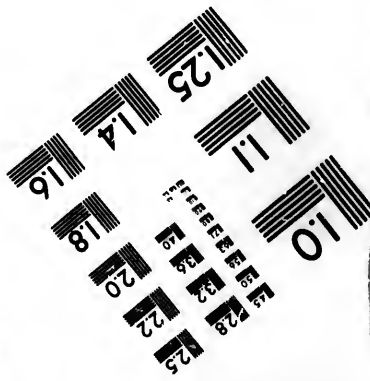
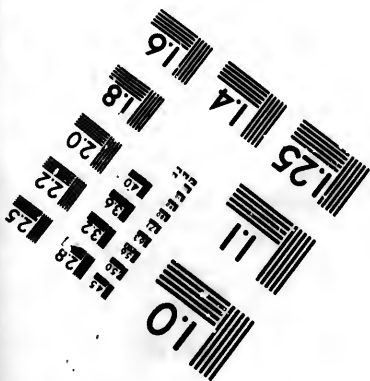
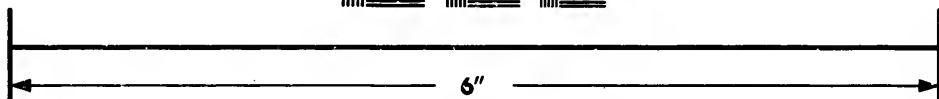
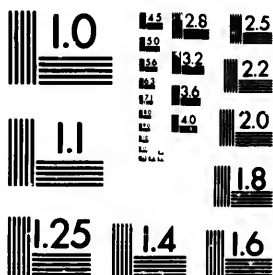


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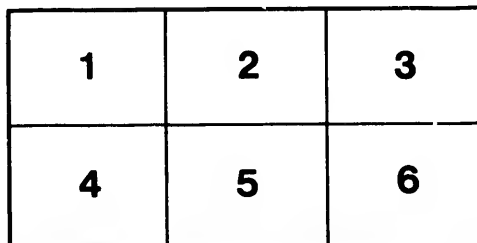
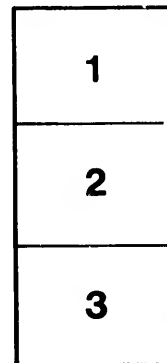
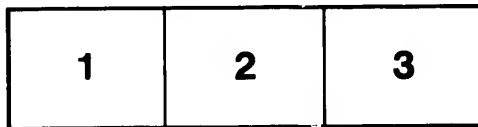
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CASE OF M<sup>R</sup> M<sup>C</sup>LEOD.

1841.

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**KINGSTON, ONTARIO**

*W. Rush.*

CASE OF M<sup>R</sup> M<sup>C</sup>LEOD,

IN WHOSE PERSON

THE CROWN OF GREAT BRITAIN

IS ARRAIGNED FOR FELONY.

“Parliaments may ruin, but never save a State.”

SIR W. TEMPLE.

BY

DAVID URQUHART, Esq.

London :

JOHN REID AND CO.

---

1841.



LP  
F1032 U79

LONDON :  
PRINTED BY T. BRETTELL, RUPERT STREET, HAYMARKET.

14.11.32

N.B.—The acquittal of Mr. M<sup>c</sup>Leod, should he be acquitted, in no ways alters the position of the Governments—the consequences entailed on England by his arrest and trial, or the intention revealed in the consequences that were prepared for the United States, in case of his condemnation.

The case of Mr. M<sup>c</sup>Leod is a branch of the question of the Boundary Differences, and must be examined in connection with that question.

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## PART I.

STATEMENT OF THE CASE OF MR. M<sup>C</sup>LEOD\*.

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“To neglect those things to which your lives and fortunes should be devoted, is most reprehensible; yet you never attend but on occasions like this, when danger is actually present.”—  
DEMOSTHENES.

---

A BRITISH subject is arraigned before the Court of a Foreign State for acts performed in discharge of his public duty. He is placed in a malefactor's cell, as an accessory, where the Sovereign of England is the principal.

Hordes overrun, savages massacre, and pirates plunder, through the power of which they are possessed, and because there is no help for their victims, and these things have been seen in many ages; but it has been reserved for the present to exhibit lawless phrenzy putting on the forms of law, and weakness outraging imperial majesty?

\* See *Appendix*, Nos. II. and III.; see also *Colonial Magazine*, August, 1840

Is it in the Old World or in the New, that hearts have been found to conceive such a design, and hands to execute it? Is it the young republic of Anglo-Saxons, that by some strange revolution in human affairs, or in human thoughts, has acquired a real power, by which the might of Britain can thus be defied, or some mysterious fascination by which its manhood can be unstrung? Or, is it within the British empire itself that the project has been conceived? Is there there some enemy disguised within the most secret folds and forms of the constitution, stabbing it in the dark, while using its power to spread hatred for the British name, to rouse up enemies to the British State, and thus secure immunity for crime—success to treason?

In December 1837, a party of outlaws were in occupation of an island in the river dividing the American from the British territory. These men were principally citizens of the United States; they had formed themselves within its limits, and proceeded thence to assault the British territory. They came with ammunition, with artillery belonging to the United States, and they were supplied from the opposite shore by a steam-vessel. This vessel, whilst lying in a harbour of the United States, was boarded by a party of British troops, taken out, and destroyed. The British Government made no complaint to the United States Government—no demand for satisfaction for these outrages

committed by its subjects, and proceeding from its territory. The American Government demanded reparation for an alleged violation of its territory. The British Government neither gave satisfaction nor refused to give it. It made no reply. Bills of indictment for murder and arson are filed in the courts of New York against the chief civil authorities of the Province of Upper Canada. Eighteen months elapse, when the British Minister is informed that the American Government is about to take criminal proceedings against individuals connected with that enterprise. The British Government even then gives no reply to the demand of the United States Government, nor does it disclose that the destruction of the *Caroline* was its act. Instructions are sent to the Envoy of Great Britain at Washington, to protest against the act of the American Government after it should have been committed, but not to protest in the name of the English Government, or to express any opinion on the part of the British Government. The expected case does not occur, and a further period of eighteen months elapses without any notice being taken by the British Government of the demand of the American Government for redress, or of the bills of indictment filed in the court of New York against the servants of the British Crown in the Province of Upper Canada. Two years and eleven months after the destruction of the *Caroline*, that is, in November 1840, the Deputy-Sheriff of the County of New Brunswick, adjoining the scene of action, is

!!



arrested by the civil authorities of the State of New York, and committed to prison to take his trial on the charge of arson and murder, as an accessory to the destruction of that vessel.

The burning of the *Caroline*, had it been the result of individual impulse, was either an act of justifiable self-defence, or it was a crime uniting murder, piracy, and arson. It could only have been justifiable in self-defence by the impossibility of having recourse to the constituted authorities. In this case, it would have been for the British Government either to recognise the act and justify it *at once* to the United States, or to disown it, and afford reparation by the punishment of its perpetrators. For if it was not one executed by order of the British Government, or assumed upon its responsibility, it was the act of felons, whom it was the duty of that Government to punish. If it was not an act of the British Government, it was an assault on its authority. Being performed within the territory of a foreign state, the British Government had to demand reparation for the acts which had called it forth, or to make to the United States such reparation for the outrage committed by its subjects or its servants, as should emancipate Britain, her colonies, her name, and her destiny, from the dishonour, the reproach, and the danger of acts judged by herself so atrocious. There was no middle course—there was no possible interval between these two courses.

For a government to leave in suspense the act of its servants, in seizing a vessel in the harbour of another state—to leave hanging over their heads, during three years, a charge of felony, is incomprehensible, and must arouse the most vehement indignation and the most alarming suspicions.

The Government of the United States had judged the men occupying Navy Island to be outlaws. No American citizen could, therefore, be guilty of murder in killing these men, nor guilty of arson in destroying the vessel. The destruction of these men, as of their vessel, was an act not reprehensible, even if not required in self-protection. By what code, therefore, can the subjects of a foreign state be arraigned for arson or for murder? If that court has judged defence against outlaws to be murder, it is a court established for the destruction of law, not for the dispensation of justice—for the perpetration of piracy, not for the protection of men. This charge of murder and arson converts the court into the violator of the laws of the United States—of international law, and places it in flagrant hostility with the government of the United States. But this court arraigns, as felons, not individuals but officers of a government—it is not then justice that she dispenses, but it is war that it wages.

The demand of the United States was for reparation for the violation of the neutrality of its territory. If the neutrality of its territory was violated by the

capture, must it not have been so by the presence of the *Caroline*? "*Neutrality!*" Pirates on the one hand, and a government on the other, and the United States speak of neutrality? Pirates and outlaws issue from its frontier, armed with its weapons, unresisted by its authority, to assault a friendly neighbour, and when these outlaws are repressed, it declares its neutrality violated, it pursues as felons the officers who exterminated the band, that assailing the one country had compromised the other? You are astounded at such a proceeding; but why do I thus present it to you? Not to lead you to think harshly or to speak insultingly of the American people or state, over whom you have no control, and who owe to you no duty and no responsibility? But to show to you the characters of the act submitted to and sanctioned by your government, in order that you may judge of the conduct of men who are your servants, to whom you give power, from whom you can withdraw it, whom you guide by your opinion, whom you recompense or punish, according to your knowledge of public affairs and of their acts. If they have done amiss, they have been able to do so through your power, that is, through your ignorance; for in their mismanagement, there could be no strength except by your concurrence.

England, by not making a demand for reparation for the aggressions proceeding from the United States, left the character of the seizure of the vessel open to discussion: by submitting in silence to the

demand for reparation from America, she gave her pragmatic consent to the assertion, on the part of America, of that act as one of piracy. The United States Government, in demanding reparation from that of Great Britain for this act, committed an outrage on England; and the English Government, by silence, acquiesced in that outrage, and became a party to it. Here was a demand that was an outrage to Britain—sanctioned: here was a constructive insult so flimsy as to invite refutation—submitted to: here was an assertion which suspended over the head of Britain the charge of arson and of murder—admitted: here was a step of the United States Government, not unresisted but encouraged, which converted into a crime of Great Britain against the United States, that which was a crime of the United States against Great Britain.—This is what your Minister has brought about, because England knew nothing of these transactions, or of any such transactions, and could not, in the first instance, obtain or select a Minister that was able, and could not then detect or punish one that was criminal.

What would be said of leaving a simple dispatch for three years unreplied to? But in such a matter, with such consequences impending, such interests involved, such charges alleged, not three years, but three days silence, it would be impossible to account for, as men account for the doubtful acts of men? Will you attempt to account for it by negligence, by ignorance, by incapacity? The existence

of a government implies the performance of, at least, some functions—the existence of a nation, the maintenance of some rights. All idea of functions—of rights must have vanished from the mind of him who could conceive that such acts are to be explained by characters in the system, rather than to be traced to a design against it\*. He must have reasoned to the conclusion, if he reasoned at all, that England was the name of an island, but that that word no longer designated a Government, or represented a nation. Look at the reciprocal position of the two parties to this transaction; personify the two Governments; represent to yourself that of the United States, standing in an attitude of menace, uttering words of outrage, giving vent to denunciation of crime, making demand for satisfaction; and, on the other hand, the Government of the British Empire, not only innocent but the aggrieved party, standing silent to be reproached—and powerful to be insulted; and throwing away right and power, self-respect, the respect of others, incurring these reproaches, incurring this danger, seeing all this before it, and not moving a muscle, nor stirring a limb, nor suffering a sound to escape from its lips, when a single sound sufficed to do all that it had to do, and avert all that it had to apprehend! Is this nation composed of such men as

\* “ These men are guilty, but our constitution is not, therefore, subverted.”—*DEMOSTHENES*.

have hitherto composed nations, when a Government could assume such a position, and when that position is exhibited before their eyes, and is not understood ?

Thus, during three years, has the United States Government been left in possession of the faculty of treating the subjects of the British crown as guilty of felony, and of proceeding against the British State. Three years have been given to ponder over the mystery of the minister of England, over the mystery of its people. During three years, their attention has been thus more peculiarly aroused to watch the progress of the gigantic schemes of ambition revealed by England in every quarter of the globe\* ; while their mind is directed hopefully during that period to the growth of the projects and the revelation of the designs of England's Russian foe ! Finally, they have witnessed a sudden explosion of mutual hostility in England and in France, destroying security, withering hope, and opening to both a clouded future of common danger, disaster, and decay. It is after this preparation undergone, and these events witnessed, that the United States proceeded to arraign a servant of the British crown for murder and arson !

America looked with respect to England ; Nature yearned in the bowels of the young republicans for the land of their fathers' graves ; heedless and

\* See Appendix, No. I.

indifferent were they to all questions of European policy. This has been the labour, this the task, to lead them to despise and then to hate England, to lead them to be excited in regard to European and diplomatic affairs, and to think they have comprehended them, and thereby to be drawn within the vortex in which the Cabinet of St. Petersburg sweeps round thoughts, fortune, and events\*.

\* At the present moment that throughout Europe, Asia, and America, Russia is no longer predominant merely in repressing resistance, but predominant in the command of the active co-operation of all the states and nations—at this period of more intense exultation for her than when her positive dominion shall be established, the only sign of a spirit still dwelling in men, and of thoughts or hopes of freedom still preserved throughout the earth, reaches us from the shores of Circassia, where a handful of mountaineers at once defeats her armies and defies her influence. Whence this strange contrast in them—and this mighty reproach for us? These people have no government, no press—these people have no legislating assemblies. In the few hours which I lived on the shores of Circassia, one of the subjects of most earnest debate was the means to establish something like a government, and the effect of it, when established. Haji Oglou, the judge of Soudjak Kalè district, in debating the question in an assembly of elders, used these words:—“That which has principally prevented of later years the establishment of a government, has been the consciousness in all men, that if a government were established it would require Russia only to get possession of that government, or of two or three men in it, whether by corrupting them, or by deceiving them, to destroy our independence. Turkey is infinitely more powerful than we are: with a slender portion of her strength, the materials for instance contained in two or three line-of-battle-

ships, we could defy the power of Russia, and yet Turkey sinks before Russia, and we stand erect. We are, therefore, warned by this, and we say to ourselves, 'better is it perhaps to struggle as we struggle than to have a government through which Russia could attack us, not as now with arms that we see, but as with a disease for which there is no cure.'

That disease is now in the heart of every man belonging to the Gothic race.





## PART II.

CORRESPONDENCE BETWEEN THE BRITISH ENVOY  
AND THE AMERICAN SECRETARY OF STATE,  
RELATIVE TO THE SEIZURE OF MR. M<sup>C</sup>LEOD.

---

“I hope, Sir, when those papers are produced, that their contents will not be partial, meagre, and unsatisfactory; that they will not be confined merely to the correspondence of the negotiating parties, but that they will indicate the views and policy of the Government.”—LORD PALMERSTON, *February 5th*, 1830.

---

THE step taken by Mr. Fox on the seizure of Mr. M<sup>C</sup>Leod had failed. Mr. Fox's remonstrance had only served to draw from the United States' Government a declaration which compromised it against Great Britain—which relieved the state of New York from all separate responsibility, encouraged that state to persevere in its proceedings, and rendering it impossible for the general Government to retract in face of subsequent and more energetic steps on the part of the British Government. Consequently these documents have been given by the Government to the House of Congress, as justifying its conduct and supporting its case. But as this unfortunate proceeding had taken place before there was a possibility of instructions from home, and as, consequently, the

Envoy must have been supposed to have acted without instructions, the views and disposition of the British Government remained, at least, in reserve, and to the absence of instructions would be attributed the failure of this remonstrance. What would you say if this step was taken by *instructions*—if the British Government had, long before, *anticipated* such a contingency, and had sent out instructions to its Envoy to do what he has done? What would you say if, after the catastrophe, the British minister should come down to the House of Commons to declare that Mr. Fox *had acted on instructions*? What would you say if a House of Commons listened in silence and contentment to that Minister's declaration, that all he then intended to do, was to send out a repetition of those very instructions\*? This, however, is the fact. The language of Mr. Fox, which we are going to peruse, is, therefore, that of Lord Palmerston, adopted by him after it had been used at Washington, and avowed to have been according to instructions after it had failed.

We have seen already that these difficulties arose first because the British Government had not called that of America to account for aggressions proceed-

\* The same delay that invites the American Government to aggression, justifies the Foreign Secretary to his nation in subsequent measures against the American Government. The Foreign Secretary will be justified in his subsequent violence—by his first *moderation*.

ing from its frontier; and, secondly, for leaving without reply the demand of the American Government for redress. The question then merely is, has this been done by negligence, or by design? In the words which we have got to examine now of Lord Palmerston, pronounced through the mouth of Mr. Fox, we have additional means of ascertaining to which of the two this position is to be attributed— If to negligence, then is our case desperate; for no life or energy can remain in the constitution, if negligence could proceed to such an extent as this. If to design, then again is our state desperate, unless the faculties remain by which this nation may detect that design in time to prevent its accomplishment. Such a design can be resisted only by those who detect it, and nations, as individuals, become equally the instruments of the intention of a minister, when that intention is criminal, and when it is not understood; for being criminal, they must explain his motives by that which is not criminal, and, therefore, not true, and account for their support by concurring with him for reasons which are not his. The criminality of a minister involves, therefore, total perversion of every fact, and of every reason; and therefore is the inquiry in which we are engaged not important, as leading to the comprehension of the process by which the present position with America has been brought about, but as giving us some clue to understand the intentions of the Foreign Minister of

England, which is the only important question in the world, and which, unknown, nothing can be comprehended.

Mr. Fox says that Mr. M<sup>c</sup>Leod was arrested on "a *pretended* charge of arson and murder."

The charge was no pretence. It might be a question whether Mr. M<sup>c</sup>Leod was or was not a party to the transaction, but the charge of the American Government was noways doubtful. The criminality of individuals could be here established by internal and municipal law only after international admission of the character of the transaction. Mr. M<sup>c</sup>Leod could be abandoned by the general Government of the United States to a court of the State of New York only on the British Government's not adopting the responsibility of the act with which he was charged. The United States Government had before asserted the act of the destruction of the *Caroline* to be a crime by the demand for redress, and its assertion had been submitted to by England by withholding a reply; consequently the American Government had no other course left, on the arrest of Mr. M<sup>c</sup>Leod, than the leaving him to be dealt with before one of its tribunals, and in requiring from England submission to its judgment. The charge on the part of the United States was most positive. That charge on the part of Great Britain had been sanctioned by silence, by time, prescription, and endurance.

The selection, therefore, by the British Envoy, of

the term "*pretended*," was an assumption of an insulting tone, while it was a justification of the United States, and an encouragement to its proceedings.

The American Government had, indeed, admitted the parties, in whose service the *Caroline* was engaged to be outlaws and pirates, and had abandoned them to be dealt with as such by the Canadian tribunals—the British Government had not followed this admission to its consequences; and, in defiance of it, had established for the United States' Government a counter position; hence the difficulties in which we are involved; hence also, security against detection in these contradictory rights, and inter-destructive assumptions.

He continues:—"It is *well-known* that the destruction of the steam-boat *Caroline* was a public act of persons in Her Majesty's service."

Are such the words that could have naturally proceeded from the Representative of a Government? *Well-known!* It was what had to be declared, not spoken of—it was what had or had not existence by the declaration alone of the competent authority.

