposition, amended in conformity with the principles to which her Majesty's Government has acceded, to be submitted to the consideration of this Government.

Mr. Fox states that his Government might have expected that, when the American counter-draught was communicated to him, some reasons would have been given to explain why the United States Government declined accepting the British draught of convention; or that, if it thought the draught