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NORTH AMERICA.

No. 1. (1865.)

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Correspondence respecting the Attack on St. Albans,  
Vermont ; and Naval Force on the North American  
Lakes.

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With Appendices.

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. 1865.*

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LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA. No. 1. (1865.)

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CORRESPONDENCE

RESPECTING THE

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ST. ALBANS, VERMONT;

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# Correspondence respecting the Attack on St. Albans, Vermont; and Naval Force on the North American Lakes.

No. 1.

*Viscount Monck to Mr. Cardwell.—(Received November 10.)*

Sir, *Government House, Quebec, October 27, 1864.*  
I HAVE the honour to report that on the morning of Thursday the 20th instant I received a telegram, dated the previous day, from Mr. Gregory Smith, Governor of the State of Vermont, of which I inclose a copy (Inclosure 1), informing me that a party of armed men from the Province of Canada had invaded the State, robbed the banks at St. Alban's, and committed other depredations.

As no mention of this outrage appeared in any of the morning papers of the 20th I was at first inclined to doubt the authenticity of the telegram, and therefore addressed to the Governor of Vermont the telegram, copy inclosed (Inclosure 2).

I at the same time caused a telegram to be addressed to Mr. Coursol, police magistrate at Montreal, desiring him to proceed immediately to the frontier with a force of police, and to assist in the arrest of the perpetrators of this outrage, if they should make their appearance on Canadian soil.

I also telegraphed to the Lieutenant-General commanding, requesting him to give directions to the military quartered at St. John's, to hold themselves in readiness to co-operate with Mr. Coursol and the police, should any necessity for their services arise, which request was at once complied with by Sir F. Williams.

Shortly after I had taken these steps a telegram was received from Mr. Coursol by the Attorney-General, informing him that he had been applied to for assistance in the detection and arrest of the perpetrators of the outrage by some of the inhabitants of St. Alban's, and that he had sent with them a force of police for that purpose, and very shortly after a telegram arrived from the same officer, announcing that several of the persons engaged in the attack on St. Alban's had been arrested, and a large amount of the money stolen from the bank had been recovered.

On receiving this information I sent to the Governor of Vermont the telegram, copy inclosed (Inclosure 3).

The steps adopted by the police authorities were successful, and thirteen of the parties concerned in the attack on St. Alban's have been arrested, and are now in custody in Canada. A large amount of the money stolen from the banks has also been recovered.

I received on the 21st from the Governor of Vermont the telegram, copy inclosed (Inclosure 4).

The preliminary investigation preparatory to a formal demand for the extradition of the prisoners is being held at St. John's, where the captured men are in confinement, and I have been notified by telegram from Her Majesty's Representative at Washington that an application for the delivery of these men to the authorities of the United States is now on its way from thence.

I am happy to be able to say that there is no reason to believe that any British subject has been in any way a participator in this affair.

I inclose extracts from several newspapers, which I think give a fair account of the transaction.

I also inclose a letter, copied from the "Evening Telegraph" of Montreal, and addressed to the editor of that paper by Mr. Bennett H. Young, one of the persons in custody, from which you will observe that he asserts that the enterprize was engaged in

with the consent and under the authority of the President of the so-called Confederate States of America, and that the perpetrators are commissioned officers of those States.

As far as I have been able to learn, no sympathy with the persons engaged in this outrage has been expressed in Canada, and the press throughout the Province unanimously denounces the attack upon a peaceful and unarmed community.

I have deferred until to-day making my official report of this transaction, in the hope that I might thereby be enabled to give it more in detail and with greater accuracy.

I shall not fail to keep you informed of the results of the investigation which is now being held at St. John's before Mr. Coursol and I hope the steps which I feel it my duty to take in the matter will meet with your approval.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 1.

*The Governor of Vermont to Viscount Monck.—(Received in Quebec, October 19, by the Governor-General, October 20.)*

A PARTY of raiders from the Province of Canada have invaded this State, have robbed all the banks in St. Alban's, killed several citizens, and are plundering and destroying property.