Lord Palmerston (for Mr. Fox's words are his words) here appears to declare to the United States Government that it is against the Government of Great Britain that proceedings are to be taken, and not against individuals, because the act is the Government's. He subsequently declares, in the House of Commons, that the American Government *had the right of proceeding* EITHER

against individuals or against the Government. In America, he leaves the question open—reserves his protest till the act has taken place, and then protests so weakly as not to intimidate, yet so offensively as to arouse the American nation in support of its government. He makes the declaration in the House of Commons of the legality of those proceedings of the American Government in time to prevent it from being, at the critical moment, restrained by any consideration for the views or measures of the British Government.

Mr. Fox proceeds:—" This act cannot justly be made the ground of legal proceedings in the United States against the individuals concerned, who were bound to obey the authorities appointed by their own government."

Is not this a prayer for mercy? Mr. McLeod had no choice—spare him! There are others more guilty and worthier of your vengeance than he.

Mr. Fox continues:—" The *pretended* charge rests upon the perjured testimony of certain Canadian outlaws and their abettors, who, unfortunately for the peace of that neighbourhood, are still permitted by the authorities of the State of New York to infest the Canadian frontier."

If such were the acts of the State of New York, how is it that they are not made the subject of official remonstrance? How is it that every complaint of Britain is reserved, so that by reserve offence is procured, and then the first sin is brought forth as a

countercharge and as an insult. Could it be accidentally that the aggressive party invariably is invited by submission, and that the aggrieved party invariably brings forward prior injuries in lieu of a demand for satisfaction? Can it be by accident that invariably an appearance of advocating national interests cloaks their sacrifice, and that concession follows insult as its shadow? Throughout the whole of the Boundary Transactions—of the Frontier events connected with them—throughout every passage of that momentous discussion of Great Britain with Russia in regard to Persia, these same characters have been exposed, and established on official evidence. In every other case will the same equally be found. Every where, matter of Fact is reduced to vague Discussion, and Discussion reduced to a simulated interchange of Insult and of Wrong.

Mr. Fox continues—“ That act was the public act  
“ of persons obeying the constituted authorities of  
“ Her Majesty’s province. The national government  
“ of the United States thought themselves called  
“ upon to remonstrate against it; and a remonstrance  
“ which the President did accordingly address to  
“ Her Majesty’s Government is still, *I believe*, a  
“ pending subject of diplomatic discussion between  
“ Her Majesty’s Government and the United States  
“ Legation in London.”

Mr. Fox acts on instructions, he writes by instructions; how is it that Mr. Fox does not *know* the diplomatic position of the two governments?

He concludes thus:—“ As the case is naturally

“ occasioning a great degree of excitement and indignation within the British frontier, I earnestly hope that it may be in your power to give me an early and satisfactory answer to the present *representation*.”

Could it be supposed, that the Envoy who penned this passage, had received instructions? Could he have any idea of an intention in the British Government in this matter,—of rights of England therein injured, or of obligations on England to vindicate its own honour, or to protect her subjects or her servants?

And what is the value of this document? Or, to use his own word, of this “ *representation* ?” It is to demand the liberation of Mr. McLeod ; or, rather, it is a request, that the American Government may “ take steps to obtain his liberation.” If the American Government was not guilty of a crime in seizing that gentleman, his liberation could not be called for as a matter of right; and if it was a crime to seize Mr. McLeod, then—to demand his liberation without demanding reparation for his seizure, was tantamount to justifying the seizure, and was a bar to any right of England to obtain his liberation.

This step is taken on instructions. How, then, is all allusion to any authority from home so carefully avoided? How, in acting according to instructions, should he avoid saying so, unless he had been instructed to conceal the fact? And what could the object be of such concealment, unless to



deaden the effect of such remonstrance as he was commissioned to make ?

The reply of Mr. Forsyth is what the circumstances give us to anticipate, and what the representations of Mr. Fox lead us to expect. He at once declares the case of Mr. McLeod to be clearly within the competency of the local tribunals, and the transaction out of which it arose, to have been " AN INVASION, in time of peace, of the territory of " the United States." How could such a position be brought about between two governments? How could the existence of such crimes be tolerated? How could the communication of such charges be suppressed? How could negotiations exist between two governments that thought or acted thus in respect the one to the other? How could such statements be interchanged after three years of negotiation?

The United States had before demanded redress for the *violation of the neutrality of its territory*--it now charges Great Britain with AN INVASION! How could the first demand, how the transmutation, be made or tolerated? The British Minister, by abstaining from demanding reparation for the invasion of the British territory, had invited a charge of crime, by opening the occasion for a demand for redress. By the omission to establish the international character of that transaction the Government of the United States was left powerless to resist the public impulse of its people, which could have been repressed only by the establishment of

the rights of the case, and by the decided attitude of Britain. The demand for redress comes—the British Minister withholds a reply—the United States Government is again compelled to advance, because placed in the alternative of withdrawing from the demand which it had made, or of proceeding to such acts as should compel England to declare herself, and it was impossible to withdraw while England gave no reply. The American Government, invited a second time, takes now two steps,—it designates the act as an invasion; it proceeds against one of the parties as a felon!

The American Government, starting from the most outrageous wrong inflicted on Great Britain in the events of December 1837, arrives at that point where it has mixed up in a common charge against Great Britain felony and war. In advancing from the first to the last position, it has not proceeded against resistance on the part of the British Government. It has proceeded, not only unresisted but invited; it has proceeded, not only invited, but compelled to advance.

Had this position proceeded from an intention on the part of the United States Government, it would have commenced with declaring that its citizens were not to be treated as felons by the tribunals of Upper Canada. It would have at once, and not after the delay of months, charged against England its violation of neutrality, and it would have at once made the charge of "invasion." It was England, by receding, who drew on the United

States; it was not the United States that, by pressing forward, constrained England to recede. In this transaction, therefore, the United States has performed merely the part of an instrument in the hands of the British Government, that is, of the British Minister. If such had not been the intention of the British Minister, could it have been in the power of the American Minister to continue in the following terms ?

“ If the destruction of the *Caroline* was a public act of persons in Her Majesty’s service, obeying the order of their superior authorities, this fact has not been *before* communicated to the Government of the United States by a person authorised to make the admission.”

Well may he say *admission*. He comprehends the amount of the sacrifice of the position of England; but not that that sacrifice was the success, and that weakness the triumph of her minister. He goes on to state that it is immaterial, whether or not the British Government admits its *responsibility* (now its criminality) in that transaction; that the Court of New York would decide whether the criminality of the British Government might screen Mr. M<sup>c</sup>Leod; whether the objections of Mr. Fox, and the plea, put in by him in extenuation, should or should not be allowed.

The following are the remarkable words which he uses :—

“ It will be for the court which has taken cognizance of the offence with which Mr. M<sup>c</sup>Leod is

“ charged, to decide upon its validity (the admission  
“ of the British Government’s responsibility) when  
“ legally established before it.”

Before dismissing this passage, I must remark that this statement is made after accepting the words of Mr. Fox as *an admission*, by “ a person *qualified to make it,*” of the responsibility of the British Government for the destruction of the *Caroline*. As the British Government itself had not vindicated its own acts or character, as it had allowed proceedings, during nearly three years, to be formally taken in a court of law—as it had allowed its acts, by the highest authorities of the state of New York, to be publicly denounced as felony—it could not now bring forward its own responsibility except for the purpose of submitting more completely the crown of England, in the person of Mr. McLeod, to trial before that court.

Mr. Forsyth’s dispatch concludes with these words :—

“ The President deems this to be a proper occasion to remind the Government of Her Britannic Majesty that the case of the *Caroline* has been long since brought to the attention of Her Majesty’s Principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated his decision thereupon. It is hoped that the Government of Her Majesty will perceive the importance of no longer leaving the Government

“ of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences.”

Mr. Fox is now startled at finding that his words are construed into an admission of the adoption by the Government of the destruction of the *Caroline*. He consults his instructions, and the value of some ambiguous terms having now come out, he finds that he has committed himself by his incidental reference to it. He further finds that he can neither admit nor deny the recognition by the British Government of the destruction of the *Caroline*.

He answers by a long and confused dispatch, repeating reasons why the destruction of the *Caroline* *should be considered* just and proper, declares that such were the opinions of Her Majesty's authorities *on the spot*; then attempting to draw a distinction, or assuming, rather, to have a distinction drawn, between the act (the destruction of the steamboat *Caroline*) and the question pending between the two Governments respecting the act—he says, “ I am not authorised to pronounce the decision of Her Majesty's Government upon that remonstrance, but I have felt myself bound to record, in the meantime, the above opinion, in order to protest, in the most solemn manner, against the spirited and loyal conduct of a party of Her Majesty's officers and people being qualified,

“ through an unfortunate misapprehension, as I believe, of the facts, with the appellation of outrage or of murder.”

He records a protest against the appellation of outrage and murder being applied to a party of Her Majesty's officers, after Mr. Forsyth has accepted his former letter as an admission of the responsibility of the British Government for that act. Is not this, the disavowal of the Government's share in that act, designated as arson and murder? He retracts, therefore, the admission that he has made, at least he does all he can in the way of retraction. The trouble of his mind is shown in the incoherence of his language no less than in the arrangement of the thoughts and in the multiplicity of words. What had “pronounce” to do with the subject? It was inconsistent with the character of the actors, and wholly inapplicable to the situation; it is one of those words employed by men who deceive others or who deceive themselves, and who do so solely by ability in the selection of confused terms to conceal from themselves the confusion of their own mind, or from others the dishonesty of their purpose. This retraction could not be made knowing that what he asserted was true, unless because his instructions prohibited his making such an admission; nor in retracting, would he, as he has done, have reiterated the statement, unless his instructions had been adjusted to produce confusion. Thus, then, the American Government, three years after the occur-

### 30 *Correspondence between the British Envoy*

rence, had no admission by the British Government that the destruction of the *Caroline* was its act, and it was placed at once in possession of this admission and of its retraction. The option was given to it of using the one or the other, and encouragement afforded to advance by such apparent pusillanimity of opposition. That this was the intention of the Foreign Secretary in the instructions that he sent to Mr. Fox, is further proved by the sanction given in the House of Commons to his acts, and by the avowal that he had acted by instructions when that was unknown, and when, after failure, there seemed every motive for the concealment of that fact.

We have here a very remarkable case, one on which Lord Palmerston, *anticipating* a contingency, instructs beforehand. The controversy arises out of the refusal of a reply to a demand of the United States Government. Lord Palmerston prepares the Envoy at Washington for this event, by instructions which do not notice the demand.

These instructions are to protest against the proceedings after *waiting* until they have taken place, to demand the liberation of the man seized on grounds that justify his capture. The instructions sent could have had effect, as being known to be instructions from the British Government. He is instructed to conceal the fact that he acted on instructions; consequently, these instructions sent out to meet the anticipated case were, in every point, calculated to frustrate the effect of their ostensible inten-

tion\*. Put forward as the uninstructed words of the Envoy, and coinciding with the absolute silence and indifference of the Government itself they could only produce exasperation or contempt. But when it should afterwards be known, as Lord Palmerston took care to reveal, that these were words uttered upon instruction, what must be the effect? What then the object of this avowal? Is there here a shadow of a pretext for the blindness of those who do not see that the British Minister acted to bring about that which has occurred?

We must now examine if in every point this supposition is borne out. We must examine, whether by sending no instructions, other injuries might

“ \* *New York, January 15th.*

“ In a debate which incidentally occurred in the senate of the United States, on the 8th instant, Mr. Clay expressed the opinion that ‘ the idea of the probability of a rupture with Great Britain was entirely unfounded.’ He said that the language used by Mr. Fox in his correspondence was very strong, and such as he thought ought not to have been employed without instruction from his government; but he understood that the whole correspondence, on the part of the minister, was without instructions, and he was not disposed to put himself in a passion on account of language used under such circumstances. The affair of the *Caroline* he considered as one of much delicacy; and it remained to be seen whether the order of the British authorities to capture the vessel was not intended to be *limited to the waters over which they had jurisdiction*, which might have been justifiable; but her capture and destruction at Fort Schlosser, on our own shore, was another and a very different matter.”



not have accrued—whether to remedy the evil, other instructions ought to have been sent; that is to say, whether the instructions can be explained as directed to prevent some evil which has not happened; whether the instructions were not exactly calculated to bring about that which has occurred. Let us suppose then Mr. McLeod arrested, and the Envoy uninstructed. What must have happened? The event would come upon him without preparation; his indignation would have been aroused—he would have expressed himself strongly—he would have treated with scorn and contempt the idea of the jurisdiction of a separate state—he would have entered into no detail, committed himself to no statements of any kind; and the reference to the decision from home would have kept the Government and the public of the United States to a certain degree in suspense, nor could the moral effects of the correspondence now published have told either in America or in England. With no instructions, he would have been in a better position than thus instructed, and no evil could have accrued from absence of instructions, which has not been increased by such as have been sent.

Now let us see what the nature ought to have been of instructions which could, in this case, be of use; though this is impossible, as, while the American demand remained unreplyed to, no instructions could alter the position of England. But let us suppose, that the British Minister had anticipated

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the seizure of a British officer, on the grounds of participation in the destruction of the *Caroline*, without there having been made any demand of redress from the American Government. What, in such case, could the instructions be? Must they not have been to declare that the destruction of the *Caroline* was an act of the Government, and that any proceedings against an individual, not only would be resented by the British Government as such, but that it was an outrage for which the British Government instantly demanded redress. This not said, nothing was said. Wherefore, then, this not being said, send instructions? Why anticipate the case, if not to do that which it required? The English Government avows that it anticipates the seizure of one of its subjects—and sends out—what? Instructions to its own Envoy, and takes no step with the United States Government! This was not negligence, because instructions were sent; and if it was not by negligence, it was by intention, that the American Government was left without reply. The instructions to the Envoy were, therefore, sent with the same view that the reply to the American Government was not given, and both concurred to bring about the same result.

Again, had those instructions been with any intention of meeting the difficulty, the Envoy would have been armed so as to meet the arguments, or the assumptions of the United States Government; that Government would, doubtless, plead the sepa-

rate jurisdiction of the state of New York. Had not then the Envoy to be instructed to declare, in the name of Great Britain, that so long as there was a federal union, so long as New York was a portion of that federal union, to talk of the separate jurisdiction of a Court of New York was an insult which England could not notice, and to which she could not reply ?

Here is a long chain of evidence, commencing with the absence of any demand upon the United States, in consequence of the transactions that led to the destruction of the *Caroline*—then a demand of satisfaction from America left unreplied to—then instructions sent out which should corroborate the aggressions of the United States, while calculated to satisfy people in England that something had been done—instructions to protest against the act so arranged, that the protest should not appear to be made by the British Government—then the liberation of the individual is demanded on grounds that justify his seizure ; and after all these, comes the leaving of the British Minister unsupplied with the means of meeting that case, which it was evident the American Government would put forth. There is not a single link which is not conclusive either as to idiotcy or as to guilt. But it is impossible to admit the first as the solution of two or more acts which coincide in intention. But I will take the last ; and as it may appear, perhaps, the most insignificant of these acts, the withholding of the neces-

sary declaration against the separate jurisdiction of the State of New York\*, and I will prove in it also the guilty intention of the whole transaction.

If the British Foreign Secretary had upon another occasion, the violation, for instance, of British territory by American citizens, admitted *difficulties of constitutional action of the American State*, as the justification of the American Government for leaving such acts unpunished; if the British Foreign Secretary had himself suggested that excuse to the American Government for not punishing this outrage— if he had suggested that excuse before the American Government had refused to punish it,—if he had put it forward as the ground for not requiring on the part of the British Government such punishment,—would you not then see clearly that the suggestion of this excuse, to encourage direct aggression, and the leaving the British Envoy without the means of meeting the same excuse, when put forward to justify the present act, were co-ordinate parts of the same design? Such design, is it not criminal? What I have stated is no supposition, it is fact. On the 19th November, 1837, he wrote as follows to Mr. Fox :—

“ With reference to your dispatch of the 25th  
“ of January last, relative to the outrage that was  
“ committed in October, 1835, within the Canadian  
“ frontier, by certain citizens of the State of New

\* This declaration will be made *after* it can be no longer of use to prevent the evil, but when it will be of use to aggravate it.

“ Hampshire,—*I have to instruct you to point out to the American Secretary of State, the unjustifiable violation of territory, indisputably British, which was committed on the occasion referred to; to express a conviction that such an act must incur the disapprobation of the President; and to say that, if it has not been punished, its impunity must have arisen from some insurmountable difficulties of constitutional action\*.*”

\* The following remarks on this passage are in the “Exposition of the Boundary Differences,” p. 64.

“ It is a novel procedure in diplomacy, to suggest an excuse for an injury, as the means by which redress is to be obtained! To advance an hypothesis in an irrelevant matter, and to cast an imputation on the constitutional character of an independent state, has, I believe, been hitherto unheard of in international correspondence. So complete a displacement of the question at issue—so entire a departure from the forms of the subject, and the style of the office—so artful a leading away of the mind of the reader from the intention of the writer, and from the effect of the communication—could not have fortuitously presented themselves to the writer’s mind; nor could ideas so disjointed, and propositions so unnatural, have been brought together in a single phrase, except by an ominous concert of ability and design.”

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## PART III.

## DEBATE IN THE HOUSE OF COMMONS.

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“What is the condition of a country, whose representatives depend for a knowledge of its position on vague rumours, that reach it from abroad.”—LORD PALMERSTON, *June 1st, 1829.*

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SUPPOSING a citizen of the United States seized by England, put in prison, brought to trial for his life, because, being an officer of the United States Government, he had executed an act commanded him by authority—how many hours would elapse between the arrival of the intelligence in the United States, and a message from the President to Congress? What would be the movements throughout the wide belt intervening between the Gulphs of Mexico and the St. Lawrence, as the intelligence rolled across from the Atlantic to the Pacific? What would be the terms of the address of the Senate,—what the language of the dispatch of the Government,—what the celerity of the flight of the messenger?

Mr. McLeod is arrested on the twelfth of November, the British Government must have received intelligence of the fact in the beginning of December. The Parliament opens January 26th. No message is sent down from the Crown,—no declaration is

made by the Minister! Correspondence connected with the transaction is given to the House of Congress—it reaches this country by the public press; and questions are thereupon put in the House of Commons. The trial, on which hung the life of the individual, in whose person this whole nation was to be brought to judgment, was to take place in the beginning of March, and on the 8th of February, the Foreign Secretary being then, for more than two months, in possession of the fact, no instructions had been sent, and the instructions to be sent that night were declared to be the repetition only of instructions which were already in America, in face of which the act had been committed, and the full effect of which had been already tried in vain!

What words do our language possess to give utterance to the thoughts which such acts inspire? What use of comment? what need of analysis? Why call in documents? Why trace collateral proof? That which is in evidence, alas! is not the intentions of the man, but it is the perfect imbecility of the race in the midst of whom such a position can be revealed, without one explosion of indignation from shore to shore.

It is in the following words that the British Minister introduces the subject:—

“ The subject was one of extreme interest, and which, from the great delicacy of its nature, involving considerations of a very grave and serious character between two great countries, should be touched upon with great reserve.”

How little he would have risked by a show of indignation—the United States was now committed; but he takes care to draw from each position all possible advantage. This semblance of fear and of alarm, allows the American Government to think they have made the discovery of consciousness in Lord Palmerston, of weakness in his case, and of powerlessness in his position. The assemblage in whose presence he spoke is involved in real concurrence in the simulated alarm. He proceeds, without ambiguity, to justify the American Government.

“ The American Government undoubtedly might have considered this transaction either as a transaction to be dealt with between the two Governments, by demand for redress by one, to be granted or refused by the other, and *dealt with accordingly*; or, it might have been considered as the British authorities consider proceedings between American citizens on the British side of the border, as matter to be dealt with by the local authorities.”

