

In this state of things, a small band of Canadian refugees who had taken shelter in the State of New York, formed a league with a number of the citizens of the United States, for the purpose of invading the British territory, not to join a party engaged in civil war, because civil war at that time in Canada there was none, but in order to commit within the British territory the crimes of robbery, arson, and murder. Her majesty's Government and her majesty's minister at Washington have called these people pirates; and the American Secretary of State, in a recent note to Mr. Fox, observes that this name can not properly be applied to them.

The undersigned is ready to admit, that technically, the word "pirate" is applied to persons who, without authority or commission, commit upon the high seas the crimes which this band of offenders determined to commit upon the land. But if the term is in this case inappropriate, it is so, not on account of the nature of the acts which these men were about to perpetrate, but on account of the element in which these acts were to be committed.

The intentions of these men were publicly known, but the government of New York took no effectual steps to prevent them from carrying those intentions into effect. By a neglect on the part of that government, which seems to admit of but one explanation, the storehouses which contained the arms and ammunition of the State were left unguarded, and were consequently broken open by this gang, who carried off thence in open day, and in the most public manner, cannon, and other implements of war.

After some days' preparation, these people proceeded without any interruption from the Government or authorities of the State of New York, and under the command of an American citizen, to invade and occupy Navy island, and part of the British territory; and having engaged the steamboat *Caroline*, which for their special service was cut out of the ice in which she had been enclosed in the port of Buffalo, they used her for the purpose of bringing over to Navy island from the United States territory, men, arms, ammunition, stores, and provisions.

The preparations made for this invasion of British territory by a band of men organized, armed and equipped within the United States, and consisting partly of British subjects, and partly of American citizens, had induced the British authorities to station a military force at Chippewa, to repel the threatened invasion, and to defend her majesty's territory.

The commanders of that force, seeing that the *Caroline* was used as a means of supply and reinforcement for the invaders, who had occupied Navy island, judged that the capture and destruction of that vessel would prevent supplies and reinforcements from passing over to the island, and would, moreover, deprive the force in the island of the means of passing over to the British territory on the main land; they, therefore, determined at once to capture the *Caroline*, both for the purpose of impeding the further progress of the invaders and to hasten their retreat from Navy island. The British commanders, having taken this determination, lost no time in carrying it into execution, because every hour's delay would have defeated their purpose. But, in order to avoid as much as possible loss of life and effusion of blood on either side in accomplishing their object, they chose to capture the vessel by a surprise in the night, when the marauders, being assailed unawares and in the dark, by persons acting upon a concerted plan, would be less able to resist, and would be more easily overcome than if attacked by daylight and necessarily warned for defence by seeing the gradual approach of the British boats. Accordingly, seven British boats, with an officer and eight men in