

their executive capacity, afterwards brought before them the question, whether they would advise a submission to the opinion of the Sovereign Arbitrator. That body having considered the award as not obligatory, and advised me to open a farther negotiation, the proposition was immediately made to the British Government: but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

No. 21.

*Viscount Palmerston to Sir C. R. Vaughan.*

Sir,

*Foreign Office, February 25, 1833.*

AMONG the questions upon which it will be your duty to enter into early communication with the American Government, on your return to your post at Washington, there is none in which His Majesty's Government feel a deeper interest, than that which relates to the long disputed claims of the two countries, with respect to the boundary between the north-east portion of the United States, and His Majesty's colonial possessions in North America.

His Majesty had indulged a confident hope, that the means of adjusting a question which had been the object of fruitless negotiation during a long series of years, and the settlement of which is essential to the preservation of a good understanding between the two countries, had at length, been attained, by the reference to arbitration formally agreed upon and regulated by the Convention of the 29th September, 1827; and His Majesty, influenced by an earnest desire to promote the harmony, so happily subsisting between His Government and that of the United States, no less than by his sense of the obligations imposed upon him, in common with the American Government, by that Convention, did not hesitate to declare his acceptance of the decision of the Arbitrator, notwithstanding the large sacrifice, which it involved, of territory, heretofore considered as belonging to the British Crown.

It was not, therefore, without very deep concern, that His Majesty saw his hopes frustrated, and the sacrifice which he had been willing to make rendered unavailing, by the communication contained in the note addressed by the American Secretary of State to the *Chargé d'Affaires* of His Majesty at Washington, dated the 21st July, 1832.

By that note, to which I have now to refer you, His Majesty's Government are informed, that the Senate of the United States, to which body the President, as required by the constitution, had submitted the question for its advice, had determined not to consider the decision of the King of the Netherlands upon the line of boundary, which was submitted to his arbitration, "as obligatory;" and that they had refused to advise and consent to its execution, on the ground that His Netherland Majesty had abandoned the character of arbitrator, and had assumed that of mediator; and that he had not decided the question submitted to him, or had decided it in a manner unauthorized by the terms of the reference.

The American Secretary of State observes that the validity of the decision would not have been questioned, had the arbitrator determined upon, and designated any boundary, as that which was intended by the Treaty of 1783. But that the line which the King of the Netherlands advises both parties to accept, as one most convenient to them, trenches on the State of Maine, which State denies the constitutional power of the General Government to circumscribe its limits without its assent.

Mr. Livingston goes on to say, that the necessity for farther negotiation had thus become apparent, to adjust a difference which the Arbitrator had failed to decide; and that the President therefore, in conformity with a resolution of the Senate, proposes to open a new negotiation with His Majesty's Government, "for the ascertainment of the boundary between the possessions of the United States and those of Great Britain, on the north-eastern frontier of the United States, according to the Treaty of Peace of 1783."

His Majesty's Government regret, that they cannot discover in this proposal any probable means of arriving at a settlement of this difficult question. It appears to His Majesty's Government to be utterly hopeless to attempt to find