A Senate listens to a Minister of the Crown, while establishing a parallel between outlaws and its meritorious servants, and establishing that parallel in face of proceedings against them by a foreign government as felons!

We have spoken of the effect on England, of the effect of the United States, of such words and acts; but there is another population, whose minds, and whose state we have to consider. Has not England



possessions—has she not subjects and citizens in America? Is not the principal portion of her strength beyond these islands, rooted on the continent of America? What will be the effect of these words to the north of the frontiers of the United States? What the effect of this comparison upon the men to whom the defence of the British possessions was entrusted—on the body to which these volunteers belonged,—on the provincial governments which they obeyed—on the North American colonies which they defended, and of which they constitute a part? I shrink from the attempt of calling up in my own mind the feeling with which as a North American subject of the British Crown, I should read those words as spoken by an Englishman, uttered on the soil of England, echoing within the precincts of St. Stephen's, and listened to by those possessed of the respect of millions, and ruling the destinies of the mightiest empire beneath the sun.

The Foreign Secretary proceeds:—"But the American Government chose the former course by treating the matter as one to be decided between the two Governments—"

What continuation could there be to the passage but this?—"and having adopted that course, it is impossible for it now to proceed against individuals!" No, the phrase concludes:—"And this is the ground on which THEY ARE ENTITLED to demand redress from the British Government, for THE ACTS OF ITS SUBJECTS."

Is not then this man, the nominal Minister of the British nation—the advocate of the United States? But this is the man who has led the United States into the actual hazard of its existence, he must, therefore, be its enemy—he is both! He is the foe of its peace—he is the advocate of its injustice. He is for the United States that which he is for England—that which he is for the world.

Having, in these few sentences, given the explicit sanction of the British Government, to the abrogation of the rights of England in this question, and to the justification of the act of America against it; having given, by pronouncing them in its presence, the sanction to these transactions of the House of Commons, he then concludes with saying that he was “sure the House would think with him, that “the matter was one of such extreme difficulty, “that it would be improper for him to enter into “further remarks or observations.”

Mr. Hume then rises, and declares that the statements the noble Lord has made “are not exactly “consistent” with the information of which he is in possession, and entreats the House not to go further in the matter until they are possessed of all the facts; and he expresses his surprise that the British Government had not given a reply to the demand of America. To this Lord Palmerston answers, by saying that the American Government had instructed its Minister “*not to press for a “reply.”*

The British Government, in replying, must either

have given satisfaction or refused it; and in either case further proceedings were barred. By leaving the demand without reply, the United States Government became possessed of the power, dangerous, but not, therefore, less desired, of proceeding against British citizens, of exacting redress, or even of making reprisals against the State. Time and prescription became no bar, because, while the British Government withheld a reply, it was not in its power to plead either. From the moment the American Government obtains this position, it preserves it; that is to say, it does not press for that reply, which, once given, would annihilate this power. It suffices for Lord Palmerston to quote this proof of the advantage he had yielded to a state which he had converted into an enemy, to close the mouth of those who questioned. He accounts for the injury by saying that it is done; and those who charge him with *negligence*, he meets—knowing them—by daring them to discover his intention.

He further declares, that

“ The American Government had disavowed the  
“ acts of those citizens who had taken part in these  
“ proceedings, and that, until, therefore, the British  
“ Government disowned *those persons*, as the  
“ American Government disavowed *their citizens*  
“ in the other case, he *conceived* that the American  
“ Government had *adopted an international respon-*  
“ *sibility* in the *late detention* of Mr. M<sup>c</sup>Leod, and  
“ could not, *therefore*, change their ground upon  
“ this question.”

He had before admitted that it was in the option of the American State to proceed either against individuals or against the Government. He had taken the ground at Washington, that the American Government had not the right to proceed against the individuals. But after admitting that it has the right to proceed *in the one or the other manner*, he sanctions both ; he has not treated the seizure of Mr. M<sup>c</sup>Leod as an outrage upon England ; and he has admitted, by silence, the demand of redress against the Government. Mr. Forsyth has, moreover, put forward the explicit declaration, that the American Government has a right to proceed by both methods. That declaration officially made, and published to the world, Lord Palmerston leaves uncontradicted ; it is not that he reserves himself in silence, he deals with the matter, he speaks about it ; he says that unquestionably the American Government had the right of proceeding in either one or the other manner ; but he does not declare that to proceed in one way bars the proceeding in the other. Here, then, is a direct and unequivocal sanction given to the declaration of Mr. Forsyth. Further, Lord Palmerston declares that the instructions which he had now sent to Mr. Fox were the same as those which had already drawn from Mr. Forsyth this very declaration, and to which declaration, under those instructions, Mr. Fox had had nothing to reply.

But both these proceedings are against the English Government since the act was the English

Government's: there was an alternative as to the mode or modes of proceeding; nor was this an alternative; there were two modes of procedure, but there was only one party proceeded against. Lord Palmerston confounds his hearers by simulated alternatives in a dilemma which had no existence regarding the parties, and, thereby, justifies both modes of proceeding against the Government. His hearers, confounded in this maze, and unable to see, labour to find a justification for his acts so as to justify their own blindness; hence the expression recently current amongst Members of Parliament, "Lord Palmerston has hung the American Government between the horns of a dilemma."

But let us look at the separate terms employed in this wonderful sentence.

It is not the seizure of Mr. McLeod, but his "*detention*;" it is not his "detention" alone, but "*late*," as if the time were gone by. "*Until* those persons were disavowed," as if there was a question respecting their disavowal; then he doubtfully "*conceives*" that the United States had "*adopted*" a "responsibility," and then the *responsibility* is "international." There is international justice and injustice; but international responsibility cannot be, because responsibility has reference to superiors. Let us set down the words which the hearer was to suppose he heard—"The American Government has been guilty of international injustice; it cannot, therefore, justly change its ground." Is comment

requisite here?—or do you think that accident has arranged these terms—and that there is no intention in any thing which is above your comprehension?

The American Government had changed no ground—had never spoken or thought any such thing. The American Government had originally taken criminal steps against the agents of the British Crown; that was its first, as that had been its last step; the first which is threatened, and the last which is executed. And that it has taken concurrently with proceedings against the Government, and it has declared that it was justified in taking both, and had simultaneously pursued them. But no sooner have the words, “The American Government *cannot*, I conceive, *change* their ground,” fallen from the lips of the Foreign Secretary, than the House of Commons calls out “hear, hear!” These sounds were not to be lost upon the American Government\*—they were not to be lost upon other Governments; nor will it be lost upon Europe, or upon America—that at this point the defence of the Foreign Secretary was cut short by the leader of the opposition in the House of Commons, who arose to his rescue, by putting an irrelevant question upon another subject.

On the following day, the debate is resumed in the House of Commons, and the Foreign Secretary then puts it in possession of further information; he

\* See Portfolio, Vol. I., Despatch of Prince Lieven to Count Nesselrode, 1st June, 1829, where another “hear, hear,” of the House of Commons, is quoted in triumph and exultation.

tells it that " a case of a somewhat similar nature " had happened, or was about to happen a year " or a year and a half ago," on which occasion he had sent out instructions to the Envoy at Washington, " laying down what he conceived to be sound " principles in such an emergency ! "

Has not Britain reason to rejoice in the activity of her servants, in the foresight of her Government ? If disasters befall her, or disgrace overwhelm her, it is surely not because she has been deficient in activity, in charities, and in doctrine ; and if she has reason to complain of aught, it is that human nature is perverse, and that fortune is her debtor.

During the first day's debate, Lord Palmerston avoids to recognise the destruction of the *Caroline* as an act of the British Government. By the mere fact of keeping them in suspense during four-and-twenty hours, he converts a public act, simple and notorious, which had happened three years before, into the leading object of interest and of attention, at this critical moment ; every other portion of the transaction is thus obscured before their eyes, and no one thinks of inquiring why he had not replied to the demand of the American Government, why, in anticipating this case, he had not sent such instructions as were fitting, &c. He holds up to them the doubt of the recognition of the destruction of the *Caroline* ; and at this target are aimed the shafts of his nerveless adversaries. On the second day he avows that act, quells opposition, and gathers in his antagonists' weapons. On the

avowal of the destruction of the Caroline, a cheer immediately ascends from both sides of the House, the one party glorying in the decision of its leader, the other exulting in the energy which it has displayed in compelling from him this *admission*. All are ready again to treat with ridicule and contempt any one who ventures to doubt, or who dares to gainsay; and another sound issuing from that brainless organ of an infatuated people, is blown across the Atlantic, to confirm the belief of that insanity in the British State, which always precedes, because it alone can bring—a nation's fall.

But this is not the sole reason for which he has withheld, on the first day of the debate, the recognition by the Government of the destruction of the Caroline. These two debates, though following for England at the interval of a few hours, will follow for America at the end of two weeks. *The vessel carrying the first debate had sailed before the result of the second debate could be known.* Look then at the effect upon that first portion of the debate arriving alone, justifying the proceeding of the United States, and leaving the United States in that suspense for a fortnight in which the House of Commons had been left for a day; as to the recognition by the Government of Great Britain of the destruction of the Caroline.

The debate on this second day closes with a declaration by Lord Palmerston, that the recognition of the destruction of the Caroline had been officially made through the British Envoy at



Washington to the United States Government, and to the United States Minister in London. Without any knowledge upon the subject, I should judge these assertions to be false, because it would not occur to Lord Palmerston, in speaking to the British Nation, to say that which is true. But we know the falsehood of both statements, from the documents given to the American Congress; and further, the American Minister in London has not refrained from speaking on the subject. But the House of Commons was perfectly satisfied with the declaration, and there the matter ended, without a motion for impeachment for inquiry, without a vote of censure, without an address to the crown, without a demand for papers, without a suggestion, and the subject was dismissed because there was no question before the House!

It comes before the House of Commons in these two nights' discussion:—

That no reply had been given by Lord Palmerston during three years to a demand of the United States, which allowed the charge of arson and murder to hang over the Crown of Great Britain—and there was not a Member of the House found to see the meaning of such silence, or to utter one word of reproach or of indignation:—

That the case of the seizure by the United States of a servant of the British Crown, as justifiable under that charge, had been anticipated, and that Instructions were sent out specially to plead before the United States. There was not a

Member found in the House to understand the meaning of that Instruction, or to express one word of reproach or of indignation :—

That the Government had sanctioned the act of the destruction of the *Caroline*, and had not made use of that sanction for the only purpose for which it was required, the declaration of it to the United States; and further, a false statement that it had been so communicated, and there was not a man in the House to understand the meaning of that suppression or that falsehood—not one found to utter one word of reproach or of indignation :—

That hours, days, weeks, and months, must have elapsed from the receipt of the intelligence of the seizure of that subject of the British Crown, without a communication made to Parliament, and without a step taken with respect to the United States; and there was not a man in that House to understand the meaning of that delay, or to utter one word of reproach or of indignation :—

That the Minister placed servants of the Crown who had exposed their life in performance, with success, of duty, on the same level with the bandits and the outlaws, against whom they had been employed, and exposed by this declaration these servants to be executed as felons by a foreign judicatory; and there was not found in *that House* a single head to comprehend the object of that declaration, or a tongue to utter one word of reproach or of indignation!

Before that Senate came the most atrocious out-

rage ever recorded in the page of history—committed by a foreign state against a British subject ; judicially asserted by a foreign court against a functionary of the British Empire ; diplomatically asserted by the United States against Great Britain. Before it came evidence that this had been brought about by its own Minister, through a process. Before it comes proof of reiterated falsehood of that Minister in the process itself, and in the explanation respecting that process given to the House. In its very presence are directed to the United States words of sanction and encouragement. In its presence is directed against the North American Colonies ministerial declarations, such as to fill them with exasperation, and overwhelm them with bewilderment. And these men, lying shadows of life, knowing not what they did, and accounting not what they were, sit around unmoved, they listen with ears of flesh but with hearts of stone—nay ! they exult and rejoice, making a noise with their tongues—a noise to fill the fiends with laughter, and to make angels weep. Must not that state perish, whose fate is yielded into such hands ? or, rather, is not that state unworthy to live where such are to be found ? Yet at that moment one awful word pronounced, the cry of alarm, raised by a single voice, and the traitorous spell might have been broken, and this people's trance dissolved.

But England is divided into two parties ; if the one party supports, the other party opposes the

Government. How is it, then, that we have here the opponents of the Government not coming forward as a body to denounce this act? If it is a party, if it is an opposition, was this not the time to make disunion of use? Was not this the moment when resistance was no faction—when union was a crime?

Far from that, it is the leader of the opposition who interposes to save the Minister from his own supporters. Not interposes by argument or by statement, but by bald interruption. Sir Robert Peel interrupts the discussion; first, by questions respecting the reward of officers wounded in that assault, which leads to a reply from Lord John Russell that he knows nothing on the subject. Sir R. Peel again interposes with questions regarding the affairs of Persia. Mr. O'Connell, amidst the *cheers of both sides of the House*, calls it back to the question before it; and then again does Sir R. Peel, with the assistance of the Speaker, carry the House back again to the affairs of Persia. He interrupts the discussion upon a subject, pressing and instant, to introduce one distant, remote, long known, and equally long neglected. Were the affairs of Persia those in which Sir Robert Peel had habitually shown interest, upon which he had expressed conviction, or regarding which he had taken care? The interruption can, therefore, be accounted for neither by indifference to the subject interrupted, nor by the importance of that introduced. If not, was this sudden interruption prompted

by a consciousness of the necessity of attending to our difficulties in the East, by this evidence of the insecurity of our interests in the West? If so, surely such impression would be rendered available only by thoroughly examining that which was before them, which alone could afford the means for the cure, or the comprehension, of either, or of both. If, then, we can find nothing in the transaction, which can account for so strange an act, must we not look for the cause elsewhere; and must we not suspect that he acted through the consciousness of a common responsibility with the Minister? Must we not suppose that there was in his mind a consciousness of so much danger in the state, as to make it a matter of expediency to prevent the eyes of the nation from being opened to its danger? Must we not suppose a conclusion come to that the fate of England was so irretrievable, that it was not criminal to shut out light—that it was not criminal to attempt to prolong delusion in others or in himself? Is not this that condition in which Athens stood, when the commonwealth was betrayed, “neither willingly, nor ignorantly, but “from a desperate purpose of yielding to the fate “of a constitution judged to be irrevocably lost”? A condition in which the defenders of the state, some from intention, and some from misjudging, become alike its enemies and its destroyers.

The debate closed by an assertion of Lord Palmerston, that the recognition, by the British Government, of the destruction of the *Caroline*, had been officially

announced to the representative of the United States in this country. This statement is false; but if it is false, how is it that that gentleman does not expose it? It is currently reported, that Mr. Stevenson had declared that he would expose this falsehood. But could any man, in the slightest degree conversant with diplomatic transactions,—in the slightest degree understanding the position to which America has been brought,—in any degree understanding the man who is the Minister of England, suppose that such an exposure was possible?

A diplomatic servant cannot act upon his own impulse, and to have exposed Lord Palmerston, Mr. Stevenson would have required instructions from his own Government. Could the American Government act in such a case? Men, as governments, *that are led*, can venture to do nothing. It is only he who prepares events that ventures to act—not he who is taken aback by events, and unprepared for results which another has designed and executed. Besides, the American Government, is it not now brought into a position of hostility to Great Britain? Unable to conceive the design of restoring harmony by conquering that hostility in its source, it remains for it only to become the enemy of England, and to look on any thing that will injure England as a benefit to itself. It sees, then, that this Minister has by pusillanimity, as it will suppose, in one case, and by falsehood in another, given to itself a position of strength as against Great Britain, not seeing that he is the cause of the danger to both.

It will consider that the same imbecility and falsehood must rouse up foes to England throughout the world. Before minds thus doubting and thus inimical, the long Disputed Territory will arise ; and in more distant prospective, those magnificent possessions of England in North America, containing, within themselves, elements of manufacturing and maritime greatness, inferior to those only which have given empire to these Isles :—which once possessed, the United States is relieved from all control on the continent of America, and a transfer is effected, from the Old World to the New, of greatness, power, and dominion. All these under-currents of thought are carrying the American Government day by day into a position more and more favourable to the Minister of this country, whether as to awakening ambitious thoughts, whether as to confirming hostile acts, whether as to the inspiring of sentiments inimical to Great Britain, and as rendering difficult, if not impossible, to retract from the steps into which they have been led. Therein is triumph, for the designs of which he is the instrument and security to himself. In other crimes, danger is increased by its perpetration ; but in treason, it is the very accomplishment that gives security. He is secure from exposure by any state that he makes the foe of Britain ; he is secure from all inquiry in his own country, when the hatred with which he has inspired any Foreign State will have roused up counter hostility and passion in his own : Lord Palmerston can be ex-

posed by none, except by the *friend* of England, and having wielded the power of England during eleven years, he has left no chance throughout the wide world of such exposure.

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## PART IV.

## PARALLEL CASE OF BOUNDARY DIFFERENCES.

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“ Such a man is a public enemy, who saps the foundations of the peace and common safety of nations.”—VATTEL.

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BUT does this transaction stand alone? No; the greatest of international differences, one of disputed Territory, pends between the United States and England—difference such as cannot long remain between nations\*, without rousing up every latent element of ill-will, sowing the seed of war, and destroying the value of peace; such differences are dangerous alike in their origin as in their effects; because they can exist only by some criminal design, or by some inability to manage public affairs. If there is the suspicion of intentional incitement of America to aggression in regard to the affair of Mr. McLeod, we must turn to examine this long-agitated question, and respecting which voluminous documents are in our hands. With two such transactions before us, we surely may be able to arrive at a just estimate of the character, and a clear percep-

\* “ The tranquillity of peop'le, the safety of states, the happiness of the human race, do not allow that 'he frontiers \* \* \* of nations should remain uncertain, subject to dispute, and ever ready to occasion bloody wars.”—VATTEL, *Law of Nations*.

tion of the intentions of the single individual who acts for England.

*The differences between the United States and Great Britain have been adjusted by a double international transaction—the one, a solemn Convention between England and the United States; the other, a sovereign Award rendered according to the terms of that Convention.* How then can there be here a question open between the two countries?

In January 1831, was that Award rendered. The Minister of the British Crown refused that Award to the House of Commons; told that House, after the Award had been rendered, and accepted by the Crown of England, that the question was one regarding which “*negociations were pending,*” and called upon it to place reliance in the declaration “which he made in his ministerial capacity, that the motion for its production could not be safely assented to\*.” This minister then avoided taking any steps to obtain the recognition of the Award by the United States, and did take steps multifarious and complicated, to obtain its rejection. This transaction I have already exposed in detail†;

\* Parliamentary Debates, March 14, 1831.

† *House of Commons, August 26, 1839.*—“MR. D'ISRAELI: I beg to present a petition, Sir, from certain merchants and ship-owners of the city of London. It is most respectably signed; and, among others, by gentlemen who are now, and several who have been, Members of this House; by the Committee of the North American Association; by the President of the South American Association; and other firms of great respectability, stating—

and as that exposition is within the reach of whoever desires to examine it, I shall here content myself with asserting that during six years of negotiation, every line, every act, every statement, every omission, coincides systematically to reach the same end, that of abrogating the Award—re-opening the question—inviting the American Government to advance pretences, and the Border population to commit aggression\*. In that case, as in the present, every word uttered by the Foreign Secretary was false; and the House of Commons on that, as on this occasion, submitted alike to his falsehoods and to his denial of information.

