

out, at this time of day, by means of a new negotiation, an assumed line of boundary, which successive negotiators, and which commissioners employed on the spot, have during so many years failed to discover; and which, finally, an impartial arbitrator, furnished by each claimant with every fact and argument that had been adduced on either side of the question, had declared the impossibility of tracing, in conformity with the description of it contained in the Treaty of 1783.

Mr. Livingston does indeed suggest in a subsequent part of his note, the practicability of a negotiation on a broader principle. He states that, if the negotiators of the two parties should be unable to agree on the true line designated by the Treaty of 1783, "means will probably be found of avoiding the constitutional difficulties that have hitherto attended the establishment of a boundary more convenient to both parties than that designated by the Treaty, or than that recommended by His Majesty the King of the Netherlands;" and he adds, "that an arrangement is now in progress with every probability of a speedy conclusion, between the United States and the State of Maine, by which the Government of the United States will be clothed with more ample powers than it has heretofore possessed, to effect that end."

His Majesty's Government will eagerly avail themselves of any probable chance of bringing to a satisfactory settlement, a question of such vital consequence to the harmony and good understanding between the two Governments; and I am to instruct you to lose no time in endeavouring to ascertain from Mr. Livingston, in the first place, what is the principle of the plan of boundary, which the American Government appear to contemplate as likely to be more convenient to both parties than those hitherto discussed; and, secondly, whether any, and what arrangement, such as Mr. Livingston alludes to, for avoiding the constitutional difficulty, has yet been concluded between the General Government and the State of Maine.

It is necessary that His Majesty's Government should be informed of the basis on which it is proposed to negotiate, before they can either entertain the proposal, or decide upon the instructions, which it may be necessary to give to the Minister, to whom the negotiation, when agreed to, may be entrusted; and it is especially essential, that His Majesty should be previously assured, that the President of the United States will possess the power of carrying into full effect his part of any engagement which may be concluded betwixt the Plenipotentiaries of the two Governments.

You will assure the American Minister, in making these communications to him, that, if His Majesty's Government shall be enabled, upon receiving satisfactory explanations on the points which I have just mentioned, to acquiesce in the proposition of the American Government, they will enter upon the negotiation which may then be opened, in the most friendly spirit and with the most sincere desire to arrive at a settlement mutually beneficial to both countries; and you may farther assure Mr. Livingston, that His Majesty's Government entirely concur with that of the United States, in the principle of continuing to abstain, during the progress of the negotiation, from extending the exercise of jurisdiction within the disputed territory, beyond the limits within which it has hitherto been usually exercised by the authorities of either party.

It is due, however, to the frankness which His Majesty desires should characterize every communication between the British and American Governments, that I should not conclude this despatch without distinctly declaring to you, in answer to that part of Mr. Livingston's note, in which he expresses for the first time, the wish of the American Government to connect with the discussion of the boundary question, that of the navigation of the river St. John, that it will be impossible for His Majesty to admit the principle upon which it is attempted to treat these two questions as necessarily connected with each other. Whatever might be the eventual decision of His Majesty upon the latter question, if treated separately, and whatever may be His Majesty's disposition to promote the harmony so happily subsisting between the two countries, by any arrangements which might tend to the convenience of the citizens of the United States, without being prejudicial to the essential interests of his own subjects, His Majesty cannot admit any claim of right on the part of the citizens of Maine to the navigation of the St. John, nor can he consider a negotiation on that point, as necessarily growing out of the question of boundary.