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COPY OF A DESPATCH, from His Excellency SIR FRANCIS B. HEAD, Bart. Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto 30th January, 1838.

SIR,

When I had the honor of addressing your Excellency on the subject of the destruction of the Caroline, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning—and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given—and it was with no less astonishment than disappointment that I found either the Government of the State of New York, or the Federal Government, adopting as true the most false and exaggerated statement of the destruction of the Caroline, and not hesitating to speak of that just and rightful act of self-defence, as an assumption of American Citizens. I must confess that I cannot but look upon the application of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from twelve to twenty-two peaceable Citizens of Buffalo were murdered in the Caroline, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their Country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American Citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd—whatever insult or injury it would occasion to American territory must be ascribed to that portion of our own Citizens who were in arms against their authority, and committing outrages on their offending neighbours. This being so, it can surely make no difference favorable to the United States, that the army of American Citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe that at a Criminal Court in the State of New York, an indictment has been found for murder against Captain Drew, and others who are supposed (but some of them erroneously) to have been present at the capture