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vernment in understanding the grounds upon which such a proposal was expected to be entertained by it, since the precedent proposition of Mr. Bankhead just alluded to, although based upon the principle of an equal division between the parties, could not be justified by it, as it would have given nearly two-thirds of the disputed territory to Great Britain—that it was therefore fair to presume that the river line, in the opinion of Her Majesty's Government, presented advantages sufficient to counterbalance any loss of territory by either party, that might accrue from its adoption; and it was also supposed that another recommendation of this line would be seen by Great Britain in the fact that whilst by its adoption, the right of jurisdiction alone would have been yielded to the United States over that portion of New Brunswick south of the St. John, Great Britain would have acquired the right of soil and jurisdiction of all the disputed territory north of that river.

To correct a misapprehension into which Mr. Fox appeared to have fallen, the distinctive difference between the American proposition for a Commission, and the proposition as subsequently modified by Great Britain, was pointed out, and he was informed that although the proposal originated with this Government, the modification was so fundamentally important, that it entirely changed the nature of the proposition; and that the supposition, therefore, that it was rather for the Government of the United States than for that of Great Britain to answer the inquiry preferred by the Secretary of State for information relative to the manner in which the report of the Commission, as proposed to be constituted and instructed by the British Government, might tend to a practical result, was unfounded. Mr. Fox was also given to understand that any decision made by a Commission constituted in the manner proposed by the United States, and instructed to seek for the highlands of the Treaty of 1783, would be binding upon this Government, and could be carried into effect without unnecessary delay, but if the substitute presented by Her Majesty's Government should be insisted on, and its principles be adopted, it would then be necessary to resort to the State of Maine for her assent in all proceedings relative to the matter, since any arrangement under it can only be for a conventional line to which she must be a party.

In conclusion, it was intimated to Mr. Fox, that if a negotiation be entertained by this Government at all upon the unsatisfactory basis afforded by the British counter-proposition or substitute, the President will not invite it, unless the authorities of the State of Maine shall think it more likely to lead to an adjustment of the question of boundary than the General Government deemed [it] to be, although predisposed to see it in the most favorable light.

Your Excellency will perceive that, in the course of these proceedings, but without abandoning the attempt to adjust the treaty line, steps necessarily, from the want of power in the Federal Government, of an informal character have been taken, to test the dispositions of the respective Governments upon the subject of substituting a conventional for the treaty line. It will, also, be seen from the correspondence, that the British Government, despairing of a satisfactory adjustment of the line of the Treaty, avows its willingness to enter upon a direct negotiation for the settlement of a conventional line, if the assent of the State of Maine to that course, can be obtained.

Whilst the obligations of the Federal Government to do all in its power to effect a settlement of this boundary, are fully recognized on its part, it has in the event of its being unable to [do] so specifically by mutual consent, no other means to accomplish the object, amicably, than by another arbitration, or a Commission with an Umpire, in the nature of an arbitration. In the contingency of all other measures failing, the President will feel it to be his duty to submit another proposition to the Government of Great Britain to refer the decision of the question to a third party. He would not, however, be satisfied in taking this final step without having first ascertained the opinion and wishes of the State of Maine upon the subject of a negotiation for the establishment of a conventional line, and he conceives the present the proper time to seek it.

I am, therefore, directed by the President to invite your Excellency to adopt such measures as you may deem necessary to ascertain the sense of the State of Maine with respect to the expediency of attempting to establish a conventional line of boundary between that State and the British possessions, by direct negotiation between the Governments of the United States and Great Britain—and whether the State of Maine will agree, and upon what conditions, if she elects to prescribe any, to abide by such settlement, if the same be made? Should the State of Maine be of opinion that additional surveys and explorations might be useful, either in leading to a satisfactory adjustment of the controversy according to the terms of the Treaty, or in enabling the parties to decide more understandingly upon the expediency of opening a negotiation for the establishment of a line that would suit their mutual convenience, and be reconcilable to their conflicting interests,—and desire the creation, for that purpose, of a commission upon the principles, and with the limited powers, described in the letter of Mr. Fox, the President will, without hesitation, open a negotiation with Great Britain for the accomplishment of that object.

I have the honor to be, &c.

(Signed)

JOHN FORSYTH