(Signed) J. GREGORY SMITH.

Inclosure 2 in No. 1.

*Viscount Monck to the Governor of Vermont.*

Quebec, October 20, 1864.

I HAVE this morning received a telegram purporting to be signed by you, in these terms:—

“A party of raiders from the Province of Canada have invaded this State, have robbed all the banks at St. Alban's, killed several citizens, and are plundering and destroying property.”

Is this genuine? I have given directions that measures shall be at once adopted for the arrest of the offenders if they should return to Canada. You may rely on cordial co-operation and assistance from this Government. Answer immediately.

(Signed) MONCK.

Inclosure 3 in No. 1.

*Viscount Monck to the Governor of Vermont.*

Quebec, October 20, 1864.

SINCE my last telegram I have received official reports from my own officers confirming the statement in your message of yesterday. Measures have been adopted to give your officers every assistance in the detection and arrest of the raiders if they should appear in Canada. I have just learned, by telegraph, that six of the robbers, with a large amount of money, have been arrested, this morning, at St. Ann's Bridge.

(Signed) MONCK.

Inclosure 4 in No. 1.

*The Governor of Vermont to Viscount Monck.—(Received October 21, from Montpellier.)*

YOUR first telegram, acknowledging receipt of mine, with your last, were received at the same moment last evening. Have also received advices of the active aid directed by you in arresting the raiders. From the latest official reports I learn that the raiders, to the number of twenty or thirty, well armed, entered the village of St. Albans, robbed the three banks to the amount of over 200,000 dollars, stole horses sufficient for the use of each man, fired indiscriminately upon the crowd of citizens unarmed, wounding three—one mortally—and set fire to one of the hotels. Immediately started for your province, all being

accomplished within the space of about forty-five minutes. A company of Volunteers from among our citizens, numbering about fifty, organized as quickly as possible, and started in pursuit, pursuing them into Canada. Please accept my hearty thanks for your expressions of consideration and for your hearty co-operation in our efforts to recover the plunder and bring the offenders to justice.

(Signed) J. GREGORY SMITH.

Inclosure 5 in No. 1.

*Extract from the Quebec "Morning Chronicle" of October 26, 1864.*

WE have just received the following letter from Lieutenant Bennett H. Young, commanding the party of raiders on St. Albans, and hasten to give it the publication asked for it, with no other comment than that it in no respect changes our previously expressed opinions:—

*"Freelighsburg, Canada East, October 21, 1864.*

"To the Editor of the 'Evening Telegraph.

"Through the columns of your journal I wish to make some statements to the people of Canada in regard to recent operations in Vermont. I went there for the purpose of burning the town and surrounding villages, as a retaliation for recent outrages in Shenandoah Valley and elsewhere in the Confederate States. I am a commissioned officer in the 'Provisional Army of the Confederate States,' and violating no law of Canada. I do not wish my name connected with the epithets now applied without a knowledge on the part of the people as to who we were, and why our action. I wish, also, to make a few statements as to how myself and party were taken. I was seized, on Canadian soil, by American citizens, with arms in their hands, and violently searched; my pocket-book taken, and I forcibly placed in a buggy between two men, and started towards the United States. I reached out my hand and caught the rein, when three pistols were levelled at my head, with threats to shoot the 'd—n scoundrel' dead if he moved. Some Canadian citizens then spoke up, and seeing a bailiff, they started with me towards him, two of them holding arms in their hands. These statements can be proved by Canadian citizens. Bands of American citizens came into this place, and even beyond it, brandishing their guns and attempting to kill some of us after we were in the hands of the English authorities. Surely the people of Vermont must have forgotten that you are not in the midst of war, and ruled by a man despotic in his actions, and supreme in his infamy! I am not afraid to go before the Courts of Canada; and when the affair is investigated, I am satisfied they, not my party, will be found the violators of Canadian and English law. Some one, I hope, will be sent to investigate this breach of neutrality, and award to those American citizens doing armed duty in Canada the just merit of their transgression.

