

embraced by your Lordship's Note. I shall, therefore, hasten to transmit a copy of your Lordship's communication for the information of my Government, and respectfully ask that the statements and proofs to which it refers, may be furnished to me at the earliest convenient day, for the purpose of being forwarded with your Lordship's Note.

In the mean time I deem it proper to submit to your Lordship's consideration some observations which have been rendered necessary by certain parts of your Lordship's communication, and which demand my immediate notice.

In accounting for the delay which has taken place in communicating the answer of Her Majesty's Government in the case of the "Caroline," and the incidents arising out of the border difficulties on the American and Canadian frontier, your Lordship holds the following language.

"The Government of the United States was perfectly aware, even before Mr. Stevenson's Note of May, 1838, was written, that Her Majesty's Government considered the destruction of the "Caroline" as a justifiable act of self-defence, properly done by the Colonial British authorities, for the protection of British subjects and their property, and for the security of Her Majesty's territories. This opinion had been made known to the United States' Government by Mr. Fox, in an official note to Mr. Forsyth, and by the Undersigned in more than one conversation with Mr. Stevenson." And again, in another part of your Lordship's note it is stated, "That Her Majesty's Government did not, after the receipt of Mr. Stevenson's note, retract the opinions expressed in the matter by Mr. Fox and by the Undersigned; nor did Her Majesty's Government in any manner disavow or disapprove the conduct of the Lieutenant-Governor of Canada; and therefore, both that which Her Majesty's Government had done, and that which Her Majesty's Government abstained from doing, could leave no doubt whatever on the mind of the President of the United States, that the British Government intended to decline to comply with the demand contained in Mr. Stevenson's Note." And again, your Lordship further observes, "It is to be presumed that it was a communication to this effect, which induced Mr. Stevenson to refrain from pressing for an answer to his Note, without special instructions from his Government to do so, and that also led Mr. Forsyth to instruct him to abstain, till further orders, from taking any step in the matter."

Now, if it is intended in these parts of your Lordship's Note to leave it to be inferred that the capture and destruction of the "Caroline" steamer was, in the opinion of Her Majesty's Government, a justifiable act of self-defence by the Colonial authorities, or that this opinion and avowal had been officially made known by Mr. Fox to the Government of the United States in his correspondence with the Secretary of State, prior to the arrest of McLeod, or by your Lordship to me, then I take leave to say most distinctly, that any such inference is wholly unwarranted, inasmuch, as no such avowal or opinion was either communicated by Mr. Fox to my Government, or by your Lordship to me.

That it was not made by Mr. Fox, a brief recapitulation of the facts will show. In his first Note to Mr. Forsyth, written immediately after the occurrence took place, and to which it is presumed your Lordship refers, Mr. Fox confined himself to the expression of his own opinion, as to the character of the transaction, and not that of his Government.

Indeed, as late as the 23rd of December, 1840, in an official Note to the American Government, he expressly declared that he had no authority whatever to pronounce the opinion or decision of Her Majesty's Government in the case, but felt bound to record his own opinion. Besides, how could Mr. Fox, in February, 1838, be supposed to express the opinion of his Government upon a transaction, the existence of which was then unknown to Her Majesty's Government, and to which neither application for redress or complaint had been made. If Mr. Fox's communication to Mr. Forsyth could have been regarded by the American Government as communicating the avowal or opinion of Her Majesty's Government, my instructions, and the Note of May, 1838, would no doubt have been of a very different character. Whatever opinion, therefore might have been