

prevented much of the exasperation and of the subsequent complaints and recriminations, to which it gave rise.

There are possible cases in the relations of nations, as of individuals, where necessity, which controls all other laws, may be pleaded, but it is neither easy nor safe to attempt to define the rights or limits properly assignable to such a plea. This must always be a subject of much delicacy, and should be considered by friendly nations with great candour and forbearance. The intentions of the parties must mainly be looked to, and can it for a moment be supposed that Great Britain would intentionally and wantonly provoke a great and powerful neighbour?

Her Majesty's Government earnestly desire that a reciprocal respect for the independent jurisdiction and authority of neighbouring States may be considered among the first duties of all Governments, and I have to repeat the assurance of regret they feel that the event of which I am treating should have disturbed the harmony they so anxiously wish to maintain with the American people and Government.

Connected with these transactions there have also been circumstances of which, I believe, it is generally admitted that Great Britain has also had just ground to complain. Individuals have been made personally liable for acts done under the avowed authority of their Government, and there are now many brave men exposed to personal consequences for no other cause than having served their country. That this is contrary to every principle of international law it is useless for me to insist. Indeed it has been admitted by every authority of your Government, but owing to a conflict of laws, difficulties have intervened, much to the regret of those authorities, in giving practical effect to these principles, and for these difficulties some remedy has been by all desired. It is no business of mine to enter upon the consideration of them, nor have I sufficient information for the purpose, but I trust you will excuse my addressing to you the inquiry, whether the Government of the United States is now in a condition to secure, in effect and in practice, the principle which has never been denied in argument, that individuals acting under legitimate authority are not personally responsible for executing the orders of their Government. That the power, when it exists, will be used on every fit occasion I am well assured, and I am bound to admit that, looking through the voluminous correspondence concerning these transactions, there appears no indisposition with any of the authorities of the Federal Government, under its several administrations, to do justice in this respect in as far as their means and powers would allow.

I trust, Sir, I may now be permitted to hope that all feelings of resentment and ill-will, resulting from these truly unfortunate events, may be buried in oblivion, and that they may be succeeded by those of harmony and friendship, which it is certainly the interest and I also believe the inclination of all to promote.

I beg, Sir, &c.,
(Signed) ASHBURTON.

No. 3.

Mr. Webster to Lord Ashburton.

My Lord,

*Department of State,
Washington, August 6, 1842.*

YOUR Lordship's note of the 28th of July in answer to mine of the 27th of July, respecting the case of the "Caroline" has been received and laid before the President.

The President sees with pleasure that your Lordship fully admits those great principles of public law applicable to cases of this kind, which this Government has expressed; and that on your part, as on ours, respect for the inviolable character of the territory of independent States is deemed the most essential foundation of civilization. And, while it is admitted on both sides that there are exceptions to this rule, he is gratified