"Hoping you will give this a publication, I remain, &c.

(Signed) "BENNETT H. YOUNG, 1st Lieutenant P. A. C. S."

No. 2.

*Viscount Monck to Mr. Cardwell.—(Received November 10.)*

Sir, Quebec, October 27, 1864.  
I HAVE the honour to transmit for your information a copy of a despatch which I have felt it my duty to address to Her Majesty's Representative at Washington, and I hope this proceeding on my part will meet with your approbation.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 2.

*Viscount Monck to Mr. Burnley.*

Sir, Quebec, October 26, 1864.  
MY attention has been called to the accompanying extract from the "New York Post," purporting to give the words of an order telegraphed to the officer commanding

at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans.

I have, of course, no means of knowing whether such an order as that alluded to was ever issued by Major-General Dix, but as it has appeared uncontradicted in the public papers, and contains express directions on the part of an official of the United States for the entry of the troops of that Power on the territory of Her Majesty, I think it my duty to ask you to bring the subject under the notice of the Secretary of State of the United States, with the view that the order may be disavowed or explained.

While no one would be inclined to scan too narrowly the conduct pursued by the citizens of St. Albans, when smarting under the effect of the outrage to which they have been lately unfortunately subjected, it is obvious that an order such as that to which allusion is here made, if issued by a responsible officer of the United States, would be liable to a different construction, and might unless remonstrated against be drawn into a precedent in the future.

You may assure Mr. Seward that there exists amongst the British Authorities in Canada the most earnest desire to use all the powers which the laws confer upon them, in co-operation with the officials of the United States, for the repression and punishment of outrages such as that which has just occurred at St. Albans.

I trust that the proceedings lately adopted in this Province will prove that this declaration is not an empty profession, and will show that the most energetic measures will at all times be used to prevent any aggression on the territory of the United States from Canadian soil, or any abuse of the right of asylum allowed in Her Majesty's dominions.

I am sure Mr. Seward will, on the other hand, see that it is necessary in order to the maintenance of these amicable relations that no act should be done by any civil or military officer of the United States, which might bear the construction of being an infraction of the rights of Her Majesty, or a violation of the soil of her dominions, and that he will believe that this remonstrance is made in no unfriendly spirit, and is prompted by a sincere desire to prevent any just cause of complaint between the two countries.

I have, &c.  
(Signed) MONCK.

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Inclosure 2 in No. 2.

*Extract from the "New York Post."*

**THE RAID AT ST. ALBANS.**—The organization of bands of rebel marauders in Canada, for the purpose of coming within our lines, committing depredations on our property and shooting down our citizens, is of so grave a character as to demand the prompt and decisive action of the Government. If measures are not adopted to put an end to this abuse of the right of asylum and the violation of the duties of neutrality, our citizens on the frontier will take the matter into their own hands. We should deeply regret such unauthorized acts of reprisal. Whatever is done should be done under the authority of the Government. Either the Canadian authorities should be called on to send the rebels, who are getting up predatory enterprises against us, out of Canada, or we should have armed forces on the frontier ready to take summary vengeance on these marauders, and for that purpose to follow them, as we have a right to do, across the lines, if the pursuit is instant. When General Dix was advised of the outrages at St. Albans, he sent the following despatch to the commanding officer at Burlington, Vermont:—"Send all the efficient force you have to St. Albans, and try to find the marauders who came from Canada this morning. Put a discreet officer in command, and in case they are not found on our side of the line, pursue them into Canada if necessary, and destroy them."

The order was carried out so far as to pursue the marauders into Canada, where eight of them were captured. If they had been shot down as they shot down the peaceful citizens of St. Albans, it would have been no more than exact justice. A single example of stern retribution would go far to break up these piratical expeditions. But the Government should take the matter in hand, as a grave international question, and not leave it to local commanders.

