

Inclosure 1 in No. 32.

Mr. Forsyth to Mr. Fox.

*Department of State,
Washington, March 25, 1840*

THE Undersigned, Secretary of State of the United States, acknowledges to have received Mr. Fox's communication of the 13th instant, in reference to the Boundary negotiation, and the affairs of the disputed territory.

The information given in the closing part of it, that a reply to the last proposition of the United States upon the subject of the boundary, may be expected in a short time, is highly gratifying to the President, who has, however, given directions to the Undersigned, in making this acknowledgment, to accompany it with the expression of his profound regret that Mr. Fox's note is in no other respect satisfactory.

After the arrangements which in the beginning of last year were entered into on the part of the two Governments, with regard to the occupation of the disputed territory, the President had indulged the hope that the causes of irritation which had grown out of this branch of the subject would have been removed. Relying on the disposition of Maine to cooperate with the Federal Government in all that could lead to a pacific adjustment of the principal question, the President felt confident that his determination to maintain order and peace on the border, would be fully carried out. He looked upon all apprehensions of designs by the people of Maine to take possession of the territory, as without adequate foundation, deeming it impossible, that on the eve of an amicable adjustment of the question, any portion of the American people would, without cause and without object, jeopard the success of the negotiation, and endanger the peace of the country.

A troublesome, irritating, and comparatively unimportant, because subordinate subject, being thus disposed of, the President hoped that the parties would be left free at once to discuss, and finally adjust the principal question. In this he has been disappointed. While the proceedings of Her Majesty's Government at home have been attended with unlooked for delays, its attention has been diverted from the great subject in controversy by repeated complaints imputing to a portion of the people of the United States designs to violate the engagements of their Government, designs which have never been entertained, and which Mr. Fox knows would receive no countenance from this Government.

It is to be regretted that at this late hour so much misapprehension still exists on the side of the British Government, as to the object and obvious meaning of the existing arrangements respecting the disputed territory. The ill success which appears to have attended the efforts made by the Undersigned to convey through Mr. Fox to Her Majesty's Government, more correct impressions respecting them, calls for a recurrence to the subject; and a brief review of the correspondence which has grown out of it, may tend to remove the erroneous views which prevail as to the manner in which the terms of the arrangements referred to have been observed.

As Mr. Fox had no authority to make any agreement respecting the exercise of jurisdiction over the disputed territory: that between him and the Undersigned, of the 27th of February, 1839, had for its object some provisional arrangement for the restoration and preservation of peace in the territory. To accomplish this object, it provided that Her Majesty's officers should not seek to expel by force the armed party which had been sent by Maine into the district bordering on the Restook River; and that, on the other hand, the Government of Maine would, voluntarily and without needless delay, withdraw beyond the bounds of the disputed territory any armed force then within them. Besides this, the arrangement had other objects,—the dispersion of notorious trespassers, and the protection of public property from depredation. In case future necessity should arise for this, the operation was to be conducted by concert, jointly or separately, according to the agreement between the Governments of Maine and New Brunswick.

In this last-mentioned respect, the agreement looked to some further arrangements between Maine and New Brunswick. Through the agency o