

pulse of a moment rather than from any premeditated plan. In every aspect of the case it contrasts favourably with General Jackson's expedition into neutral territory. No man was executed in cold blood, as was done by him; yet there was equal provocation, equal reason to justify such an act, had it been performed. And how vast an aggregate of injury from the States has Canada to set against that one act of which they complain! A due consideration of all the border outrages of the last three years should make the Americans ashamed to utter any complaint. It is Canada that is the deeply injured party, not the United States.

As this affair is assuming a grave aspect, and may yet produce important results, we copy the following correspondence on the subject between Mr. Fox, the British Minister at Washington, and Mr. Forsyth, the United States Secretary of State:—

CAPTURE OF THE CAROLINE.—CASE OF MR. M'LEOD.

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 McLeod, a British subject, and 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'Leod was committed for trial, and he is now imprisoned in Lockport jail.

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'Leod. It is well known that the destruction of the steam-boat "Caroline" was a public act of persons in Her Majesty's service, observing 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 Government.

I may add that I believe it quite notorious that Mr. M'Leod was not one of the party engaged in the destruction of the steamboat "Caroline;" and that the pretended charge upon which he has been imprisoned rests only upon the perjured testimony of certain Cana-

dian 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. M'Leod 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. M'Leod, as well as for 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. M'Leod 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 jail of 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.

H. S. FOX.

HON. JOHN FORSYTH, &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, December 26, 1840.

SIR—I have the honour to acknowledge, and have laid before the President, your letter of the 13th instant, touching the arrest and imprisonment of Alexander M'Leod, 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. M'Leod, and to prevent others of the subjects of Her Majesty the Queen of Great Britain, from being persecuted and molested in a similar manner for the future.