Just a month before the burning of the *Caroline*, Lord Palmerston had completely shaken off the Award of the King of Holland. On the 19th No-

\* That the Minister for Foreign Affairs, to whose intelligence and integrity are entrusted the honour and interests of this country, has been publicly charged with criminality of the gravest character, in an "EXPOSITION OF THE BOUNDARY DIFFERENCES BETWEEN GREAT BRITAIN AND THE UNITED STATES. By DAVID URQUHART, Esq." The petitioners, therefore, pray this Honourable House to institute an inquiry into these allegations, demanded alike by the honour of the Minister, and the interests of the nation."—*Mirror of Parliament*.

\* Sir John Harvey declares to Lord Glenelg that the vexatious proceedings of the State of Maine, if they did not actually arise, received an increased degree of confidence from "some (*doubtless wilful*) *misconception* on the part of the people of Maine, of a declaration *imputed* to Lord Palmerston in his place in the House of Commons." Could the Governor of a Province, speaking of a minister, express himself more significantly?

vember, 1837, he writes thus:—"The two govern-  
ments are AS FREE, in respect to this settlement,  
as they were before this reference to the King of  
the Netherlands had been made!"

"Free!" Weigh the word, and consider who  
the man is who uses it.

But supposing that the Award of the King of  
Holland could be set aside, you had the Convention  
of 1827 to regulate the proceedings, and that Con-  
vention was again but explanatory of the Treaty of  
Ghent of 1814, which stipulates the appointment of  
a judge and arbiter.

Having broken up the award, the minister pro-  
ceeds to new negotiations without any Convention  
to bind the parties to abide by a new award, or to  
adjust, by some common agreement, the terms of  
the settlement? What would be said of such a  
proceeding if no bonds or treaties were in existence?  
If the Award had not been set aside with the view  
of preventing a settlement, he would have now pro-  
posed a readjudication under the Convention, which  
they pretended had not been adhered to with suf-  
ficient strictness in the decision of the King of Hol-  
land\*. The Convention is never heard of again—it

\* The grounds assumed to be assumed for setting aside the  
award of the King of Holland is, that, instead of selecting one of  
the two lines, the arbiter had laid down another line. The Con-  
vention of September 29, 1837, declares, in the first article,  
"That the points of difference which have arisen in the settle-

passes away as the Award has passed. Can there, then, be a doubt as to the motive? Then the two

ment of the Boundary between British and American dominions, shall be referred to some friendly Sovereign or State, who shall be invited to investigate and make a decision upon such points of difference."

Again, in the Treaty of Ghent, of 1814, the words are as clear as words can be, and the intention as evident, that whatever differences should arise, were to be irrevocably settled by the decision of the arbiter. It says, in article 4, which adjusts the mode of proceeding in regard to the Boundary specified in article 5—"In the event of the Commissioners differing upon all or any of the matters so referred to them \* \* \* His Britannic Majesty and the Government of the United States agree to refer the Report or Reports of the Commissioners to the Sovereign of some friendly State, who shall be requested to decide upon the differences which shall be stated in the said Report or Reports. \* \* \* And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly Sovereign or State as final and conclusive on all the matters so referred."

The Convention of the 27th September, 1829, under which the King of Holland was chosen for the arbiter, stipulates, in Article 7, "That the decision of the arbiter, when given, shall be taken as final and conclusive, and shall be carried without reserve into immediate effect."

It is further assumed that the King of Holland had not given a decision, but only pronounced an opinion. Why then did the English Government address to the King of Holland its acceptance of the award? The statement is too nonsensical to merit a reply. The words used are "*nous sommes d'avis*," which is the form of such arbitration—which is the term used in the arbitration of the Emperor of Russia on the question of slaves referred to him, equally under the Treaty of Ghent, and which imposed

Governments enter into that exchange of words, which was characterised by Sir Robert Peel, in the House of Commons, as "a series of propositions reciprocally made and rejected," but which was a series of propositions, so made to the United States by the British Minister, as to invite rejection, and invited by him from the United States, to be rejected\*.

The Foreign Minister, in his urgency to settle this matter, sends out the British commission without settling any mode of decision, or even waiting for that of America. But the American commission not having proceeded to the same task conjointly with that of Britain, this haste could noways advance the settlement, even if, under such circumstances, a settlement was possible. The commissioners conclude their task, they come home, they make a report; the Foreign Secretary, who communicates no documents while "negotiations are pending," publishes the report! The cases on both sides, had they not to be simultaneously presented? In the former adjustment, the most special care had been taken to settle by an international act the mode of proce-

upon England a heavy pecuniary loss, without our statesmen having then discovered that "*avis*" was an opinion, and not a decision. The words of the Russian award are less formal than those of the King of Holland. The King of Holland says, "*nous sommes d'avis*," rendering the award in his own person. The Russian Government rendering the award in the name of the Minister, thus, "*l'Empereur est d'avis*."

\* See Appendix, No. VII.

ture, so that the reports should be simultaneously presented. But here British Commissioners are sent out alone, and their report is published to the world, before any steps are taken to adjust the matter with America; before it was settled under what authority it was to be adjusted, and without even there being any commission appointed by America. What could avail all the Reports that the ingenuity of men could furnish, unless presented to the arbiter who had to decide? And this publication is made by the very minister who had refused to parliament the Award of the King of Holland! Perhaps it was that this Report should produce a favourable impression upon the feelings of America—that it could facilitate the negotiation, by the concurrence which it held out, and the favourableness of the conclusions to America at which it had arrived. Let us open the Report, and see what it proposes: The Report claims the whole matter in dispute: nay—it goes further—it claims a portion of the territory of the United States! The motive for its production must, therefore, have been to throw impediments in the way of a settlement. Supposing this a *bonâ fide* transaction, the publication of the Report must have enlightened the American Government with respect to the arguments which England would use; and exasperated the American people with respect to the pretension which she advanced, and tended necessarily to unite the whole of the American people in a common cause with the state of Maine.

Contrast, then, these two acts—a solemn Award

rendered by a Sovereign Arbiter refused to Parliament, and a portion of a case that had to be submitted to arbitration—made public. Observe the false declaration to justify the withholding of the Award, namely, that negotiations were pending where no negotiations were pending. There could be here no matter of negotiation; the Treaty of Ghent expressly put aside all negotiations upon such a subject, except with reference to the selection of the Arbiter, and the mode of presenting the case to that Arbiter. Observe the falsehood of the pretext for publishing the Report of the Commissioners—that of hastening the settlement of the question, when the commission itself was but a means of postponing a reply to the American Government, and did suspend the negotiation during a period of two years.

The effect of this publication in England is equally conducive to the same purpose. Men would account for the rejection of the award of the King of Holland by Lord Palmerston's desire to gain for England better terms. Nothing then in the natural objects of the transaction can explain the publication; but that publication leads so directly to the excitement of violence and animosity in the United States—leads so directly to the perversion of the integrity and knowledge of the British public, as evidently to have been the calculated objects which the British Minister had in view.

But the pretence of sending out the commission without the American commission was to hasten



the adjustment\*. A similar pretext must also have existed for publishing the report. How is it then that the report, if publicity for it was required and if haste was so urgent, was not published at the time the commission came home? Weeks—months—more than half-a-year elapses before it is published. And what is the period selected for that purpose? JULY 1840, when a treaty was signed which made France the foe of England—when a treaty was signed that renders Russia mistress in Europe and in Asia; then too was this report published, equally to render the United States the foe of England; and thus, at once in Asia, in Europe, and in America, call forth that hostility against England which, in each and in all, should enable the policy of the Brunow Treaty to triumph.

Thus, after an award had been rendered, the question has been re-opened—thus every step taken has led to increase of difficulties—thus no steps have been taken that can be accounted for by desire to bring the matter to a conclusion—thus the question is, at this hour, unsettled, and each hour increases the improbability of a settlement. In the Appendix will be found a concise statement of the propositions and the counter-propositions since the parties have affected to have got rid of the award. There also will be found the discussions upon the subject

\* The commissioners performed their task with the greatest haste, being required to finish their labours within the season, although they only received their instructions in the month of July.

in the House of Commons, in which the reader will find, by comparing Lord Palmerston's statements with himself and with the details given, that he has falsely represented the facts.

The reader will make the application of these facts to the case of Mr. McLeod; he will carry back what he has learned from this case as light by which to read the intentions of the Minister who has re-opened the Boundary Differences between Great Britain and the United States.

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## PART V.

INTERESTS COMPROMISED ABROAD, CONSTITUTION  
SUBVERTED AT HOME, BY THE HOUSE OF  
COMMONS.

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“ Other people, Athenians, deliberate, while affairs are still pending ; you deliberate, when the event has made counsel of no avail.”

DEMOSTHENES.

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IN face of circumstances the most suspicious, and surrounded by events the most alarming, a nation is tranquil and secure, and no thought of causes, and no apprehension of consequences, disturb the frivolity of their pursuits, or interrupt the agitation of their factions.

Men calling themselves instructed, living in an age which they term enlightened, travel about from subject to subject, and from interest to interest, forming opinions without heed or care, and passing from opinion to opinion, as from subject to subject, as if believing their minds to be of no value—their thoughts of no import ; as if their acts entailed no consequences, their freedom conferred no rights, and that nothing they could do or say affected their existence, or that of others? *After* an event has occurred, the whole nation is full of petty details respecting it, but never for an instant

bends its mind to examine the causes which have led to that incident—the consequences that may flow from it—the purpose for which it is designed. Events come upon them like hail or rain, like sunshine or storm, as things that they may judge good or bad, pleasing to look at or painful to endure; but into the causes of which they cannot inquire, and over the event of which they have no control.

How is it that it is necessary to seize and to grapple with each man before you can get him to look at any fact in itself, or to conceive that any two acts of his country can have a common origin? Although he knows that one man directs the policy of England, no Englishman conceives that there can be any connection between a measure of England in China, and one in Guatemala; or that there is no understanding the one unless the other is also understood; that there can be any connection between submission to an illegal blockade on the coast of South America, and the establishment of one on the coast of the Morea, and that both must be designed for the same purpose?

Notwithstanding this repugnance to examine, is there any backwardness to form, any slowness to express opinion? Notwithstanding this multiplicity and pertinacity of opinion, I never found a man who did not admit his inability to solve each difficulty that was successively presented to him—who shrunk from admitting that he did not comprehend the policy of his country. Notwithstanding

this consciousness of ignorance, I found none who conceived either ignorance to be criminal, or the expression of opinions upon subjects he was conscious he did not comprehend, to be dangerous or base. Yet it appears to me that no suspicion of guilt or perception of danger ought to be requisite to arouse a reasoning being to reflection, and to impose upon a citizen the duty of investigation. It appears to me that it is enough that there should be in the public transactions of the state, that which is enigmatic—that there should be in the words of a Minister that which is contradictory—that there should be in public opinion that which is at variance for any rational being to conclude—that the intention of the actor was the thing to be sought—that it was the knowledge of that intention, which alone could solve such difficulties as were to be found—that it was only in as far as the intention was criminal that difficulties could exist, or that false semblances could be presented. Diplomatic confusion must, therefore, spring from crime, and danger must arise, both from the complications that have been produced, and by the crime from which they sprung; so that, at once, the criminality of the intention becomes the solution of the difficulty, and knowledge of the crime the means of averting the danger. Yet, when this solution is presented to the men of whom this nation is actually composed, they recoil as if it were criminal to denounce crime—as if it were not criminal to disregard such a denunciation!

The cause is, that they are not aware that there is

difficulty to solve, or that there is danger in presence. Their own thoughts crumbled down, how can they see system?—and knowing nothing of those things that constitute a nation, how can they understand danger?

It is not by exposing to those who suffer from it the symptoms of disease that a mental malady can be rendered perceptible. Nations would not perish if such disease could be exposed by the speech or the pen, because disease of the mind ceases when it is seen. The time will come, when a few words will suffice to explain that same malady in us, by which other states have perished; but it will be posterity that will listen to the exposition. That exposition will be easy when the history of this people will have been summed up; when it will be—  
“ the British Empire has perished, because the  
“ people was inconstant, factious, corrupt; when  
“ long mismanagement brought about intentional  
“ betrayal, and Russia enacted on a grander scale the  
“ tragedy of Poland, with this difference, that she  
“ had in the first drama many accomplices, and one  
“ victim; and in the latter, the actors were many,  
“ and were reciprocally victims and accomplices.”

Still there may be things which, when pointed out to men, may give rise to reflection.

Englishmen believe that they combine in their form of government, the special excellencies of those various forms that have given splendour, power, beauty, and permanence, to the mightiest empires and republics of ancient days. They believe that in

England there is monarchical power, limited by representative wisdom ; they believe, therefore, in the existence at once of power and of wisdom, and are satisfied that they possess the means by which to defend the rights of the state and to maintain the liberty of the citizens. And with this faith rooted in their minds, they repudiate the idea of crime in the highest office of the state above all international crime—that is to say—the betrayal of the whole state by the very authority constituted for the maintenance of its rights, because such can be conceived to exist only in a constitution the most debased, and amongst men the most depraved.

From this difficulty, common to my fellow-countrymen, I have been relieved by having come to the knowledge of the existence of this betrayal, without having lost myself in speculating on its possibility. The idea was not one placed before me to induce me to examine facts, but it came to me as the *solution of difficulties* presented by facts in my possession. With this knowledge did I commence the investigation of the practice of other governments, in ancient and modern times ; and the comparison of these with England would now lead me to look for treason, as a necessary consequence of the changes effected in the British Constitution and in the mind of the British Nation, if the knowledge of its existence had not been that which had led me to this inquiry, or which had given me the means of prosecuting it. I now perceive, in the habits of my country, characters which

coincide with those which are to be detected in every state that has perished. These are, of course, not connected with any form of government, for if so, the opportunity of examining them would never present itself. Under every form of government nations have been great, as under every form nations have decayed. What we have to look for is, then, the disease which destroys every constitution. That disease is disagreement between citizens; that is error; out of disagreement arises quarrel, that is faction—dangerous in proportion to the absence of control over the acts of men; rapid in its progress, in proportion as the opportunities are afforded for speech, for writing, and for making of laws. The multiplicity of laws will re-act upon the disease, to aggravate it—by their very weight, they destroy the power of the Government, while the intensity of faction places the nation without the power of acting. Then do men forget those things, and lose those thoughts, that have given them the name of a piece of earth for a common appellation, and which have constituted them one people; namely, their rights as a people, the defence of those rights against all other people; namely, the mutual affections that spring from these common necessities, and the duties that spring from these mutual affections. It is in unity that the health of a constitution resides: its power and permanency resides in the affections that spring from unity. Where the seeds of disease can spring, that health



has been impaired, and the disease having reached maturity, life becomes extinct. In England, this malady has long afflicted the state, and has grown rapidly. The amount of health which remains to be destroyed within is fearfully reduced\*, and the dangers that oppress the weakened body from without, have more than in equal proportion increased in magnitude and number. The body, it is true, is not weak in arms, in riches, in men, in dominion; it is great in all those things that are the physical characters of power; but these, when misused, it is dangerous and not profitable to possess.

The House of Commons, in Great Britain, has increased in power, and, gradually pressing on the prerogatives of the highest branch of the constitution, has ceased to be that which it originally was, the controller of the expenditure; it has now become a governing body. It has destroyed the functions of the Crown in the appointment of its Minister. It has also set itself up in opposition to the Law. This body has thus become the sovereign of the state, and has destroyed the authority of the Crown, in regard to those matters—FOREIGN RELATIONS, that have been more specially entrusted to its care.

Regarding these matters, the Parliament is kept in ignorance while “negociations are pending.” If negociations are pending, it is that there are

\* “The rapid fall of England is a very remarkable and melancholy phenomenon; it is a deathlike sickness, without remedy.”—NEIBUUR.

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complications of which the issue is doubtful ; that differences do exist which are dangerous, and it is sufficient for a British Parliament to be told that doubt and danger exist, for it to abstain from all inquiry ! If it assumed to know nothing upon the subject, the nation would not trust to its care, nor confide in its responsibility ; a monarch might think of the safety of his people, and of the security of his crown ; Foreign states, allied in interests to Britain, endangered or assailed by the Minister, might trust in some happy revulsion of the public mind as a means of safety and redress. But by its assumption of knowledge, all energy sinks, and even such chances as might be afforded to a state without a government, are lost for us ; false care—hollow responsibility, render all within heedless, and all without hostile. The doctrine that information is to be withheld while negotiations are pending, invites from the Minister that mismanagement which places each member of that assembly in the obliged position of an accomplice. " While negotiations are pending, we may pass votes of censure on the body of the Ministry, but we will believe nothing, and ask nothing, respecting the acts of the Foreign Secretary ; we will know nothing concerning such matters as that Minister declares to be unsettled :"—Is not this to hold out a bonus for incapacity ? Mismanagement has taken place ;—complicate affairs, and you escape detection. The mismanagement is by design ;—what matters

the intention, when the very fact of mismanagement secures immunity!

But while external interests are those alone which are important, they are also those upon which alone the executive has any action. All internal matters are settled by a vote in Parliament, and it matters not who is your minister; indeed it little matters that there should be a government, since it is the majority of the Parliament that decides. In every internal transaction every information is granted, when demanded, and a whole government is held responsible. In regard to external affairs, so important, regarding which information is excluded, all is left to *one man*. These are the matters which are difficult, these are the matters in which a premium may be offered for corruption, in which incapacity gives to a minister for defence, every foreign influence hostile to the commonwealth, and in which even a bribe can be offered with safety and accepted with impunity. On these matters a House of Commons is satisfied to wait until matters are no longer pending—that is to say—until the evil has been accomplished, and defers its *knowledge* until the period when no knowledge can be of any avail.

For any Minister of England *not to seek publicity*, is to prove himself guilty of all that can render a Minister dangerous; that is a total miscomprehension of the power and the interests of the country whose destiny he wields. *There is no object which Britain has to desire, to the furtherance of which*

*publicity is not a means.* What then is the Minister that seeks to conceal?—What then is the Parliament to which that concealment can be offered as a reason for withholding from it knowledge of acts by which it is bound, and for which it is responsible?

The House of Commons, by appointing the Minister, or at least the faction from which that Minister is chosen, becomes, in fact, the Sovereign of the State, and that sovereign body suffers that the knowledge of all public transactions should be withheld from itself! Figure to yourself the Minister of the Emperor of Austria, or of the King of Prussia, withholding from his sovereign knowledge of the international transactions in which the Government was involved! Would you not say, even if this has not arisen from some perfidious design, that the state was in peril, and that it would be well for it if it had no government? What has been the danger of states from imbecile monarchs, but this—that the Minister became irresponsible?

The governing body of England is not entrusted by the Minister of England with his intentions respecting public affairs; indeed, the servant and the master concur in thinking that it would not be safe for the master to know what the servant was about to do until it was done; that is to say, the servant and the master have changed places. The Parliament has taken the power from the Crown, the Minister from the Parliament. Yet by an appearance of attending to matters over which they do in reality exercise no control, they relieve the

tion from care, and therefore from all interest in their affairs; while the whole power and influence of England, united in its Parliament\*, shares against the nation the responsibility of mismanagement, leading in its ultimate consequences to the gravest of dangers that can afflict from within or menace from without—betrayal and war.

“ But of all things, that which is most alarming  
 “ to us is this—that our minds are quite alienated  
 “ from public affairs; that our attention is caught  
 “ for a moment when some new event has hap-  
 “ pened, then each man departs, and not only is  
 “ he not moved by what he has heard, but soon  
 “ forgets it†.” How singular it is to observe the regularity of the process by which nations fall. Let any one read this passage, and put himself in the place of Philip, calculating upon the means of success afforded him by such mental characters in that Grecian state, which considered itself in mind and fortune elevated so far above the Macedonian “ barbarian.” The transition will then be easy to the reflexions of a Russian minister in looking on Europe.

