

Inclosure 1 in No. 24.

*Sir C. R. Vaughan to the Hon. Edward Livingston.*

*Washington, April 14, 1833.*

THE Undersigned, &c., having been directed by his Government to open, upon his arrival at Washington, a communication with the Government of the United States, upon the question which relates to the long disputed claims of the two countries with respect to the boundary between the north-eastern portion of the United States, and His Majesty's colonial possessions in North America, he has already made Mr. Livingston acquainted with the instructions which he has received upon this question on which His Majesty's Government feels so deep an interest, and the Undersigned is authorized by his Government to lay openly, and without reserve, the nature of those instructions in an official note to the Secretary of State, as they contain the answer which His Majesty's Government have decided to make to the note of Mr. Livingston, of the month of July last.

His Majesty had indulged a confident hope, that the means of adjusting a question which had been the object of fruitless negotiation during a long series of years; and the settlement of which, is essential to the preservation of a good understanding between the two countries, had, at length been attained by the reference to arbitration formerly agreed upon and regulated by the Convention of the 29th September, 1827; and His Majesty, influenced by an earnest desire to promote the harmony so happily subsisting between his Government and that of the United States, no less than by his sense of the obligations imposed upon him, in common with the American Government, by that Convention, did not hesitate to declare his acceptance of the decision of the arbitrator, notwithstanding the large sacrifice which it involved of territory heretofore considered as belonging to the British Crown. It was not therefore without very deep concern, that His Majesty saw his hopes frustrated, and the sacrifice which he had been willing to make, rendered unavailing by the communication contained in the note addressed by the American Secretary of State to the *Chargé d'Affaires* of His Majesty at Washington, dated the 21st July, 1832.

By that note His Majesty's Government are informed, that the Senate of the United States, to which body the President, as required by the Constitution, had submitted the question for its advice, had determined not to consider the decision of the King of the Netherlands, upon the line of boundary which was submitted to his arbitration "as obligatory," and that they had refused to advise and consent to its execution, on the ground that His Netherland Majesty had abandoned the character of arbitrator, and had assumed that of mediator; and that he had not decided the question submitted to him, or had decided it in a manner unauthorized by the terms of the reference.

The American Secretary of State observes, that the validity of the decision would not have been questioned, had the arbitrator determined upon and designated any boundary, as that which was intended by the Treaty of 1783. But that the line, which the King of the Netherlands advises both parties to accept as one most convenient to them, trenches on the state of Maine, which state denies the constitutional power of the General Government to circumscribe its limits without its assent.

The necessity for further negotiation, according to Mr. Livingston's note, had thus become apparent, to adjust a difference which the arbitrator had failed to decide; and that the President, therefore, in conformity with a resolution of the Senate, proposes to open a new negotiation with His Majesty's Government, "for the ascertainment of the boundary, between the possessions of the United States and those of Great Britain, on the north-eastern frontier of the United States, according to the Treaty of Peace 1783."

His Majesty's Government regret that they cannot discover in this proposal any probable means of arriving at a settlement of this difficult question. It appears to His Majesty's Government to be utterly hopeless to attempt to find out, at this time of day, by means of a new negotiation, an assumed line of boundary, which successive negotiators, and which commissioners employed on the spot have, during so many years, failed to discover; and which, finally, an impartial arbitrator, furnished by each claimant with every fact and argument that had been adduced on either side of the question, had declared the impossibility of tracing, in conformity with the description contained in the Treaty of 1783.