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August 10, 1837, Mr. Stevenson makes known to Lord Palmerston the earnest and unabated desire which the President feels that the controversy should be speedily and amicably settled, and expresses the anxiety with which the Government of the United States is waiting the promised decision of his Majesty Government upon the proposition submitted to it as far back as July, 1836.

January 10, 1838, Mr. Fox recapitulates the various attempts which have been made to settle the question of boundary and failed; and in reference to the only remaining proposition of a commission of exploration and survey says, that her Majesty's Government have little expectation that such a commission could lead to any useful result, and on that account would be disposed to object to the measure. But at the same time they are so unwilling to reject the only plan now left which seems to afford a chance of making any further advance in this long pending matter, that they will not withhold their consent to such a commission, if the *principle* upon which it is to be formed, and the *manner in which it is to proceed*, can be satisfactorily settled; and says that her Majesty's Government have stated their opinion that, in order to avoid all fruitless disputes as to the character of such highlands, the commissioners should be instructed to look for highlands which *both parties might acknowledge as fulfilling the conditions of the treaty*. But if the two Governments should agree to the appointment of such a commission, it would be necessary that their agreement should be *first recorded in a convention*; and it would obviously be *indispensable* that the State of Maine should be an assenting party to the arrangement.

February 6, 1838, Mr. Forsyth replies to Mr. Fox that the President, for the purpose of placing in the possession of the State of Maine the views of her Majesty's Government, as exhibited in Mr. Fox's note, and of ascertaining the sense of the State authorities upon the expediency of meeting those views, has directed him to transmit a copy of it to Governor Kent for their consideration; repeats that the American proposition is intended, and, if agreed to, will doubtless be successful, to *decide* the question of boundary definitively, by the adoption of the highlands reported by the commissioners of survey, and would thus secure the treaty line. The British modification looks to no such object. It merely contemplates a commission of boundary analogous to that under the fifth article of the treaty of Ghent, and would, in all probability, prove equally unsatisfactory in practice.

From this history of the efforts on the part of our Government to settle the line of boundary by negotiation, it must be apparent to every Senator that there is no hope of establishing the boundary of the treaty by negotiation. The Government of Great Britain has not, at any time since the rejection of the advice of the arbiter, consented to treat upon the *basis of the treaty line, unless the American Government would, in advance, yield some point that would prove fatal to its just rights under the treaty*; and although the British Government have professed to be *eager to substitute a conventional line—one that shall be more convenient to both parties*

than the treaty line—they have never been willing to intimate what that line should be, or what equivalents on either side should be granted, except that, *after fixing their own limits to what they denominate disputed territory, they would consent to divide that territory equally between the two Governments*. It is evident and clear, that while our Government have been pressing upon the Government of Great Britain their anxious desire to settle the question of boundary according to the provisions of the treaty, and in some instances have been induced to go beyond what may fairly be regarded the legitimate construction of the treaty, in order to obtain an amicable adjustment of the controversy, it has been the purpose and endeavor of the other party to avail themselves of this disposition to obtain concessions and admissions on our part which, in their effect, would render the description of the boundary contained in the treaty utterly nugatory. After such a lapse of time, and after such efforts as have been made on the part of our Government to settle this question of boundary, and with such dispositions on the other part as are manifested by the attempts at negotiation which have been detailed, it is vain to hope that the question of boundary can be settled without some decided action on the part of Congress. What that action shall be depends very much upon the justice of our claim, and upon the pretences of the Government of Great Britain to resist it; and that Senators may be possessed of the means of coming to right conclusions, and of forming a correct judgment upon these points, it is proposed to state, in a brief manner, some of the grounds and evidence upon which it is believed that the right is clearly with us, and that the pretences of the British Government are of recent origin, and without any valid foundation.

By the first article of the treaty of peace of 1783, his Britannic Majesty acknowledges the said United States—viz: New Hampshire, Massachusetts Bay, etc.—to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs, and successors, *relinquishes all claims to the Government propriety and territorial rights of the same, and every part thereof*. It is admitted, as well on the part of the British Government as of the United States, that the map which was used by the commissioners who negotiated the treaty of peace, and to which they had reference in forming the terms of the treaty, was Mitchell's map, of which copies, upon a reduced scale, are now exhibited to the Senate. Upon this map are represented New England, Province of Maine, Province of Sagadahock, on the west side of the river St. Croix, and Nova Scotia or Acadia on the east side of that river, with a line drawn from the source of the St. Croix, directly north to the river St. Lawrence, crossing the St. Johns. It is to be remembered that Mitchell's map was published in 1755, when the province of Massachusetts Bay, as well as the province of Nova Scotia extended to, and were bounded by the river St. Lawrence, and so continued to be bounded, until the formation of the province of Quebec in 1763. By the grant of King James the first to Sir William Alexander, afterwards Lord Sterling, in 1621, the boundaries of the Territory of Nova Scotia are, so far as relates to this question, thus described: "to the river commonly called by the