This body, again so powerful and despotic without, is so balanced within that the very Minister may almost, by his single vote, turn the scale between contending factions. It is not impunity that he has to seek for mismanagement; *it is through*

\* “ The House of Commons is the curse of England.”—*Expression of Genz, in 1815.*

† DEMOSTHENES.

*mismanagemnt that he obtains power,*—because the responsibility of that mismanagemnt rests on the shoulders of each individual, of the assembly by which it is not detected, and whose duty it is to arrest malversation, to detect fraud, and to punish crime. Thus, himself above party associations or influences, he can use and command these, so as to control the government through the Parliament. The Parliament he controls through the acts to which he can commit it, as minister; while through the Parliament thus reduced to subserviency, he can determine the existence of the ministry.

It was the bitterest of reproaches addressed by Demosthenes to the Athenians, that they, differing from all people, deliberated when events had made deliberation of no avail. Might not there still be some hope for a people to whom such a reproach could be addressed, and by whom it could be felt? But what hope is there for a people to whom such words convey no reproach, and who conceive it a part of an admirable and scientific system of government, that while affairs are pending, they shall not only not deliberate, but not know?

The monarch irresponsible for results, is he not powerless? The Minister uncontrolled, is he not supreme? The Parliament ignorant, does it not become his instrument against the sovereign and the state; and the nation careless, is it not enslaved? The Minister is relieved from responsibility by that of the Parliament, the Parliament is relieved from responsibility by believing

that the Government acts, the nation from care, by believing that the Parliament understands, so that there is no authority, responsibility, or knowledge; so that the forms designed to support, and to shield the state, become the chains by which it is bound, and the tomb in which it is buried.

Thus are extinguished at once power and freedom. By repeating the word "constitutional monarchy," each man in this island practises a double deception upon himself. By this deception it is that power is extinguished, and that freedom is destroyed; by this it is that danger is incurred, not that which an external enemy is suffered to bring upon us by his own strength, but the danger of an enemy becoming possessed of the authority of the highest functions of this empire, to lead its steps into difficulty, and to cover its eyes with darkness.

But you will say, supposing this to be true, we are not in a worse state than France for instance, or than the United States; and surely we cannot be in a worse state than the despotic governments of Prussia, Austria, and Russia.

But your state has to be examined in itself. You would not be content with it if it were bad, *because* another country was worse; nor would the danger, if it was proved to exist, be averted, because you are not alone endangered. That decay which I foresee for my own country, I foresee equally for the rest of Europe, with one exception; and were the alternatives placed before me, I should

prefer to see England perish rather than live on the condition of imitating that state which, by its mental superiority to them, has conceived the design of murder against its compeers. But among coeval states, equally afflicted with the disease of the age—equally led victims to the altar of Muscovite ambition, there is not one so far gone as England—not one so destitute of administrative protection. No state is so absorbed by faction, and in no other, can it be said that there is no man, except the individual into whose hands accident confides the reins of power, whose duty it is to examine and to understand its public interests.

In the United States, a people composed of Englishmen, carrying there the thoughts and manners of the constitution, and having adopted, to the very letter, the laws and forms of England, with the difference of placing a President in lieu of a Governor, changes have been effected in regard to the conduct of external, that is national affairs, of the most important and impressive character.

A *Supreme Court* is there established to judge international questions. On the violation of the rights of an American citizen, by a foreign state, he is not at the caprice of a foreign minister, or dependent on the waywardness of a faction—nor is public right exposed in his person to such chances—nor is the Government or even faction, because they have neglected their duty, exposed to finding themselves the enemy of the commonwealth. The citizen so injured, appeals to a court of law, independent of the Government,



above the executive, and the sole interpreter of the constitution.

A *Senate* is there also established, having positive control over all foreign transactions — having a voice even in the selection of the individuals who are to fill diplomatic offices, and requiring the concurrence of two-thirds of its members in all such arrangements.

In the congress of the United States, there are *Committees of foreign relations* which examine international transactions.

I pray the reader to compare these wise provisions with the practice of his own country, and reflect.

But how came the American people to have thought so distinct from that of Britain? We find not in the history of time, that nations revert to truth and to simplicity, no more than the stream, when it becomes clouded, can regain the purity of its early spring. The English race transported to America, how can it have regained that which it had lost within the limits of Albion? May it not be that since their separation, England has changed from what she was, while her trans-atlantic progeny has remained in this respect nearer to the original type? This is the fact. When the emigration to the United Colonies took place, there was in England the tradition, if not the practice, of an assembly of elders assisting the monarch by their counsels. In the estimate of that period, foreign transactions stood as the first and highest interests of the State— they were subjects deeply interesting to every citizen.

If so, it was natural that the Americans, in constructing a new government, should attend to those matters which all felt to be important, should be-think themselves of such a body as they left behind them in England; namely, a privy council; and they did so, distributing the powers which it had exercised, partly to a supreme court and partly to the senate.

The privy council which formerly exercised in England a decisive influence in all matters of state, and without whose advice no affair of moment could be transacted, is now, in respect to these, entirely bereft of its deliberate functions and controlling power. The privy council, which has now no important functions, except in its judicial character, was formed from among the men by experience, reputation, or influence, supposed likely to be able to assist the monarch by their wisdom, and to give weight to the acts of the government by their concurrence. They were chosen by the monarch; he selected them, in order that they might give him strength; they were responsible to him for the advice which they gave, while responsible to the nation for the acts which he performed. Giving to the sovereign protection against misrepresentation—giving to him control over faction—giving to the country a safeguard against the caprice of a sovereign, the dishonesty of a minister, the heedlessness of a cabinet.

The sovereign was not bound to accept its counsel, nor to abide by its decision; but he had the advantage of hearing what it had to say. It stood

distinct from parliament—it stood distinct from the ministry—it had no authority, no legislative powers, no interest, therefore, as a body. It did represent the feelings of the nation and the knowledge of the times. It exercised a constant and powerful control over the administration of the state, it acted as a regulator, not a punisher, having the right of foreknowledge of the intentions and of examination of all ministerial decisions. But this body, like the crowning-stone to an arch, has slipped down as the breach of faction widened, and as the nation came to be rallied more and more exclusively under hostile banners, and as its power decayed, this neutral place of meeting for opposing factions and for discordant opinion, became more and more narrow. That body was inconvenient to the sovereign as much as to the minister, and it only maintained its position in as far as the national sense was simple and strong.

The privy council struggled with the monarch and struggled with the nation, through the various storms of our convulsed constitution\*, down to the period of the settlement of the succession of the crown upon the present family.

We have, at that period, a remarkable instance of

\* Sir W. Temple laboured to restore the authority of the privy council, but he laboured in vain, and equally in vain did he point out the dangers that would follow from the misuse or the abuse of that body.

In the last reign there was a private secretary.

In the present, even this security has been swept away.

the progress of administrative decay, and of the lingering estimate of the utility of this body which remained upon the minds of men after its functions became extinct.

In settling anew the succession of the Crown, the Parliament reconsidered the state of the Commonwealth, bethought itself of the ancient constitution of this realm, and introduced a clause for the purpose of restoring the privileges as well as the *responsibility* of the privy council, enacting that all such matters as, according to the laws or the customs of that realm, were cognisable in that council, *should hereafter be there transacted*; and while it again placed within the control of the privy council all matters connected with *foreign alliances*, it enacted that all the members of the privy council advising or concurring in the resolutions adopted, should append thereto *their signatures*.

This was enacted in the reign of William; but in the succeeding reign, another layer of mist having been spread over the eyes of this people, this statute was rescinded. Simultaneously with that increase of faction which imposed a body of ministers on the sovereign, came the loss to him of that counsel, which afforded him the means of checking any ministry, and of in any degree controlling faction. Thus the body of ministers, men accidentally appointed by a majority, remained uncontrolled by any man, or body of men whatever, who had the privilege or right of fore-knowledge of the grounds on which they proposed to act—uncontrolled by any

man or body of men having the faculty to interpose to arrest an unsound decision.

It appears to me that the absence of such a body must alarm for the permanency of the state, but how much more the destruction of such a body! There is no political or historical inquirer that in any way has animadverted on the nature, or referred to the dangerous tendency of this change.

There appears to be no man conscious of it, and probably the remark of any man to whom the fact might be stated, would be, that it was well that it was destroyed, as such a body must be either a check upon the action of the Government, or upon the authority of the Crown. The silent and unobserved destruction of this body has taken place, while the people of this land believe that their state, and therefore their minds, have been improving.

Thus the difference which we find between the practice of the constitution of the United States and that of England, amounts, in reality, to a difference between England in the eighteenth and the nineteenth centuries.

From the Hudson let us carry our eyes to the Bosphorus; from American republicanism let us turn to Mussulman despotism, and see what means are possessed in the systems of Asia for controlling the conduct of their public affairs. The successor of the Caliphs is, no less than the President of the United States, subject to the control of a judicial authority, placed above the executive, and the guardians of

the constitution. No more has the sovereign of Turkey, than the President of America, the right of peace and war\*. And the representative of the chief of the law accompanies, when he crosses the frontier, the general representing the sovereign of the state, whose acts are invalid without his legal sanction. A court of law in Turkey, as in the United States, is open to the appeal of any Turkish citizen, injured by a foreign state. Such is public right wherever Islamism prevails.

Turn now to any of the military governments of Europe. There is a sovereign despotic, that is a master, consequently that sovereign is responsible to his people for the results of his use of power. The monarch in external questions, can have no motive, save that of maintaining his kingdom's honour, power, and rights, and his ministers are *his servants*.

Here no majority fixes ministerial position, or screens ministerial responsibility; there is no balancing between majorities in an assemblage of disputing delegates; no playing off of a parliament against a monarch, or a monarch against a parliament. There *is* power in the monarch, because there is responsibility in the minister; and there is too responsibility in the monarch, because disasters

\* By the act settling the succession of the present family, the right of peace and war, in regard to interests involved in their continental dominions, was withdrawn from the sovereigns of England.

are not accounted for by thousands of accomplices and dupes.

“ At all events,” it will be said, “ France is no “ better off than we are.”

Those matters, which you neglect calling them *foreign*, France calls national, and places above internal disputes. In France this sense of national existence is kept alive by the *touch* of foreign soil. Britons in their island have, within the last half century, lost even to the tradition of a BORDER. France has a constitution widely differing from yours. In your constitution there is no body of men whatever, who, upon any occasion, have any obligation to know anything connected with public, that is external affairs. In the French Chamber there are committees established to examine every separate transaction, to make reports, and, like those of the committee for foreign relations of the United States, they guide public opinion ; they are a perpetual check on the minister, and render misrepresentation difficult, and treason dangerous.

Look now and see if you can discover in England any thing of the kind. Do you find there a supreme court—do you find an authoritative Council ? Do you find a House of Lords supervising foreign relations ? Do you find a House of Commons investigating them, making reports, examining documents (as in the United States), calling a minister before them (as in France), to account for his conduct ? Do you find a nation sensitive or

informed? Do you find a monarch powerful and controlling? Do you find responsibility hanging over a minister, either through the intelligence of the nation, or the supervision of authority? None of these are to be found. Did ever a state so constituted live? The world affords no instance of such life. Then look at the factions, the depravity that neglects duty, and that now hails with joy, violence, rapine, and bloodshed, perpetrated by its own hands for its own destruction. The heart sickens at such a display. Good heavens! is this the state that you commend? Is this the empire which you expect to endure? Is this the society where you believe treason impossible? Is not such a people unworthy of any other fate; and are we not reduced to that point, where, like Poland, "the nation, by "faction, having placed itself without the power of "action, yields its existence to the caprice or the "treason of a single man\*."

We lose then sight of the Minister and the Government in the House of Commons; but then the House of Commons, is it not the representation of England? Is not the whole mind of England given, and all its efforts directed to composing this assembly of its discordant parts? Is it not this very faculty which Englishmen call a right, and by which they conceive themselves elevated above the other men existing throughout the world? Is it not by the nation's act that these men have been led on the

\* Vattel.







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one hand to neglect that which is important, and on the other to occupy themselves with that which is insignificant? And if this body of men, entrusted with functions too weighty for them to bear, have first mismanaged, and then misrepresented affairs, is it not the nation itself that is to blame, is it not the nation that has given the power, and that is to suffer by its misuse?

In search of the causes of this mismanagement, we have descended from the minister to the parliament—from the parliament we have come to the nation, that is to each of ourselves. It is, therefore, at home that we have to begin to remedy the evil, and to arrest the danger. In ourselves we have to detect, and from ourselves to cast away, passions that flow from factious objects; and the mental confusion through which we have belonged to a faction, and have thus become the enemies of our fellow citizens, of our country, and rebellious to the laws of God and man. Then may we receive back to ourselves charity for our fellow citizens, affection for our country, and health for our souls. Can any intelligent being stop short in following the chain that connects the affections of the household with the destiny of the state, and the permanency of the political body to which he belongs; who can speak of public danger as a thing that regards him, not whether as to the cause from which it springs, or as to the consequences which will have to be endured—who can speak of public immorality, excepting as that which he has assisted to produce,

and for which he will bear the penalty? If so, the thought of public immorality and of national danger will not be for him a vague and idle speculation, but will bring feelings of deep contrition; and, therefore, of usefulness to his country, because to himself.

He who first transferred to the West some glimmerings of the thoughts of the East, has left on record these words:—"Unity amongst citizens, and power in the state, are to be found only where the affections of families are strong." How then can decay be arrested, if not by restoring to the mind of each individual, that health that makes men capable of loving, and worthy of being loved? The way may be long—but is there any other? The end may be beyond our reach, but what other is worth desiring?

To return to the case before us. If the explanation which I have given is true, what is the position of those who do not see it? Must they not accuse the Americans for the act of the British Minister; if so, would not this crime be the result of ignorance? And would not this hatred and rancour aroused against the United States sanction the criminal act of the Minister, by the counter hostility it will arouse in America against England?

Thus will it be not the Minister in the end, who will appear as the agent in that which he has prepared; it will be public opinion which will call for—which will appear to drive him on to violence.

This transaction is not alarming by any thing

connected with America, but alarming as revealing the position to which England has sunk, and the crimes of which she is guilty—alarming as showing that none of the functions associated with the idea of Government are performed, and none of the rights consistent with the existence of a nation are maintained—alarming as showing that the neglect of the performance of duties and the destruction of rights, are revealed, and that a British Senate and a British public, neither examines the cause nor understands the acts, and loses itself in vain and heedless disputation—alarming by the hopelessness of a people which is unable to detect guilt that is palpable, or to exclude from the conduct of affairs that idiocy which it suggests as an excuse for what it does not comprehend, and dares not investigate.

I fancy I hear some one stranger to this island exclaim, "If your explanation is correct, there can be no danger for England, since it is not foreign hostility, but internal mismanagement which has brought about these things—it is not foreign foes with whose powers she has to cope, but internal treason which she has to judge. It is not the constitution that has decayed, but certain individuals, who have formed a design against it, who are to be punished."

The corruption of each mind is the bulwark of that treason. Who can admit that the whole powers of the state are at the disposal of an enemy, without admitting that every judgment he

has formed is worthless, that every act he has performed is criminal? There is the defence of guilt. Treason can only exist because a nation is blind, and that which leads to its existence, secures its inviolability, and its triumph. Its inviolability and its triumph is this—that it cannot be met until it is understood, and it cannot be understood by such men as have suffered it to exist; if it were not so, how could nations perish?

Has he who has perused these pages, rendered to himself an account of the crime which is involved in the explanation here given of the case of Mr. McLeod? That crime is not the betrayal which closes the eye, and allows an enemy to advance to some position of neutral advantage, or of doubtful injury; it is not the betrayal of the state to the enemy already an enemy, and whose mind is directed, and whose power is exerted to inflict injury. This is a crime, surpassing all that the blackness of man's heart has conceived—the energy of man's tongue has expressed. It is that of a Minister, who, having acquired full control over the power of the state, as of the minds of the citizens, has allied himself with a foreign Government, and has given to it the means of becoming, under the guise of friendship, a deadly foe; and sits down, by long deliberation, by scientific calculation, to exasperate every state against his native country, quietly, secretly, to undermine rights, laboriously to create injury, sedulously to expose weakness,

ostentatiously to display injustice. Thus not merely to render an enemy triumphant, but to lay deep in the heart of futurity the seeds of continuous and unremitting hate ; to bring ruin on the land whose destinies he wields,—to stamp with undying infamy the people he has ruined.

The tongue of our native land, as the instincts of our human nature, recoil from the conception, and are overwhelmed with the expression of such infamy as this ; and it is because this conception is so black, and this infamy is so fixed, that I, in exposing this guilt, feel that I have the power to stamp the same infamy on every man who listens to it, and who has not the courage to grapple with, and the ability to master it, and then to repel the false charge, or to affirm—the awful truth.

I have seized the occasion of this incident in America, as being a likely channel for spreading to a larger number of persons the solemn declaration that a Minister of England is the instrument of a hostile state ; with that declaration I leave the reader : if it is false, and he is unable to disprove it, he is no less base, that, if being true, he remains ignorant and inert.

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To show that I have done what belonged to one entertaining such a conviction—that I have asserted it to the highest authority of the State—that I have demanded inquiry at the hands of the first servant



of the Crown—that I have laid the additional responsibility of denunciation on the chiefs of both the factions which divide this land, I subjoin the following letters :—

*London,*  
*August 6th, 1840.*

MY LORD,

I have to lay before your Lordship the following statement :—

By personal intercourse with Her Majesty's Principal Secretary for Foreign Affairs, in connexion with public transactions during eight years ;

By an examination of published Diplomatic Papers ;

By the study of the speeches of that Minister in the House of Commons, and of the acts of Great Britain under his direction ;

I have come to the conclusion that that Minister is, and has been, acting to further projects of Russia hostile to Great Britain, using for that end the power of Great Britain ; I, therefore, believe him to be guilty of High Treason.

To you, as one of Her Majesty's Privy Councillors, and bound by oath ' to do all that a good and true councillor ought to do to his Sovereign Lord ;' and to you, as head of the Government, whose concurrence is necessary to the perpetration of this crime (if crime there be), and on whom may fall the consequences of this guilt, even to the penal curtailment of your natural life, I make

thus solemnly the declaration of these my convictions—convictions revolting to our nature, and, therefore, admissible only after the most laborious investigation—convictions now matured by time, tested by events—supported by the concurrence of men conversant with public affairs, and recently and actually engaged in the service of the State.

I have reserved this declaration till sufficient indications of a change in public opinion had appeared, to enable you to hope for public support in attempting to emancipate this Empire; and the recent act of the Foreign Minister brings danger too near for any citizen to shrink from the performance of his duty, or to leave option as to the selection of time for performing it.

I impose on you now, by this declaration, the responsibility of inquiry, or of becoming, by refusing to investigate, accessory to a crime, in the commission of which, because of its heinousness, accessories are principals.

I have the honour to be,

MY LORD,

Your Lordship's most obedient  
and humble servant,

*(Signed)*

D. URQUHART.

To the Right Hon.  
VISCOUNT MELBOURNE,  
&c. &c. &c.

*Bittern Manor,  
August 26th, 1840.*

MY LORD DUKE,

I enclose to your Grace a copy of a letter addressed by me to the head of Her Majesty's Government. The same responsibility that lies on that servant of the Crown lies no less upon your Grace, through whose support the Minister charged with the conduct of our Foreign Relations has been enabled to do what he has done, and to involve colleagues in the consequences of his acts.