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No. 3.

*Viscount Monck to Mr. Cardwell.—(Received November 10.)*

Sir,

*Government House, Quebec, October 28, 1864.*

I HAVE the honour to transmit, for your information, copies of a despatch and inclosure which reached me this day from Her Majesty's Chargé d'Affaires at Washington, together with my reply to Mr. Burnley.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 3.

*Mr. Burnley to Viscount Monck, October 23, 1864.*

[See Inclosure 6 in No. 4.]

Inclosure 2 in No. 3.

*Mr. Seward to Mr. Burnley, October 21, 1864.*

[See Inclosure 4 in No. 4.]

Inclosure 3 in No. 3.

*Viscount Monck to Mr. Burnley.*

Sir,

*Government House, Quebec, October 28, 1864.*

I HAVE the honour to acknowledge the receipt of your despatch and inclosure of October 23, respecting the course pursued by the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont.

I reply, I beg leave to express my satisfaction that the motives and conduct of the Canadian Government have been rightly appreciated by the President of the United States.

I shall feel much obliged if you will communicate to Mr. Seward the substance of this letter.

I have, &c.  
(Signed) MONCK.

No. 4.

*Lord Lyons to Earl Russell.—(Received November 11.)*

My Lord,

*Washington, October 28, 1864.*

I HAVE the honour to transmit to your Lordship a copy of a note from Mr. Seward, and a copy of a despatch to Mr. Adams, which was inclosed in it.

Your Lordship will see that by this despatch, which was sent off on the 24th instant, Mr. Adams is directed to give notice to your Lordship, "in conformity with the Treaty reservation of that right,\* that at the expiration of six months after he shall have made this communication, the United States will deem themselves at liberty to increase the naval armament upon the Lakes, if, in their judgment, the condition of affairs in that quarter shall then require it." In short, Mr. Adams is directed to give the notice which will abrogate the Arrangement of 1817, limiting the naval forces to be employed on the Lakes.

In his despatch to Mr. Adams, Mr. Seward mentions the seizure of the "Chesapeake"† and the "Roanoke" on the high seas, gives a detailed account of the seizure of the steamers "Philo-Parsons" and "Island Queen" on Lake Erie.‡ He then proceeds to relate the circumstances of an attack recently made on St. Albans, a town in Vermont, near the Canadian frontier, by a party coming apparently from Canada.

\* See Appendix A.

† See Papers presented to Parliament, "North America, No. 9," 1864.

‡ See Appendix B.

This last matter was first brought to my knowledge by Major-General Dix, military commandant at New York, when I was at that place last week. Having reason to fear that the orders which General Dix told me he had issued might lead to a violation of the British territorial jurisdiction, I despatched immediately a letter and a telegram to Mr. Burnley, instructing him to put himself in communication with Mr. Seward on the subject. I have, since my return to Washington, had more than one conversation with Mr. Seward respecting it. He read to me to-day a report from the military officer who appears to have been in command near St. Albans, from which it appeared that no violation of the Canadian territory had occurred.

I have the honour to inclose papers which will place your Lordship in possession of further details respecting the transaction. Among them your Lordship will find an extract from a newspaper, containing what purports to be a letter from a Mr. Bennett Young, who states that he is a commissioned officer in the Confederate service, and that he led the expedition against St. Albans, for the purpose of burning the town and surrounding villages in retaliation for the depredations committed by the Federals in the Shenandoah Valley and elsewhere in the Confederate States. Your Lordship will also find an abstract of the report to Major-General Dix mentioned above.

I have, &c.  
(Signed) LYONS.

Inclosure 1 in No. 4.

*Mr. Seward to Lord Lyons.*

*Department of State, Washington, October 26, 1864.*

MR. SEWARD presents his compliments to Lord Lyons, and has the honour to inclose a copy of an instruction of this Department to Mr. Adams, which instruction was yesterday read to Mr. Burnley from the draft.

