

that there should be an immediate understanding between the two Governments, both as to the nature of the jurisdiction claimed and the agreement which had been supposed by Mr. Fox and Sir John Harvey to exist on the subject. I took occasion to refer to Mr. Fox's letter of the 23d of July last, and the late proclamation of the Governor of New Brunswick; that the public sensibility had been deeply excited on the subject, and that it was not confined to Maine, but had extended throughout the whole Union; that without some explanation, it would, I feared, operate as a bar to the negotiation that was now pending, and lead to unfortunate results. I did not conceal from Lord Palmerston my opinion, that probably the Government of the United States had yielded to the presumption that Mr. Fox and Sir John Harvey had misapprehended the wishes of Her Majesty's Government, as well as mistaken their instructions. That it was evident that there was a misunderstanding on the subject between the two Governments, and it was possible the difficulty might have arisen from confounding a claim of jurisdiction, for the purpose of preserving the peace and the property from injury, with the right of exercising acts of sovereign power, and that, if so, it was important that it should be explained. That, under such circumstances, if he felt at liberty to do so, I should feel gratified in any explanation he might think proper to give.

I am happy in having it in my power to inform you that Lord Palmerston, with his usual frankness, most readily yielded to my request, and said that he would with pleasure communicate to me his views on the subject.

He commenced by remarking that the late proceedings which had taken place in Congress had given a fresh proof of the close relationship of the two nations, and showed that the English habit of not reading, or of soon forgetting Parliamentary papers, prevailed equally in Congress with regard to papers laid before that body. He said that if those who had taken part in the recent debates at Washington had bore in mind the papers which had been communicated by the President to Congress in 1829, they would not have asserted that the British claim to jurisdiction was a new one, nor would they, he thought, have construed it in the unqualified sense in which they appeared to have done. The ground and nature of the claim of jurisdiction were explained, he said, by Sir Charles Vaughan, in his note to the Secretary of State of the 16th of September, 1827, and the very qualified and limited manner in which the right had been exercised, was also clearly stated by Sir Howard Douglas, in his despatch to Sir Charles Vaughan of the 4th of October, 1827, which was communicated to the Secretary of State on the 26th of the same month. The nature and grounds of the British claim, his Lordship said, were further explained by their Minister, in February, 1828, and in the note of Lord Aberdeen of the 14th of August, 1828. Lord Palmerston said that, from this correspondence, it would be seen that the British Government had not pretended to exercise any new act of sovereignty over any part of the disputed territory since the conclusion of the Treaty of Ghent, and that the jurisdiction they claimed over the unsettled and unoccupied part of the territory was in reality only safe custody of the property for the benefit of the future owner, and the prevention of the assemblage of lawless and disorderly persons thereon, to the annoyance and injury of the neighbouring districts. His Lordship further said, that they had not claimed that exercise of sovereignty which Her Majesty's Government were supposed in the United States to contend for. In proof of this, he begged to remind me that two years ago, upon a representation from our Government, the British Government put a stop to a plan for making a railway across the disputed territory, from Quebec to St. Andrew's, because the making of a new road would have implied an acknowledged right of sovereignty on the part of the British Government, while that right was the very question in dispute; and he also referred to a conversation which he held with me in December, 1837, in which he admitted that they did not feel themselves at liberty to march troops across the territory from New Brunswick to Canada, without a previous understanding with the United States Government on the subject. Lord Palmerston concluded, however, by saying that they were entitled to expect that such abstinence should be mutual, and that neither party would, while the general question was pending, either make settlements, cut timber, open roads, or establish military occupation, within the disputed territory.

I informed Lord Palmerston that I should communicate this explanation to my Government, to which he assented, and the interview closed.

I flatter myself that this information will be acceptable and beneficial, and