I have the honour to be,

MY LORD DUKE,

Your Grace's most obedient  
and humble servant,

*(Signed)*      DAVID URQUHART.

His Grace  
THE DUKE OF WELLINGTON,  
&c. &c. &c.

ART.

## POSTSCRIPT.

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“ Bearing ever in mind the absolute impossibility of conquering our foreign enemy until we have punished those who are serving him within our walls.”—DEMOSTHENES.

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SINCE these pages were written it is announced that orders have been sent out to demand the immediate liberation of Mr. McLeod, and that a squadron is about to follow that order to enforce it. Concurrently with this intelligence, it is understood that the French Government is to join the Treaty of the 15th of July, and that the affairs of the East are settled.

After leading step by step the American Government into this position, after allowing the debate of the 9th of February to close and to be sent off to America without avowing that the destruction of the *Caroline* was an act of the Government—after declaring that the instructions which had failed were all the instructions which were now again to be forwarded—after leading the American Government on from the position in which it was on the 20th of December 1837, until in the beginning of March, 1841, when about to bring Mr. McLeod to trial, it

was encouraged thereto by the parallel drawn by the Foreign Secretary of Mr. McLeod with the outlaws tried by the Courts of Canada—how is it that now we hear that instructions are sent to the British Envoy at Washington, to demand his passports, unless Mr. McLeod is given up? Is this some novel and contradictory decision, some sudden awakening, some change in the holders of the reins of power, or in the intentions of those who possess them? By no means—it is the consummation of the past; the American Government is led on for a purpose, and when placed so that it cannot retreat, then is the result obtained which this labour had been given to bring about, and put to profit for the ends for which it was sought.

But it is not across the Atlantic that the causes are to be traced of these difficulties, it is also elsewhere that we must look if we wish to anticipate the consequences. We have to consider what the interest of Russia is in this transaction.

Bringing to bear upon this matter the knowledge derived from the examination of other affairs, we will at once perceive that Russia has the same interests to advance in the United States as in every other country:—that she has also there to disturb, to confuse, to mislead, to involve in foreign complications, inspire with external ambition, and fears, and animosities. Putting her direct objects in America aside, what an enormous instrument in her hands would not the United States become to act with upon Europe. Look at the ascendancy which

she secures over England, from the moment that she has placed in the breast of America that same hostility against England which is now placed in the breast of France. He who does not perceive this, would not require that proof but that comprehension should be given to him. Whoever understands this will be at no loss to see what Russia has to do to make the United States available; and what, supposing she had the control, she would lead England to do, in order to render England available, so that each should become the enemy the one of the other. That which it would be her object to do, these pages detail as having been done\*.

Russia has turned her face for the moment from Europe to America, and England, her docile instrument, serves equally her fiendlike purpose against the one and against the other. Like France, the United States will be distracted while exasperated, and internal party will be resolved into foreign faction. You will have, first, a war party and a peace party; then, after that, according to the chances of position in Europe, you will have an English and a French, or an English and a Russian faction. England, by assuming a system of menace against America, will embitter against herself its spirit; she will render herself, by this new position, the object of increasing dread and alarm to the powers of Europe:—

\* "If the measures which you take, are such as Philip would pray the gods that they will inspire you with the idea of performing, can you doubt the cause of your difficulties?"—DEMOSTHENES.

sentiments of hostility will be encouraged against her on their part, by thus perceiving the increase of animosity against her in the United States.

But it may be said these results cannot be worked out, because there is no escape from the actual position, and that immediate war must come. If it was the design of Russia that war should be immediate, we would not see amicable arrangements making with France, nor would the appearance of settling the Eastern Question be gone through, nor would apparent harmony be preserved between the great powers of Europe. If it were the intention of Russia that there should be war at present between the United States and England, encouragement to the United States would be given in a rupture between England in France, in the menacing attitude of Russia herself, in the breaking up of the conferences, and rumours of alarm and practical reverses of Great Britain in Central Asia. These things, some of which at least each child knows that it is in the power of Russia to bring about, do not, at least as yet, appear; and we see that done which every child must know Russia might prevent, if so disposed. This must be to leave England's hands free.

If it is intended to use the present incident to humiliate America, and to give a triumph to the Foreign Minister in England, by leaving England free to bring to bear her whole weight upon America supported at once by an apparent union with France, and union with Russia, what balance is left to the United States, especially when they have been en-

couraged in the line that they have taken by the expectation of seeing the one at open war with England, and the other ready to join her adversary?

Having been led into this position of hostile outrage, it is impossible for it to retract, unless by the entire sacrifice of its character and peace, for it will be through dread of war.

Whether we look at the internal, the legal, or the diplomatic position of the United States in this transaction—whether we consider the effect it will have upon opinion within, or the means of compulsion that can be brought to bear upon it from without, we can turn but from one image to another of pusillanimity and of weakness. The *casus belli* upon which the American Government and people will have to decide on the event of a demand of reparation from Great Britain, will be not only the subject of division of opinion in regard to its justice, but of separation of authority regarding the liabilities of those who have acted, and a second division of opinion will ensue upon a question of internal government\*. With opinion thus distracted — with power thus disconnected.

\* That question of internal government will be brought the more prominently forward, in so far that the Minister in England has hitherto led them on by his knowledge of this means of action upon their minds. He has encouraged the General Government to proceed, by offering to it as an excuse, the separate powers of the states; and an agent of his, recently sent to the United States, lets it out that he had instructions in a certain contingency to declare war against one separate state.



what will be the effect of the sudden revelation of the whole power of Britain ready to fall upon them, and that power acting under the direction of a system that controls the whole of Europe, and acting upon men differing very little from those European nations which we see around us, and with which we know, alas! by lamentable experience, that any thing can be done\*.

Now let us see the physical means which England can bring to bear. First, the whole coast of America, and her commerce, and her existence in that commerce, is exposed, the one to complete devastation, the other to instant extinction. Thirty or forty sail-of-the-line, if necessary, with troops for disembarkation, are disposable for such an object. The North American colonies have actually four times the number of troops that they had when they successfully resisted the three invasions of the United States, and captured three armies in the last war; and the spirit of the Canadas will again be revived by any movement against the United States. This

\* I have elsewhere spoken of the comparative intelligence of the United States and England, in respect to the conduct of their foreign affairs. I referred there merely to the checks upon public mismanagement, which rendered treason impossible, or much more difficult than in England; but as to the general intelligence of the country upon these matters, of course, there is little difference between any of the European and Gothic States. Were there an able man, the Minister of Sardinia, I believe, the dangers of the world would be averted.

force is already on the field of action, and twenty sail-of-the-line could be available for that purpose almost as soon as the United States might receive the intelligence of the decision.

Then look at the position in the South, and from thence the fearful means of aggression possessed by England. If the Seminole war disturbs the repose of the United States at this moment, and if it be an object to bring it to a close, with the view of enabling them to meet a European foe, what will be the image rising upon their imagination of a Canadian war of invasion, an Indian war, and a servile insurrection—a blockade of their whole coast, a liability to invasion at every accessible point, a total annihilation of credit and of commerce, with thousands of miles of undefended territory, with states distinct in power, separate in interest, semi-hostile in feelings, without a protecting fortress, with the most splendid means for transporting an enemy to the heart of their wealth, population, and power; and thus coupéd up while thus exposed, in perfect inability to strike a single blow at their adversary! Can there be a question of resistance, and with such means in reserve, and such threats to use, and such thunders to call down, will they be spared, if it is the intention to torture them? If so, will they not have to pass through agonies to the uttermost? Will they not deserve this fate, they who presume to deal with diplomatic affairs while not possessed of a single man understanding them? And will their

fate be a warning to this land—No, it will be a triumph! Besides the vision of these physical means, what will be the impression made upon America by the attitude of England—England, so long exhibiting the mixed display of aggression against the weak, and submission to the strong—starting forth to them in a novel and an inconceivable character, appearing to their eyes united with France, at the very moment that they expected a sudden explosion between the two countries, arresting to their eyes the designs of Russia, and compelling from her co-operation and support, settling the affairs of the East; succeeding in all she attempts, and triumphing wherever she appears—supported with this array of strength, and by this accumulation of success, she now turns round upon America with her united power, and her undivided energies—turns with the whole of Europe at her back,—not to carry war into the heart of America, so as to give a necessity for resistance—so as to unite its opinions while arousing its energies, but to seek vengeance for judicial murder! At once, then, will they feel powerlessness, disunion, shame, terror. What can follow but submission—what is calculated upon but submission—submission which will be only gradually required, and which, as it is yielded, will be enforced by a further and a further demand, while the constant alternative is placed before them of a small concession at a time, or an impracticable rupture?

What, then, will be the position of Great Britain? She will have triumphed over France, and have reduced her to subserviency; she will appear the arbiter of the destinies of the Ottoman Empire; she will appear the controller of the policy of Russia; she will, perhaps, have imposed laws on China, and placed another monarch on the throne of Persia. She will have extended her influence, perhaps her arms, north of the Paropamisus into the unknown regions of Tartary; she will have reduced Prussia and Austria to the position of subservient satellites, and then appear supreme in Asia and in Europe. The United States, which had ventured to outrage and to injury, and in avenging herself she had found the opportunity of asserting her rights to the disputed territory, settling differences which half-a-century had failed to settle. Thus will England be raised to a station of grandeur and pre-eminence such as to confound men and nations, and none so much as the men and the nation that are called British. This I tell you before-hand, as the line of the accomplishment of the ends of Russia, as the plain and simple road\* for a power to take that aims at universal dominion when it has got an agent in the British Cabinet which is to lead that empire, the defence of international right, to do those things by which international right is destroyed, to

\* This elevation of England would be required to sustain the men or the policy in England, by which these ends are to be attained, only in case the one or the other was endangered.

render her own aggressions respectable by the worse example of the defender of right\* ; and, finally, to make the eyes of all men and nations turn towards her for deliverance from British injustice to seek refuge in her against this excess of fortune, and to prepare men's minds in the person of England for Muscovite domination.

So it was that Philip decomposed the states of Greece, the one after the other, and the one by the other, and he who endeavoured to save Athens, raised his warning voice chiefly to make his countrymen comprehend the meaning of the kindnesses and the end of the favours of the Macedonian. Having examples around in states that had sunk before their eyes, he could point only to Amphipolis—Olynthus, he could say in sounds that were intelligible, “ after having been for a while gratified “ by the possession of the territory of others, they “ have been despoiled for ever of their own.”

\* “ England, without alarming any state, on the score of its liberty, because that nation seems cured of the rage of conquest—England, I say, has the glory of holding the political balance ; she is attentive to preserve it in equilibrium.”—VATTEL.

Alas from that England how changed !

“ For you are not naturally given to the love of conquest, and to maintain the liberty of states is your particular excellence.”  
—DEMOSTHENES.

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## APPENDIX.



No. I.

Page 13.

*“ The gigantic schemes of ambition revealed by England in every quarter of the Globe.”*

THE assault of England upon Central Asia, the assault of England upon China, opens the two mighty regions, lying between Russia and India, to the influence of Russia—regions where there was no possibility of any practical influence of hers, except through the aggressions and the violence of England. These acts of monstrous crime do not bear for Russia that fruit alone which she has to reap in Asia and in India, but also the fruit which she has to reap in Europe and in America, by the hatred she can, by Britain's act, arouse against Britain. Thus while, by her agent in the British Cabinet, prolonging the struggle in the Peninsula, obtaining the partition of the Ottoman empire, alarming through Naples, Italy and Central Europe with revolution, does she also obtain that England should violate international law, and become feared as an aggressor? Thereby she destroys, throughout the world, at once respect for law and confidence in England: by the first, lowering the value of every human being on the

face of the earth; by the second, annihilating the power of the state that could alone have resisted her. Then, by the very perfection of the system that carries its threads so far—that gives such largeness to its design and such variety to its composition, is the very idea of system destroyed in the mind of the close and narrow observer; and being furnished with a multiplicity of facts which he does not comprehend, and yet regarding each of which he is in the constant habit of expressing opinions, is inextricable confusion spread over the world.

The following extract from a French paper may give some conception of Russia's gain in England's acts :—

“ England has acquired, by the Treaties of 1815, the strongest positions on the Mediterranean. She possesses there Malta, Gibraltar, and the Ionian Isles. This was not enough. She has taken possession of St. Jean d'Acre, and has placed her feet at the same time in Egypt and in Syria.

“ In America she possessed twenty-six colonies, embracing a very extensive territory; but not satisfied therewith, she must encroach on the territory of her neighbours.

“ She had immense possessions in India—their immensity did not afford her breathing room, and she found it necessary to seize on two kingdoms in the West, on the peninsula of Malacca, and the adjoining provinces; while in the East, she has advanced to the confines of Affghanistan, and posted her soldiers on the frontiers of Persia. It was not enough to possess, in the direction of China, the Prince of Wales's Island and Singapore, she has thought it necessary to attack China itself, and has already possessed herself of Chusan.

“ In Africa, it was not sufficient to deprive Holland of the Cape of Good Hope, France of the Mauritius, to oppose our settling at Madagascar, and to establish settlements there



herself, she has hemmed in all the coasts of that continent—she is in Sierra Leone, in Senegambia, on the Gold Coast, the Ascension Islands, Fernando Po, &c.

“ She was not satisfied with having two ports in the Red Sea, but has taken possession of Aden.

“ Are there any other seas, any other continents—seek an inhabited or an uninhabited spot—where she has not planted her flag? All lands newly discovered she unhesitatingly attributes to herself. But yesterday, in violation of all justice, she issued a decree, by which she takes possession of New Zealand.

“ Where will this insolent usurpation cease? What balance can exist in the world in face of this ambition, which increases with conquest, and becomes extravagant by dint of impunity? It is not our nation, but every nation, which should open their eyes. It is essential, not for a people, but for every people, to know whether the ocean is free, and if the universe is to fall back in presence of the shop-keeping Cæsars, who avail themselves of the disunion of states to turn them all to account, and to aggrandise themselves on their common ruin.”

*National, March 1841.*

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No. II.

*Extract from Mr. ADAMS's Letter to the Spanish Government, November 28, 1818.*

The necessity of crossing the line was indispensable, for it was from beyond the line that the Indians made their murderous incursions within that of the United States. It was there that they had their abode, and the territory belonged in fact to them, although within the borders of the Spanish jurisdiction.

By all the laws of neutrality and of war, as well as of prudence and of humanity—he was warranted in anticipating his enemy, by the amicable, and that being refused, by the forcible occupation of the fort. There will need no citations from printed treaties on international law, to prove the correctness of this principle. It is engraven in

adamant on the common sense of mankind—no writer upon the laws of nations ever pretended to contradict it—none of any reputation or authority ever omitted to assert it.

The President will neither inflict punishment, nor pass a censure, upon General Jackson for that conduct, the motives of which were founded in the purest patriotism, of the necessity for which, he had the most effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the law of nature—self-defence.

The obligation of Spain to restrain by force the Indians of Florida, from hostilities against the United States and their citizens, is explicit, is unqualified. The fact that they have received shelter, assistance, supplies, and provisions, in the practice of such hostilities, from the Spanish commander in Florida, is clear and unequivocal. If, as these commanders have alleged, this has been the result of their weakness, rather than their will, it may serve in some measure to exculpate, individually, those officers, but it must carry demonstration irresistibly to the Spanish Government, that the rights of the United States can as little compound with impotence as with perfidy.

The United States have a right to demand, as the President does demand of Spain, the punishment of those officers for this misconduct, and he further demands of Spain a just and reasonable indemnity to the United States, for the heavy and necessary expenses which they have been compelled to incur, by the failure of Spain to fulfil her engagements to restrain the Indians, aggravated by this demonstrated duplicity of her commanding officers with them, in their hostilities against the United States.

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No. III.

*Contemporary Statement of the Case of the Caroline, in a New York Newspaper, the "Courier and Inquirer."*

Upper Canada.—The information from the Niagara frontier, which we publish this morning, is of serious im-

port, and well calculated to excite the apprehensions of all who have at heart the peace and the interests of the country. A direct violation of our territory has taken place, and the first feeling of every American should be to repel it; but while we thus give vent to our patriotic impulses, and exhibit a determination which belongs to a great people, never to suffer an aggression upon our soil, it is due to justice and to our national character, to pause and reflect upon the causes which have led to this violation of our territory, and suffer reason rather than passion to influence our opinions and actions.

In the first place, then, have we as a government, faithfully discharged the duty of neutrals, imposed upon us by the law of nations, by our treaties with England, and the laws of the land? We think not. We know that our governor has issued his paper proclamation against all interference, and that the general government has called upon its district attorney and marshal rigorously to enforce the laws of the United States relative to our national obligations as neutrals; but we also know, that in the face of this proclamation, and the call upon two officers of the general government to do their duty, large bodies of American citizens, with arms in their hands, have passed over to Navy Island, a part of the British territory, with the avowed purpose of making war upon Canada! This, it will be said, could not be prevented. We admit that it could not be with any force at the immediate command of the Government; but when this fact became notorious; when it was apparent to all that the civil authority could not prevent these daily and open breaches of neutrality; was it not the imperative duty of the administration to make a requisition upon the governor of this state to order out the militia, and thus enforce obedience to our own laws, and to our national obligations? But no such requisition has been made, no military force has been called upon to compel obedience to our laws, but day after day they have continued to be openly violated.

What then? Did not this *inability*—for expressing as we did, a desire to enforce the obligations imposed upon

us as neutrals, our not succeeding in doing so, was a confession of our *inability* to do it—did not such *inability* give to the Canadian authorities the right to protect themselves, even by passing into our country, and thus violating our territory? How was it with regard to Florida when a province of Spain? We called upon Spain to protect us from the aggressions constantly made upon us by her Indians, and we complained that her citizens furnished them with means to carry on their depredations against our people. Spain promised to do what was requisite, and actually issued her orders, as we hear, to prevent these aggressions; but she was unable to do what we demanded, and we, exercising a right secured to us by the law of nations, took possession of the Floridas, prevented their longer annoying us, and then declared our willingness to surrender them to her whenever she was prepared to receive them, and enforce obedience to the obligations which the law of nations imposed upon her. England and every other nation recognised our right thus to act; nor has it ever been questioned by any civilized power.

Now let us apply this case to the attack upon the *Caroline*. The boat was openly employed, during the whole of the 30th, in transporting hostile Americans into the territory of a nation with whom we are at peace, in violation not only of the law of nations, but of our own statutes and proclamations. We declared our willingness, as a nation, to prevent it, but in truth exhibited our *inability* to do so; and we would ask, whether, under such circumstances, the authorities of Canada had not a right to capture her, wherever she might be, and thus compel that respect for the rights of a neighbouring nation, which we, apparently, could not enforce?

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## No. IV.

*Papers presented to Congress relative to the Arrest of  
Mr. M<sup>c</sup>LEOD, on account of the Burning of the Steamer,  
"Caroline."*

MR. FOX TO MR. FORSYTH.

*Washington, Dec. 13, 1840.*

Sir,—I am informed by his Excellency the Lieutenant-Governor of the Province of Upper Canada, that Mr. Alexander M<sup>c</sup>Leod, a British subject, the late deputy sheriff of the Niagara district in Upper Canada, was arrested at Lewiston, in the state of New York, on the 12th of last month, on a *pretended charge of murder and arson*, as having been engaged in the capture and destruction of the *piratical* steam-boat Caroline, in the month of December 1837. After a tedious and vexatious examination, Mr. M<sup>c</sup>Leod was committed for trial, and he is now imprisoned in Lockport gaol.