Inclosure 2 in No. 4.

*Mr. Seward to Mr. Adams.*

Sir,

*Department of State, Washington, October 24, 1864.*

IT is my duty to invite through you the serious attention of Her Majesty's Government to the instances, which unfortunately seem to be multiplying, in which the British Possessions in our neighbourhood, both continental and insular, have been made bases for hostile proceedings by the insurgents against this country. The motives for such proceedings have undoubtedly been, not a conviction that material damage would result directly from the hostile acts of the insurgents, but a hope that a just sense of national dignity and self-preservation on our part might induce us to resent the toleration of the British authorities, and ultimately, perhaps, to lead that Government to take part with the insurgents as an open and declared enemy of the United States. The insufficiency of the British Neutrality Act and the warnings of the Queen's Proclamation to arrest the causes of complaint referred to, were anticipated early in the existing struggle, and that Government was asked to apply a remedy by passing an Act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent Acts.

The seizure by insurgents of the steamer "Chesapeake" on the high seas, bound from New York to Portland, is familiar to you. Though the vessel was ultimately released, the perpetrators of the deed escaped punishment. Braine, one of the leaders, has since found his way to Havanah, and with other conspirators has recently seized, under similar circumstances, the steamer-packet "Roanoke," which plies between that place and New York, carried her to Bermuda, but not receiving the hospitality which was expected there, the vessel was taken outside the port and burned.

On Saturday the 17th of September last, Lieutenant-Colonel B. H. Hill, Acting Assistant Provost-Marshal General of Michigan, was advised by a person from Canada that a party was to be sent from Windsor, on the Canada side of the Detroit River, opposite Detroit, to a point within the jurisdiction of the United States for hostile purposes.

On Sunday evening the 18th of September, a man came on-board the "Philo-Parsons,"

while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter J. Ashley, who is part owner of the "Parsons," to call at Sandwich on the Canada shore, three miles below Detroit, to receive him and a party of friends who wished to go to Kelly's Island, about eleven miles from Sandusky; alleging that one of them was lame, and could not well cross the ferry. The "Philo-Parsons" sailed the next morning (Monday 19th of September), at 8 o'clock, with about forty passengers. The person referred to above as having engaged a passage for himself and party appeared immediately afterwards, and at his request the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canada side, where the steamer always stopped, about twenty miles below Detroit, and near the point where the Detroit river empties into the lake, about twenty more men came on board. The number not being unusual excited no suspicion. The only baggage of the party was an old fashioned trunk, tied with rope, and which was afterwards ascertained to contain revolvers, and large hatchets or hand-axes.

The steamer continued on her course and made her usual landings at North Bass, Middle Bass, and South Islands; the latter being known as "Put on Bay Island." These islands are nearly north of Sandusky and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass Island, where his family reside. Having made these landings, the steamer went on her course to Kelly's Islands, about seven miles further on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one, who was seen among them after the capture of the steamer, had been several days on the island, visiting the inhabitants, and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's Island about 5 o'clock in the afternoon, and while she was directly on her course for Sandusky, the "Philo-Parsons" was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass Island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the "Philo-Parsons" reached Middle Bass Island, and while she was taking in wood, the steamer "Island Queen," which performs daily trips from the Bass Islands to Sandusky and back, came alongside, and was immediately seized. The engineer of the "Island Queen" without giving any provocation was shot in the face. The ball entered his cheek, and passed out near the ear. One person was cut in the head with a hatchet, and bled profusely; several other persons were knocked down, and a large number were struck with the butt-ends of pistols and with hatchets; and some ten or a dozen shots were fired. The passengers on both boats were landed at Middle Bass with a part of their baggage.

