

No. 8.

*Viscount Palmerston to Charles Bankhead, Esq.**Foreign Office, October 14, 1831.*

Sir,

WITH reference to my despatch of February 9, of this year, to Mr. Vaughan, on the subject of the award of His Majesty, the King of the Netherlands, upon the question of the disputed boundary, submitted by Great Britain and the United States of America, to the arbitration of that Sovereign, I am commanded by the King to instruct you to address a note to the American Secretary of State to the following effect.

Mr. Livingston is doubtless aware that his predecessor in office was informed, verbally, by Mr. Vaughan, that the King, our Master, upon the receipt of the instrument by which the award of the King of the Netherlands was communicated to the British Government, had considered himself bound, in fulfilment of the obligations which he had contracted by the terms of the Convention of arbitration of the 29th September 1827, to express to His Netherland Majesty, His Majesty's assent to that award.

It appears to His Majesty's Government, that the time is now arrived, when a final understanding between the British and American Governments, on the subject of that award, and on the measures necessary to be taken for carrying it into effect, ought no longer to be delayed: and I am accordingly to direct that, in making to the American Secretary of State, the present more formal communication of the assent of His Majesty, to the decision of His Netherland Majesty, you enquire of Mr. Livingston whether his Government are now ready to proceed, conjointly with that of Great Britain, to the nomination of Commissioners for marking out the boundary between the possessions of His Majesty in North America, and those of the United States, agreeably to his Netherland Majesty's award.

His Majesty's Government are not ignorant that the Minister of the United States of America residing at the Hague, immediately upon the receipt of the award of His Netherland Majesty, protested against that award, on the ground that the arbitrator had therein exceeded the powers conferred upon him by the parties to the arbitration. But that protest was avowedly made without instructions from Washington, and His Majesty is persuaded that the Government of the United States, influenced, like His Majesty, by a sincere determination to give a fair and full effect to the spirit and intention of their engagements, no less than by an anxious desire to settle this long pending difference between the two Governments, in the only way which the experience of so many years has shewn to be practicable, will not hesitate to accept the award of His Netherland Majesty.

In deciding to give his own assent to this award, for the reasons above stated, His Majesty was not insensible to the sacrifice which he was thus making of a most important portion of those claims, of the justice of which in their full extent His Majesty continues to be, as he has always been, entirely satisfied.

It was impossible for His Majesty to see without deep regret, that, on one branch of the British claims, the award deprived the British Crown of a large tract of country, to which it had long been held to be entitled, while on another branch of the claims, that award, at the same time that it pronounced in favour of the principle of demarcation for which Great Britain contended, introduced a special modification of that principle for the convenience and advantage of the United States, without offering to Great Britain, any compensation for the loss thus occasioned to her.

But these were not considerations by which His Majesty thought himself at liberty to be influenced, in deciding the question of his acceptance or rejection of the decision of His Netherland Majesty. In whatever degree His Majesty's wishes or expectations may have been disappointed by that decision, His Majesty did not hesitate to act upon the stipulation contained in the VIIth Article of the Convention of Arbitration, that "the decision of the arbiter when given, shall be taken to be final and conclusive;" and His Majesty fulfilled this duty with the greater cheerfulness, from the confident hope that in thus completing the engagement which he had contracted, he was finally setting at rest a dispute which had been so long and so hopelessly agitated, between the two Governments, to the interruption of that perfect agreement and harmony on all points, which