I feel it my duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. M<sup>c</sup>Leod. *It is well known* that the destruction of the steam-boat Caroline was a public act of persons in Her Majesty's service, obeying the order of their superior authorities. That act, therefore, according to the usages of nations, *can only be the subject of discussion between the two national Governments*. It cannot justly be made the ground of legal proceedings in the United States against the individuals concerned, *who were bound to obey the authorities appointed by their own Government*.

I may add that I believe it is quite notorious that Mr. M<sup>c</sup>Leod was not one of the party engaged in the destruction of the steam-boat Caroline, and that the pretended charge upon which he has been imprisoned, rests only upon the *perjured testimony* of certain Canadian outlaws and their abettors, who, unfortunately for the peace of that neighbourhood, are still permitted by the authorities of the state of New York to infest the Canadian frontier.

The question, however, of whether Mr. McLeod was or was not concerned in the destruction of the *Caroline*, is beside the purpose of the present communication. That act was the public act of persons obeying the constituted authorities of Her Majesty's province. The National Government of the United States thought themselves called upon to remonstrate against it; and a remonstrance which the President did accordingly address to Her Majesty's Government is still, *I believe*, a pending subject of diplomatic discussion between Her Majesty's Government and the United States' legation in London. I feel, therefore, justified in expecting that the President's Government will see the justice and the necessity of causing the present immediate release of Mr. McLeod, as well as of taking such steps as may be requisite for preventing others of Her Majesty's subjects from being persecuted or molested in the United States in a similar manner for the future.

It appears that Mr. McLeod was arrested on the 12th ult.; that, after the examination of witnesses, he was finally committed for trial on the 18th, and placed in confinement in the gaol at Lockport, awaiting the assizes, which will be held there in February next. As the case is naturally occasioning a great degree of excitement and indignation within the British frontier, I earnestly hope that it may be in your power to give me an early and satisfactory answer to the present representation.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

Hon. JOHN FORSYTH, &c.

H. S. Fox.

MR. FORSYTH TO MR. FOX.

*Department of State, Washington, Dec. 26, 1840.*

Sir,—I have the honour to acknowledge, and have laid before the President, your letter of the 13th inst., touching the arrest and imprisonment of Alexander McLeod, a British subject, and late deputy sheriff of the Niagara district, in Upper Canada, on a charge of murder and arson, as having been engaged in the capture and destruction of the steam-boat *Caroline*, in the month of December 1837;

in respect to which you state that you feel it your duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod, and to prevent others of the subjects of Her Majesty the Queen of Great Britain from being persecuted or molested in a similar manner for the future.

This demand, with the grounds upon which it is made, has been duly considered by the President, with a sincere desire to give to it such a reply as will not only manifest a proper regard for the character and rights of the United States, but at the same time tend to preserve the amicable relations which, so advantageously for both, subsist between this country and England. Of the reality of this disposition, and of the uniformity with which it has been evinced in the many delicate and difficult questions which have arisen between the two countries in the last few years, no one can be more convinced than yourself. It is then with unfeigned regret that the President finds himself unable to recognise the validity of a demand, a compliance with which you deem so material to the preservation of the good understanding which has hitherto been manifested between the two countries.

The jurisdiction of the several states which constitute the union is, within its appropriate sphere, perfectly independent of the Federal Government. The offence with which Mr. McLeod is charged, was committed within the territory and against the laws and citizens of the state of New York, and is one that comes clearly within the competency of her tribunals. It does not, therefore, present an occasion where, under the constitution and laws of the union, the interposition called for would be proper, or for which a warrant can be found in the powers with which the federal executive is invested. Nor would the circumstances to which you have referred, or the reasons you have urged, justify the exertion of such a power, if it existed. The transaction out of which the question arises, presents the case of a most unjustifiable invasion, in time of peace, of a portion of the territory of the United States, by a band of armed men from the adjacent territory of Canada, the

forcible capture by them within our own waters, and the subsequent destruction of a steam-boat, the property of a citizen of the United States, and the murder of one or more American citizens. If arrested at the time, the offenders might unquestionably have been brought to justice by the judicial authorities of the state within whose acknowledged territory these crimes were committed, and their subsequent voluntary entrance within that territory places them in the same situation. The President is not aware of any principle of international law, or indeed of reason or justice, which entitles such offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two governments. These methods of redress, the legal prosecution of the offenders, and the application of their government for satisfaction, are independent of each other, and may be separately and simultaneously pursued. The avowal or justification of the outrage by the British authorities might be a ground of complaint with the Government of the United States, distinct from the violation of the territory and laws of the state of New York. The application of the government of the union to that of Great Britain, for the redress of an authorised outrage of the peace, dignity, and rights of the United States, cannot deprive the state of New York of her undoubted right of vindicating, through the exercise of her judicial power, the property and lives of her citizens. You have very properly regarded the alleged absence of Mr. M<sup>c</sup>Leod from the scene of the offence at the time it was committed, as not material to the decision of the present question. That is a matter to be decided by legal evidence; and the sincere desire of the President is, that it may be satisfactorily established. *If the destruction of the Caroline was a public act of persons in Her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorised to make the admission, and it will be for the*



court, which has taken cognisance of the offence with which Mr. M<sup>c</sup>Leod is charged, to decide upon its validity, when legally established before it.

The President deems this to be a proper occasion to remind the Government of Her Britannic Majesty, that the case of the *Caroline* has been long since brought to the attention of Her Majesty's principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated his decision thereupon. It is hoped that the Government of Her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. Fox, Esq., &c.

JOHN FORSYTH.

MR. FOX TO MR. FORSYTH.

*Washington, Dec 29, 1840.*

Sir,—I have the honour to acknowledge the receipt of your letter of the 26th inst., in which, in reply to a letter which I had addressed to you on the 13th, you acquaint me that the President is not prepared to comply with my demand for the liberation of Mr Alexander M<sup>c</sup>Leod, of Upper Canada, now imprisoned at Lockport, in the state of New York, on a pretended charge of murder and arson, as having been engaged in the destruction of the piratical steam-boat *Caroline* on the 29th of December, 1837.

I learn with deep regret that such is the decision of the President of the United States, for I cannot but foresee the very grave and serious consequences that must ensue if, besides the injury already inflicted upon Mr. M<sup>c</sup>Leod, of a vexatious and unjust imprisonment, any further harm should be done to him in the progress of this extraordinary proceeding.

I have lost no time in forwarding to Her Majesty's Government in England the correspondence that has taken place, and shall await the further orders of Her Majesty's

Government with respect to the important question which that correspondence involves.

But I feel it my duty not to close this communication without likewise testifying my *vast regret* and *surprise* at the expressions which I find repeated in your letter, with reference to the destruction of the steam-boat *Caroline*. I *had confidently hoped* that the *first erroneous impressions* of the character of that event, *imposed* upon the mind of the United States' Government by *partial* and *exaggerated* representations, would long since been effaced *by a more strict and accurate examination of the facts*. Such an investigation must even yet, I am willing to believe, lead the United States' Government to the same conviction with which Her Majesty's authorities *on the spot* were impressed, that the act was one, in the strictest sense of self-defence, rendered absolutely necessary by the circumstances of the occasion, for the safety and protection of Her Majesty's subjects, and justified by the same motives and principles which, upon similar and well-known occasions, have governed the conduct of illustrious officers of the United States.

The steam-boat *Caroline* was a hostile vessel, engaged in piratical war against Her Majesty's people, hired from her owners for that express purpose, and known to be so beyond the possibility of doubt.

The place where the vessel was destroyed was nominally, it is true, within the territory of a friendly power; but the friendly power had been deprived, through overbearing piratical violence, of the use of its proper authority over that portion of territory. The authorities of New York had not even been able to prevent the artillery of the state from being carried off publicly, at mid-day, to be used as instruments of war against Her Majesty's subjects. It was under such circumstances, which it is to be hoped will never recur, that the vessel was attacked by a party of Her Majesty's people, captured, and destroyed.

A remonstrance against the act in question has been addressed by the United States to Her Majesty's Government in England. I am not authorised to pronounce the

decision of Her Majesty's Government upon that remonstrance, but I have felt myself bound to record, in the mean time, the above opinion, in order to protest in the most solemn manner against the spirited and loyal conduct of a party of Her Majesty's officers and people being qualified, through an unfortunate misapprehension, as I believe, of the facts, with the appellation of outrage or of murder.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. Fox.

MR. FORSYTH TO MR. FOX.

*Department of State, Washington, Dec. 31, 1840.*

Sir,—I have the honour to acknowledge the receipt of your note of the 23rd inst., in reply to mine of the 26th, on the subject of the arrest and detention of Alexander McLeod, as one of the perpetrators of the outrage committed in New York, when the steam-boat *Caroline* was seized and burnt. Full evidence of that outrage has been presented to Her Majesty's Government with a demand for redress, and of course no discussion of the circumstances here can be either useful or proper, nor can I suppose it to be your desire to invite it. I take leave of the subject with this single remark, that the opinion so strongly expressed by you on the facts and principles involved in the demand for reparation on Her Majesty's Government by the United States, would hardly have been hazarded *had you been possessed of the carefully-collected testimony which has been presented to your government in support of that demand.*

I avail myself of the occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

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No. V.

DISCUSSION IN PARLIAMENT.

HOUSE OF LORDS.

*Feb. 8th, 1841.*

Lord MOUNTCASHEL having put some questions relative to Mr. McLeod,

Viscount MELBOURNE said he would not enter into the statement and arguments made use of by the noble lord, but simply confine himself to answer the questions—(*hear*). Her Majesty's Government certainly received information that an individual of the name of M<sup>c</sup>Leod, a British subject, had been arrested by the authorities of New York, on a charge of arson and murder, stated to have been committed by him on the occasion of the destruction of the steam-boat Caroline. Immediately on hearing of the charge made against this individual, Mr. Fox, our minister at Washington, had demanded his liberation from the general Government. He had received a reply, stating that the matter entirely rested with the authorities of the state of New York, and that it was neither in the power, nor was it the intention of the general Government to procure his liberation. That was the position in which the matter at present stood. As to what Her Majesty's Government meant to do under these circumstances, he (Lord Melbourne) was sure their lordships would not, in the present state of the subject, consider that he was called upon to give any answer—(*hear, hear*). At the same time, he could assure the noble lord and the House that Her Majesty's Ministers had taken every means in their power to secure the safety of Her Majesty's subjects, and the preservation of the honour of the British nation—(*hear, hear*).

## HOUSE OF COMMONS.

*February 8th, 1841.*

Lord STANLEY having stated the case of Mr. M<sup>c</sup>Leod, said, that inasmuch as negotiation had commenced upon the subject of the burning of the Caroline, since January 1838, between Her Majesty's Government and the Government of the United States, he wished to ask, in the first place, whether Her Majesty's Government would have any objection to lay on the table the entire of the correspondence which had taken place upon the subject of the destruction of the Caroline? and, also, whether the despatches had all been received, which had been referred to by Mr. Fox in the recent accounts, and particularly that which had been transmitted on the 29th of December last, announcing the apprehension of Mr. M<sup>c</sup>Leod. He (Lord Stanley)

begged to ask further, whether Her Majesty's Government had taken any steps towards procuring the release of Mr. McLeod from his present confinement? and, if so, whether they would lay upon the table the nature of those steps, and the correspondence which had passed upon this subject between the Government of the United States and Her Majesty's Ministers.

VISCOUNT PALMERSTON rose and said, the noble lord had adverted at much length to a subject of extreme interest, and which, from the great delicacy of its nature, involved considerations of a grave and serious character to two great countries—(*hear*). He (Viscount Palmerston) was sure that this House would think with him that this subject should be *touched very lightly and with great delicacy*—('hear, hear,' from the ministerialists). With reference to the statement which had just been made by the noble lord, the member for North Lancashire, as to the proceedings which had taken place relating to the subject before them, and the particular circumstances which preceded the apprehension of Mr. McLeod, they were strictly correct. He (Viscount Palmerston) would first answer the question which the noble lord (Stanley) had put to him, before he would state one word in explanation. He thought it would not be expedient in the present state of the question to lay upon the table the correspondence relating to the capture and destruction of the *Caroline*, until that correspondence was brought to a final close—('hear, hear,' from the ministerialists). He begged to inform the noble lord that despatches had been received, enclosing copies of the correspondence which had taken place between Mr. Fox and Mr. Forsyth, the Foreign Minister of the United States Government. These notes had been already published in the American papers, and he (Viscount Palmerston) would, of course, have no objection to lay those documents which had been already published on the table—(*laughter*). But this was a departure from what he considered an important rule in regard to international affairs—(*hear, hear*)—and one which might operate injuriously to national interests, to lay before parliament documents relating to pending discus-

sions. He thought it important to make, with reference to the notice to Mr. Forsyth, one observation. The noble lord (Stanley) had said, that he believed Mr. M<sup>c</sup>Leod was not one of the party by whom the Caroline had been attacked. His (Lord Palmerston's) information went precisely to the same conclusion—that he, Mr. M<sup>c</sup>Leod, was not a member of the party that was concerned in the destruction of the Caroline; but with regard to the ground taken by Mr. Forsyth in replying to Mr. Fox, he (Lord Palmerston) thought it right to say that the American Government undoubtedly might have considered this *transaction either as a transaction to be dealt with between the two Governments, by demands for redress, on the one hand to be granted, or refused on the other, and to be dealt with accordingly; or it might have been considered as the British authorities consider proceedings between American citizens on the British side of the border, as matter to be dealt with by the local authorities.* But the American Government had chosen the former course, by treating this matter as one to be decided between the two Governments, *and this was the ground on which they were entitled to demand redress from the British Government for the acts of its subjects.* He was sure the House would think with him, that in a matter of such extreme difficulty it would be improper for him to enter into any further remarks or observations, and he would therefore content himself with answering the noble lord's questions by stating those important facts which he had then mentioned.

Lord STANLEY said that the noble lord who had just sat down had omitted to answer one question which he (Lord Stanley) considered to be of the deepest interest. That question was, whether the noble lord (Palmerston) had taken any steps, and if so, what those steps were, for the protection and liberation of Mr. M<sup>c</sup>Leod—(*hear, hear*).

Viscount PALMERSTON said that a case somewhat similar in principle to the present was expected about a year and a half ago, and instructions were sent at that time to Mr. Fox, on which he founded the communication he made to the American authorities. Of course the House would

suppose, he trusted, that Her Majesty's Government had already sent certain instructions, but until the correspondence upon the subject had concluded it was impossible to send any instructions that could be considered final. He hoped the House would believe that the Government would send to Mr. Fox such further instructions as they might think it their duty to do; at the same time he was not prepared to state what the nature of those instructions were—*(hear)*.

Mr. HUME said he wished to ask the House to suspend their opinion upon the subject until they had the whole of the papers laid before the House. He had himself papers in his possession that would explain many things connected with this question, and which, by-the-bye, were not exactly consistent with the statement which had just been made. By the statement which had taken place in the House of Congress, it appeared that the Government of the United States had been ignorant of any information that could lead them to suppose that the enterprise against the Caroline had been undertaken by the orders of the British Government or by British authority. That he believed was the ground upon which Mr. Forsyth had acted as he had done. He takes his objections, and denies the allegation of Mr. Fox, that neither had he nor Her Majesty's Government made any communication to him or the authorities of the United States that the British Government had authorised the destruction of the Caroline. He (Mr. Hume) therefore hoped that no discussion would take place until all the papers connected with the matter were laid before the House. He wished to know what the nature of those communications were with Mr. Stevenson and Her Majesty's Government which had induced him to act as he had done?

Viscount PALMERSTON said that he rather thought his hon. friend would find in that correspondence that instructions had been given by the American Government to Mr. Stevenson *to abstain from pressing the subject further—(hear)*. With regard to the letter of Mr. Forsyth, he (Viscount Palmerston) begged leave to say that the case

stood thus:—In the case of the American citizens engaged in invading Canada, the American Government disavowed the acts of those citizens, and stated that the British authorities might deal with them as they pleased—(*hear, hear*), and that there were persons concerned in this undertaking who were not in any degree entitled to the protection of the United States—(*hear*). But in the other case they treated the affair of the *Caroline* as one to be considered as that of the Government, and in fact assumed it to be altogether a Government transaction, and not to be left upon the responsibility of individuals. *Until, therefore, the British Government disowned those persons concerned in the destruction of the Caroline in the same manner as the American Government had disavowed their citizens in the other case, he conceived that the American Government had adopted an international responsibility in the late detention of Mr. McLeod, and could not therefore change their ground upon this question—(hear, hear).*

Sir R. PEEL wished to ask the noble lord a question relating to a matter of fact. He believed that, in the expedition which had been formed for the destruction of the *Caroline*, certain officers who held commissions in Her Majesty's army and navy were concerned in that affair, and that some of these officers had, in the execution of the orders which were issued, received wounds. The question he wished to ask was, whether or not Her Majesty's Government had thought proper to award pensions to those officers corresponding in amount with those which were usually granted for wounds received in the regular service of Her Majesty?

Lord J. RUSSELL said that he was not aware of any pensions having been granted to those officers who were wounded in the expedition against the *Caroline*.

Sir R. PEEL, in proposing another interrogatory, read a passage from the speech which had been delivered by Her Majesty on the opening of Parliament in 1839, which stated that differences which had arisen had occasioned the retirement of her minister from the court of Teheran, but Her



Majesty hoped that a satisfactory adjustment of those differences would allow of the re-establishment of her relations with Persia on their former footing of friendship.

Mr. O'CONNELL begged pardon for interrupting the right hon. baronet, but he thought they ought to leave all other subjects until they had been satisfactorily informed upon the subject of Mr. McLeod—(*hear and cheers*). Let it be recollected that perhaps the life of a British subject was at present at stake, and he was sorry that his hon. friend (Mr. Hume) had taken such a course, because he (Mr. O'Connell) thought that upon this subject, at all events, there ought to be a unanimity of feeling—(*hear, hear*). He thought that every exertion should be made to have Mr. McLeod saved, as he had acted under the command of the officers of Her Majesty's Government, and it was in the strict performance of his duty he had incurred the danger with which he was threatened—(*hear, hear*). Whether those orders had been right or wrong, this Government was bound to give him every protection possible. (*Cheers from all parts of the House.*)

Mr. S. O'BRIEN here rose to address the House, but was interrupted by

The SPEAKER, who observed, that at present there was no question before the Chair; but he begged leave to remind the hon. member that the right hon. baronet had risen to ask a question, under which circumstances he considered that the right hon. baronet the member for Tamworth was then in possession of the Chair.

Sir R. PEEL said he had been reading a passage from the speech from the throne in 1839, and he would now read a passage from the royal speech at the opening of the session in 1840: "I have not yet been enabled to establish my  
" diplomatic relations with the court of Teheran, but communications which I have lately received from the Persian  
" Government inspire me with the confident expectation  
" that the differences which occasioned a suspension of those  
" relations will soon be satisfactorily adjusted." He now wished to ask the noble lord (Palmerston) whether those differences had been satisfactorily adjusted, and whether

they had renewed their diplomatic relations with the court of Persia?

Viscount PALMERSTON said he was sorry to inform the right hon. baronet that those differences had not yet been finally or satisfactorily adjusted. The House was aware that Her Majesty's Government had made certain demands on the Persian Government for redress of certain wrongs, which consisted in ill-treatment visited towards those connected with the British mission, and certain British authorities; and another ground of complaint was *that Persia still maintained possession of the city of Herat, which belonged to the Indian territory (!)* On the several points of individual grievances, they had received explanations and assurances, which if they did not amount altogether to a literal fulfilment of the demands, yet appeared to them such as that they might, without derogating from the honour of the country, say they had received sufficient satisfaction. *It was on the territorial claims alone that there lay any differences between the two Governments.* As to the missions, they would henceforward not be in any way unduly interfered with.

