

No. 5

Mr. Fox to Viscount Palmerston.—(Received July 16.)

(No. 14.)

My Lord,

Washington, June 28, 1840.

I HAD the honour to receive, on the 20th instant, your Lordship's important despatch No. 18, of the 3rd of this month, inclosing copies of the report and map which have been delivered to Her Majesty's Government by the British Commissioners employed during the last season to survey the disputed territory, and conveying to me, for communication to the Government of the United States, the views and intentions of Her Majesty's Government with reference to the last American proposal for the adjustment of the Boundary Question.

I have accordingly presented to the United States' Secretary of State the inclosed official note, dated the 22nd instant, framed in conformity with your Lordship's instructions; and I have received from the Secretary of State, in reply, the satisfactory and amicable communication, dated the 26th instant, which is also herewith inclosed.

These documents have not yet been laid before Congress, or officially published by the United States' Government; neither consequently have the report and map of the Commissioners, which accompanied my note to Mr. Forsyth. I expect, however, that the whole will be communicated by Message to Congress before its adjournment.

The mode of arbitration, offered in the last American proposal, was to refer those points upon which the British and American Surveyors should not agree, to the decision of scientific persons to be appointed by three friendly Sovereigns or States. But I have reason to believe, as was stated by me in a former despatch, that the United States' Government are prepared to consent to a reference of such disputed points to the arbitration of friendly Sovereigns or States themselves, rather than of scientific persons by them appointed, if that course shall be more acceptable to Her Majesty's Government. I would venture very urgently to recommend to your Lordship that the mode of direct arbitration by Sovereigns should be preferred.

It is true that the Sovereign arbiters would have to form their opinion upon the faith principally of reports made to them by scientific persons; but yet the final judgment would be given by Governments and Statesmen, and not by mere Professors; and this appears to me, for many obvious reasons, to be a point of great importance.

I have, &c..
(Signed) H. S. FOX.

Inclosure 1 in No. 5.

Mr. Fox to Mr. Forsyth.

Washington, June 22, 1840.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to transmit to the Secretary of State of the United States, by order of his Government, the accompanying printed copies of a report and map which have been presented to Her Majesty's Government by Colonel Mudge and Mr. Featherstonhaugh, the Commissioners employed during the last season to survey the Disputed Territory.