After getting a supply of fuel the "Philo-Parsons" ran out into the Lake, towing the "Island Queen." At a distance of about five miles according to one statement, and at a smaller distance according to others, the "Island Queen" was scuttled by cutting her supply pipe, and was set adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the "Island Queen" had been scuttled, the "Philo-Parsons" stood for Sandusky harbour, and was turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, 20th September. A few miles above Malden a yawl boat of plunder was sent ashore on the Canadian side of the Detroit River. At Fighting Island, some six miles above, the crews of both steamers were landed.

The "Philo-Parsons" arrived at Sandwich at about eight o'clock the same morning, and a pianoforte belonging to her, a number of trunks, and the cabin furniture were put ashore at the dock, when a Custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes, and cast off. She partially filled, but was taken possession of a few hours afterwards by the mate who had come in a small steamer (the "Pearl") from Ecuzé, who had her towed to Detroit.

The facts thus set forth having been substantiated by the depositions of eye-witnesses of these occurrences, I addressed a note to J. Hume Burnley, Esq., Her Britannic Majesty's Chargé d'Affaires, on the 13th instant, requesting through him that Her Majesty's Government would, upon the arrest and commitment of the parties who perpetrated these depredations, some of whom passed by the names respectively of Bell, Hault, Bristow, Robert Drake, Burley and Thomas, the names of others not being ascertained, issue the necessary warrants for their delivery to Joseph Dimmick and James Henry, or to any other person duly authorized by the authorities of the State of Ohio to receive the fugitives, in order that they might be brought back to the United States for

trial. This request was made on the ground that they were guilty of the crimes of robbery and assault with intent to commit murder within the jurisdiction of the United States, and that being fugitives from the justice of the United States their extradition was provided for by the Xth Article of the Treaty of Washington. Mr. Burnley has since informed me that he has referred the matter to Her Majesty's provincial authorities, as is usual in such cases.

The primary object in capturing these steamers was confessedly to release the insurgent officers at Johnson's Island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents, who have for some time past been residing in Canada for such purposes. Indeed, the Department has proof that Mr. Jacob Thompson has acknowledged that he was commissioned and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

It is obvious that at the time of the informal arrangement between the two Governments, of April 1817, limiting their naval force on the Lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed. If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have clandestinely or otherwise so augmented its force as to ensure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defence, in the event of a civil war in the territories of either, by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence a copy of which is inclosed, has chartered two propellers, one on Lake Erie, and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region, similar to those above-mentioned.

I had just prepared the foregoing statement of the transaction on Lake Erie, when information of a new and equally desperate outrage on another part of the border reached this Department. A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier, and proceeded in several small parties, by stage coach, to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, and broke into boarding-houses and other buildings, and carried off large amounts of treasure, said to be 225,000 dollars, together with other valuable property. As soon as the people recovered from their surprise they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian municipal agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners. Here the imperfect accounts which I have received of this transaction end. I have requested of J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires here, that the felons may be detained until, after having obtained the exact information, which is essential, I shall have addressed to the British Government a demand for the surrender of the offenders in conformity with the provisions for extradition contained in the Ashburton Treaty. The subject has been discussed in a friendly spirit between myself and Mr. Burnley, who has received telegraphic advices from Lord Lyons, who yet remains in New York. I give you a copy of a note which I addressed to Mr. Burnley on the 21st instant, and also a copy of a note I afterwards received from him in answer to my verbal request that Lord Monck, the Governor-General, should be advised to detain the offenders for extradition. I wish you to bring this transaction also to the notice of Earl Russell, and say to him, that taken in connexion with events of the same character which have occurred on the Canadian frontier, it is regarded here as deserving prompt and decisive proceedings on the part of Her Majesty's Government, in order to prevent the danger of ultimate conflict on the Canadian borders. It is a pleasant circumstance that in making this communication we are not only able but are obliged to acknowledge that the Canadian Executive authority has in this instance thus far co-operated with this Government in faithful and diligent efforts to bring the disturbers of public peace to due account. It is, however, impossible to resist the conviction that peace cannot be reliably maintained upon the border unless more effective measures shall be adopted to secure that end, than those that have heretofore been used by both Governments. We know well, although we have not judicial evidence, that all

the movements of this character are set on foot by Jacob Thompson, and other disloyal American citizens, who are temporarily domiciled in Canada, and furnished with funds there for those iniquitous purposes through the banking institutions of Canada.