Sir R. PEEL wished to know whether there would be any objection to lay before the House such information as might enable them to form some judgment on the present state of our relations with Persia?

Lord PALMERSTON said he had stated the substance of the communications, and he had no objection to lay them before the House.

#### FEBRUARY 9.

Lord STANLEY begged to ask the noble lord for a more explicit and satisfactory answer, as to the question which he (Lord Stanley) had put to the noble lord, which was, whether any steps had been taken by Her Majesty's Government, and if so, what steps were, for the liberation of Mr. McLeod? The noble lord (Palmerston) had certainly answered him by saying, that they 'will take, and indeed have taken, such steps as they deemed necessary for the purpose.' These he (Lord Stanley) believed were the actual words used by the noble lord, the Secretary:

for Foreign Affairs. He (Lord Stanley) did not, of course ask him further as to what the nature of those steps were, if that noble lord thought proper to withhold that information, but he did ask him whether he had taken such steps for the protection and liberation of Mr. McLeod (who had been apprehended on the 12th of November, 1840), as would be effectual in point of time in reference to the proceedings then going on? He distinctly wished to ask that question?

Lord PALMERSTON—With respect to the other question, what he had to state was this. A case of a somewhat similar nature happened, or was about to happen, a year or a year and a half ago; and upon that occasion instructions were sent out to Mr. Fox, laying down what the Government *thought were sound principles in the emergency*. At that time it was rendered unnecessary to act upon the instruction; *but the case having now actually occurred*, Mr. Fox, without waiting for further instructions from home, acted upon the former instructions, and made the demand upon the American Government for the liberation of Mr. McLeod. He then reported the whole case to the Government, but from various causes that communication had been much longer on its passage than usual, and it was only a few days ago that he had received the final portion of what had taken place between Mr. Fox and the American Government; it was, therefore, only that day that an opportunity had presented itself for sending out final and conclusive instructions—they were then ready prepared, and were on the point of being sent off; but what the nature of those instructions was, neither the noble lord nor the House would then expect him to say. Mr. Fox had founded his remonstrances with the American Government upon instructions sent him by the Government respecting a case of a similar nature, which it was feared would have occurred.

Lord STANLEY—The noble lord had not as yet answered his question. He (Lord Stanley) wished to ask the noble lord again, whether subsequent to the information which had been received of the apprehension of Mr. McLeod, he, or any member of Her Majesty's Government, had

taken any immediate steps on the subject, and had forwarded any communication to their minister at Washington ?

LORD PALMERSTON—Yes; and the instructions which were given were *precisely to the same effect as those which were stated as having been given in the former case*. It was not until Saturday last that the Government had received from Mr. Fox the last communication respecting the result of his correspondence with the authorities of the United States.

MR. HUME said he wished to put a question to the noble lord. He (Mr. Hume) held in his hand the order which had been issued in 1837 by the Commander-in-Chief in America, which announced his Excellency's great satisfaction at the destruction of the *Caroline*, which the order stated was effected in a manner highly creditable to those engaged in that expedition; that the result had met with his Excellency's unqualified approbation, and he would think it his duty to make known the whole affair to Her Majesty's Government. He (Mr. Hume) wished now to ask the question—whether there ever had been a communication to Her Majesty's Government upon the subject, and whether they had ever signified their approbation of that act ?

LORD J. RUSSELL acknowledged that such a communication had been made by order of the Lieutenant-Governor, who was then Sir Francis Head, who had entirely approved of what had been done, and had informed Her Majesty's Government of all the circumstances connected with it. He (Lord J. Russell) believed the purport of the hon. gentleman's question to be, whether the Lieutenant-Governor had represented the view which Her Majesty's Government had taken of the case. He thought that his noble friend the Secretary for Foreign Affairs had already answered that question. (*Cheers*)

MR. HUME again attempted to speak, but was anticipated by

MR. T. DUNCOMBE, who begged to ask a question of the noble lord the Secretary for Foreign Affairs, which he thought was highly necessary to complete the discussion

upon this subject. He wished to ask the Foreign Secretary whether the Government had adopted the act of Captain Drew and the capture of the *Caroline* as their own, and thereby, of course, approved of same?

Lord PALMERSTON—If the hon. member meant to ask whether Her Majesty's Government did or did not consider the capture of the *Caroline* a just proceeding, he (the noble lord) would say that undoubtedly Her Majesty's Government did consider it a proceeding perfectly justified; for it was one deemed necessary for the defence of Her Majesty's rights—(*immense cheering from the ministerialists, echoed back by the opposition side of the House*).

Mr. HUME then asked whether the noble lord or Her Majesty's Government had ever signified that opinion to the Government of the United States.

Lord PALMERSTON said that such opinion was communicated both to Mr. Stevenson, the minister of the United States here, and also to the American Government, through Mr. Fox.

#### MARCH 5TH.

Mr. S. O'BRIEN said, that before the Speaker left the Chair he was anxious to say a few words on the state of our relations with the United States of America. Two circumstances were stated in the newspapers to have occurred recently, which if true deserved the immediate notice of the House of Commons. The first was that a true bill had been found in the United States against Colonel McLeod for murder and arson, on the allegation that he had been present at a transaction ordered by the colonial authorities of Canada; and the second was that the Legislature of Maine had recently passed these two resolutions:—"That  
 " the Governor be authorised to take immediate measures  
 " to remove the troops of the Queen of Great Britain now  
 " quartered on the territory called 'disputed' by the  
 " British Government; that the resources of this state be,  
 " and they are hereby, placed at the disposal of the  
 " Governor, and the specific sum of 400,000 dollars be

“ and the same hereby is, appropriated out of any money “ in the Treasury, for the purpose of carrying the said “ resolutions into effect.” He did not know what authority there was for believing these resolutions to be genuine; but if they were authentic, they amounted to nothing else than a declaration of war against Great Britain. (*Hear, hear.*) He was more adverse to war than any individual in that House. He looked upon a war with the United States as one more to be deprecated than any other, inasmuch as it must be of a fratricidal character. (*Hear, hear.*) He likewise saw that the vast commercial interests of this country must be exposed to disaster by its continuance. Still, if war did take place on the present occasion, it would not be a war of our seeking. Besides, we should lose our high character as a nation, if we did not defend our colonies, when attacked; neither could we claim their allegiance, if we did not give them protection, when they were acting under our authority. (*Hear, hear.*) He had seen a great exertion of our vigour under the auspices of the noble Secretary for Foreign Affairs in another part of the globe, where the exercise of our vigour was of a more ambiguous character than it would be on the present occasion; and he trusted that the noble lord would on this emergency display the same vigour which he had displayed elsewhere. His movements, however, were so secret; and he did not blame the noble lord for it; that the House had no opportunity of forming an opinion upon the efficacy of his directions. (*Hear, hear, from the Opposition benches.*) It was, however, his duty, as a member of Parliament, to say that our interests would be better secured than they were at present in case we had a strong fleet in front of the harbours of the United States, and a strong army on the frontiers of British America. He left it to the Government to say whether the naval and military estimates were on a sufficiently large scale to meet every contingency that might arise in that quarter of the globe. (*Hear, hear.*) If they were not, Ministers would be wanting in their duty if they did not come down to Parliament and ask for such sums as

would enable them to meet every contingency. (*Hear, hear.*) He was sure that the House would willingly comply with any demand which would enable them to secure the honour and interests of the country. (*Hear, hear.*)

Mr. EWART did not see the necessity for anticipating differences between the two countries. He believed that the great body of Americans were inclined to peace with this country; they knew their own interest too well, he believed, to wish for war. He trusted that the unhappy discord which it appeared existed at present might pass off without evil results; and he was confident that if it did, not only the interests, but the wishes, of both nations would be satisfied.

Mr. HUME hoped that the noble lord would be able to satisfy the House and the country by some statement on this subject (*cries of 'Oh !'*) and *remove any prejudice which might be occasioned by silence.* He (Mr. Hume) was of opinion that there was no ground for immediate interference. He thought that nothing had taken place in America but what had been done under the civil law. It was manifestly too soon to appeal to war when they were not informed that any thing had taken place which was not in accordance with the laws of those countries in which they had taken place.

The House then went into Committee.

Sir R. PEEL—But, when he looked to the United States, and beheld the state of feeling which existed there—when he viewed their proceedings against, and continued detention of, Mr. M<sup>c</sup>Leod—when he heard from the noble lord that a representation had been made to the American Government that the destruction of the *Caroline* must be regarded as the act of the English Government—when he understood that orders had been sent out to demand peremptorily the liberation of Mr. M<sup>c</sup>Leod—and when he thought on what had since occurred, without, as had been observed by the noble lord, entering into recriminations in reply to observations made in the Congress of America, that great country which he always treated with the most sincere respect, and an interruption in our amicable relations with

which he should most deeply deplore; when he thought on all these circumstances, he could not think that a sound policy which would seek to purchase a hollow truce by unjust concessions. (*Hear, hear.*) He hoped that we should never forget the claims which the North American provinces, who had shown themselves so faithful to British connexion, had on this country; and whilst he would sincerely deplore a war with any country, and more especially with that country, which had so many claims on us, sharing the same descent and speaking the same language, yet, if the interests of his country required the vindication of British honour in resistance against wrong, all his desires for peace would vanish before his determination to stand by the cause of his country. (The right hon. baronet, who towards the conclusion of his sentences occasionally dropped his voice to so low a pitch as to be nearly inaudible in the gallery, resumed his seat amidst great cheering.)

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No. VI.

BOUNDARY QUESTION.

HOUSE OF COMMONS.

*July 13th, 1840.*

Sir R. PEEL said that early in the present Session of Parliament, he had called the attention of the noble lord opposite, to the necessity of laying before the House certain papers then in the hands of Government, with respect to the Boundary Question. On that occasion he had received a positive assurance from the noble lord that they should be laid on the table of the House immediately before the holidays.

VISCOUNT PALMERSTON admitted that he must take upon himself *all the responsibility of the delay.* The



*report was not yet ready\**, and he was anxious that the report should be presented to the House at the same time as the papers to which the right hon. baronet referred.

Sir R. PEEL asks if they will be given *in extenso*? The answer is yes; and that fresh surveyors have been sent for part of the line which had not been well surveyed.

Another question is then put on quite another subject to Lord J. Russell, after which Lord Palmerston again rose, and said that he thought it might be satisfactory to the House to know that Her Majesty's Government had sent out a proposition in answer to one which had proceeded from the United States, and which had reached this country in the course of last year. The proposition thus transmitted was accompanied by the draft of a Convention, *which he had no doubt would have the effect of bringing the whole question to a final and satisfactory issue.*

Sir R. PEEL inquired if the terms of the proposition to which the noble lord referred, took for its basis any other proposition which had proceeded from the United States, or was altogether a new proposition which the American Government were at liberty to accept or reject as they thought proper?

Lord PALMERSTON said that the proposition sent out was founded on that received last year from the American Government.

## HOUSE OF COMMONS.

*February 19th, 1841.*

Sir R. PEEL wished to ask the noble lord what the precise state of our relations with the Government of the United States of America were, in regard to the dispute relative to the north east boundary. He did not wish, of

\* The Report is dated April 18th. It is communicated to the United States' Government by a despatch dated "Foreign Office, 3rd June!" The day after this debate, the London press announced, as news from Washington, the arrival there of the printed Report!—*See* Parallel Statements regarding the Sulphur Monopoly.

course, 'to provoke discussion, or to ask prematurely\* for information.' A report had recently been published, by two commissioners who had been appointed by the Government of this country to inquire into the subject relative to the boundary line between the state of Maine and the province of New Brunswick, and he wished to know whether, since that time, any steps had been taken in concert, by the Government of the United States and the British Government, to put an end to that long litigated question.

Viscount PALMERSTON said the British Government had, last year, proposed to the Government of the United States a draft of a convention for the settlement of the Boundary question, another draft having been proposed the year previous. That draft was not accepted by the Government of the United States, but a counter-draft was returned. The British Government could not agree to the counter-draft; but they last year made a proposal to the Government of the United States upon the subject of the Boundary, which the United States Government refused to agree to. The United States Government, however, sent a counter-proposal, but to that proposal the British Government could not consent. He was not prepared to enter further on the subject. The survey to which the right hon. gentleman had alluded, was *totally independent of the negociation*. IN ORDER TO SAVE TIME, and to gain all the information possible on *the geographical part of the question*, the British Government sent out a commission for exploring the disputed territory. It was not a joint commission between the two Governments, and the statements in the report were to be considered as only *ex-parte*†, the Government of the United States being in no way bound by them. The United States Government had also sent a commission, with a view to obtain information, still he believed no material progress has yet been made by the commissioners.

Sir R. PEEL was then to understand that the commission

\* N.B. Ten years since these negotiations commenced.

† The minister declares his own case *ex-parte*, and that after saying the commission was sent to examine the geography.

which had been sent from this country, was sent without any concert with the Government of the United States, and that that Government was in no way bound by the report which had been made. He was to understand that there had been no joint proceedings between the two governments—no concert—and in point of fact, that all the measures which had been proposed by either Government had been reciprocally rejected?

VISCOUNT PALMERSTON—not exactly ! rejected. The two governments had agreed to a form of commission, but not to all the details by which it was to be carried out. When Colonel Mudge and Mr. Featherstonhaugh were appointed commissioners the American Government was informed of the fact, and those gentlemen had received from that Government every facility for obtaining information which could be given by a friendly state.

SIR R. PEEL wished to know whether the United States Government had agreed to the commission to which the noble lord alluded. Would the commission proposed have power to decide the question at issue; and if it could, had the Government of the United States agreed to that principle?

VISCOUNT PALMERSTON said the Government of the United States had first proposed a commission of one character and to that commission the British Government had agreed, but proposed certain modifications in the arrangements. The American Government then proposed a commission of a different character, which connected with it an arrangement for arbitration in case disputes should arise. The first commission contained no arrangement for arbitration. The British Government had agreed to that proposal. The Government of the United States, however, changed their minds, and said, they wished to have a commission coupled with an arrangement for arbitration. He would not enter upon the points still unsettled, but he might say that the difference existing between the two governments was not relative to the principle, but to the mode in which the commission should be carried out.

The conversation here dropped.

## No. VII.

*Negotiations\* respecting the Boundary subsequently to breaking the Award, as given in Papers marked I. & II.*

Second series of negotiations open 10th January, 1838, by a declaration from the British to the American Government that both governments were as *free* as before the reference had been made to the King of Holland.

The United States Government had previously proposed to that of England a joint commission, to survey the territory, and a proposition for the appointment of an umpire.

*January 10th, 1838.*—The British Representative communicates the assent of the British Government to the principle of a joint commission and to the appointment of an umpire; but proposing that the State of Maine should be an **ASSENTING PARTY TO ANY ARRANGEMENT.**

The American Government replies that it is impracticable to ascertain what are the real views and intentions of Her Majesty's Government.

Fifteen months elapse.

*April 6th, 1839.*—A draft of a convention† is transmitted to Washington by Lord Palmerston. In this convention there is *no mention made of an umpire.*

*May 10th.*—It is communicated to the United States Government and rejected on the 15th by the President.

*July 29th, 1839.*—A counter-draft is sent by the United States, containing an arrangement for arbitration, with a letter urging the necessity of the adoption of such measures as might, "under some form, result in a final settlement."

*July 30th, 1839.*—Mr. Fox informs the United States' Government that Commissioners had been sent from

\* The Report and Correspondence are published in two parts, marked Part I., Part II. Who would suspect that there were *other papers* relating to the Boundary? These are marked A and B.

† Referring in the preamble to the proposals made by the United States in the months of April, May, and June, 1833.

England to survey the frontier before the pending negotiations for the establishment of a new joint commission could be terminated.

*February 19th, 1840.*—Lord Palmerston communicates to the United States Government that Her Majesty's Ministers will send an answer to the last communication of the American Government when the report of the Commissioners is prepared.

*June 3rd, 1840.*—Lord Palmerston gives his consent to the principles of the United States draft for a convention, communicated on the 29th of July, 1839; but rejects it on account of some of the details; promises that an amended draft will be sent out to the United States by an early opportunity.

This reply was kept back, on the plea that the report of the Commissioners was not ready. That report is dated 16th April. The answer, *which is not an answer*, 3rd June, 1840.

On the 27th April, 1838, Mr. Fox is invited to a conference by Mr. Forsyth, Mr. Fox *has no powers to negotiate*, but transmits the invitation he receives to Lord Palmerston.

*30th March, 1839.*—Mr. Stevenson reproaches Lord Palmerston for his not having sent instructions, as he had repeatedly given assurances that he would, to Mr. Fox, conveying powers to negotiate, and offering, on behalf of his Government, to remove the negotiation from Washington to London.

On the 16th May, 1839, Mr. Fox acknowledges having received a despatch, 22nd March, giving him powers to negotiate for the arrangement of any dispute between the two Governments.

*3rd April, 1839.*—Lord Palmerston refuses to remove the negotiations from Washington to London.

*16th May, 1839.*—Mr. Fox transmits to Mr. Forsyth a draft of a convention, and states that he has powers *to sign it*, should it *be accepted* by the Government of the United States.

*29th July, 1839.*—He receives a counter-draft from Mr.

Forsyth, which he transmits on the 4th August to London, returning no answer to the United States Government, and making no offer to negotiate.

Every session has the Minister expressed his expectation of an approaching settlement, and has the House of Commons concurred in that expectation, and of course not being able to see beforehand *what was* coming, how can they understand it after it has occurred?

FINIS.

*WORKS exposing the Danger of England, and  
its Causes.*

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EXPOSITION OF TRANSACTIONS IN CENTRAL ASIA, through which the Barriers to the British Possessions in India, have been sacrificed to Russia, by VISCOUNT PALMERSTON, CONSTITUTING GROUNDS FOR THE IMPEACHMENT OF THAT MINISTER. By D. URQUHART, Esq. One Vol. Quarto.

THE CRISIS:—France, in Face of the Four Powers. Treaty of 15th July. Second Edition. [Fraser.

“ We will march by Constantinople on Paris.”—*Moscow Gazette.*

Exposition of the Process through which the Award settling the BOUNDARY BETWEEN GREAT BRITAIN AND THE UNITED STATES, has been set aside by Her Majesty's Principal Secretary of State for Foreign Affairs, constituting Grounds of Impeachment against that Minister. Second Edition. [Fraser.

CORRESPONDENCE between Lord PALMERSTON, Mr. BACKHOUSE, and Mr. URQUHART, relative to “ The Affair of the Vixen,” “ The Portfolio,” &c.

THE PRUSSIAN LEAGUE. By W. CARGILL, Esq.

MEHEMET ALI encouraged to revolt, as a Pretext for the Treaty of 15th July. By the same Author. [John Reid.

REASONS FOR DEMANDING INVESTIGATION INTO THE CHARGES AGAINST LORD PALMERSTON. By ROBERT MONTEITH, Esq. [Collins.

REPLY to an Article in the DUBLIN UNIVERSITY MAGAZINE, entitled, “ IS LORD PALMERSTON A TRAITOR ?” By the same Author. [Collins, Glasgow.

DEBATE IN THE FRENCH CHAMBERS, on the Treaty of the 15th July, contained in the *Moniteur Universel*, during the last week of November, and the first week of December (the most important revelations of recent times).

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