

it is His Majesty's sincere desire to see permanently established between Great Britain and the United States of America.

His Majesty would indeed be deeply grieved, if he could suppose that the Government of the United States could hesitate to adopt the same course which His Majesty has pursued on this occasion. For what other prospect of an adjustment of this long pending difference would then remain? Commissioners since the Treaty of 1783, have found it impossible to reconcile the description of the boundary contained in that Treaty, with the real features of the country ascertained by actual survey; and the hopelessness of establishing absolutely, in favour of either party, the point which has thus, since the year 1783, been the subject of controversy between them, has now received a new confirmation by the solemn decision of an arbitrator, chosen by both parties, who has pronounced it to be incapable of being established in accordance with the terms of the original Treaty, that Treaty having been drawn up in ignorance of the real features of the country, which it professed to describe.

Seeing that there cannot be a settlement of the claims of either party in strict accordance with the Treaty of 1783, what course would remain, even if the choice were now to be made, but that which was agreed upon by the negotiators of the Treaty of Ghent; viz^t. the adjustment of the differences between the two Governments by means of an arbitrator? And how unreasonable would it be to object to such an adjustment, because it aimed at settling by compromise, differences pronounced to be otherwise irreconcilable. That such an adjustment, and not a rigid adoption of one of the two claims to the exclusion of all compromise, was the object of the IVth Article of the Treaty of Ghent, will be manifest upon referring to that Article, in which provision is made for a decision of the arbiter which should be final and conclusive, even although the arbiter, owing to the neglect or refusal of one of the parties, should have had before him only one of the two claims which it would be his province to adjust. Even the official correspondence of the United States furnishes proofs that such was the understanding in that country, and among parties most interested in the subject, as to what would be the effect of the reference of this question to arbitration. "By arbitration," (says the Governor of the State of Maine, in a letter to the President of the United States, dated May 19th, 1827, and previously, of course, to the conclusion of the Convention), "I understand a submission to some Foreign Sovereign or State, who will decide at pleasure on the whole subject, who will be under no absolute obligations or effectual restraint, by virtue of the Treaty of 1783." And it appears, by a letter from the same functionary, dated the 18th of April in the same year, that Mr. Gallatin had used the following words, in a despatch to his Government on the same subject: "An umpire, whether a king or a farmer, rarely decides on strict principles of law, he has always a bias, to try, if possible, to split the difference:" and the Secretary of State of the United States, in a letter to the Governor of Maine, written after the conclusion of the Treaty of Arbitration (viz. on the 27th of November, 1827), adverting to the above-mentioned exposition, by Mr. Gallatin, of the usual practice of umpires, and to the objection which the Governor of Maine had thereupon stated to the mode of settlement by arbitration, while he defends the Convention in spite of the objection of the Governor of Maine, admits that it is an objection to which the Convention is liable.

These passages will be found in the printed paper, No. 171, 30th Congress, 1st Session, at pages 80, 85, and 99.

On every ground, therefore, His Majesty feels confident that if the Government of the United States have not already, before your receipt of this despatch, announced their assent to the award of the King of the Netherlands, they will not hesitate to enable you to apprise His Majesty's Government of their acquiescence in that decision. The grounds on which His Majesty's acceptance of it was founded, have been fully explained to you in this despatch, and among the motives which influenced His Majesty on that occasion, there was none more powerful than the anxious desire which His Majesty feels, to improve and confirm the harmony which so happily exists on other subjects, between Great Britain and the United States of America, by thus settling, once for all, a question of great difficulty, and for which His Majesty is unable to see any other satisfactory solution.

I am, &c.

(Signed) PALMERSTON.

C. Bankhead, Esq.,

&c. &c. &c.