It is now my duty to instruct you to give notice to Earl Russell, in conformity with the Treaty reservation of that right, that at the expiration of six months after you shall have made this communication, the United States will deem themselves at liberty to increase the naval armaments upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it, and you will be careful to advise us of the day on which this notice is given.

You will assure the Earl, however, that this proceeding is adopted only as a necessary measure of national defence, and not only with no purpose of hostility, but on the other hand with a desire, no less earnest than heretofore, to preserve the most friendly relations with Great Britain. Moreover, this Government will in every case, direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise.

It is not for us to indicate the means Her Majesty's Government should adopt to maintain neutrality on their side of the border. You will again suggest to Her Majesty's Government that, in our opinion, a policy similar to that which was inaugurated by our enactment before mentioned might be followed with advantage by Great Britain in the American provinces during our present civil war. I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say, that, practically, the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British Colonies, and especially in the latter, and that it must continue to fail more conspicuously every day so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States; nor are we able to conceive of any remedy adequate to the present exigency but the recognition of Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government. I use the word exigency with a consciousness of its just effect. The welfare and prosperity of the British Provinces on our borders are as sincerely desired by us as they can be by the British Government. In a practical sense these Provinces are sources of wealth and influence for the United States, although they are subject to a foreign jurisdiction.

We have proved that this is a sincere conviction on our part by entering into relations of reciprocal free trade with the British Provinces almost as intimate as the relations of free trade which under our Constitution prevail between the several States of the American Union.

Thus far we have been content with these relations, and probably we should remain content whether the Colonies adhere to their ties with Great Britain, or with her consent should assume the responsibilities of self-government, provided always that our friendship is reciprocated, while peace and harmony on the borders are essential to the very existence of such friendship; on the other hand, we have a right to expect that the dwellers within those Provinces will be content to fulfil towards us the obligations of good neighbourhood, and we are expected to fulfil the same obligations on our part. Even if this Government could be satisfied with less than what I have thus indicated, it must nevertheless be admitted that, from the very force of circumstances, peace could hardly be expected to prevail on a border which should afford to the communities which it divides no adequate protection against mutual aggression and reprisal.

Political agitation is as frequent in the British American Provinces as it is here. It is not easy to foresee how soon revolutionary movements may appear there. Every provocation now given to Americans will be likely to be claimed as a precedent in that case for intrusion from this side of the Lakes. Would it not be wise to establish a proper system of repression now, which would prove a rock of safety for both countries hereafter?

I am, &c.

(Signed) WILLIAM H. SEWARD.

## Inclosure 3 in No. 4.

*Lord Lyons to Mr. Burnley.*

(Extract.)

*New York, October 19, 1864.*

I MET General Dix at dinner this evening. Soon after we sat down he received a telegram, and immediately left the table and went away from the house. He came back in about an hour's time, and then told me that the telegram had announced to him that a party of rebels had made a raid from Canada upon a place called St. Albans, in the State of Vermont, and had robbed some banks and committed some murders. He said that he had sent orders to the military officers in the neighbourhood to take measures for apprehending the raiders; and that he had directed those officers to use their best endeavours to seize them on American territory, and if they pursued them to the frontier line, to continue the pursuit even beyond the frontier rather than allow them to escape. General Dix expressed the opinion that, under such circumstances, the continuing the pursuit beyond the frontier would be warranted by international law, and cited the cutting out of the "Caroline" by the Canadian loyal forces during the rebellion in Canada as a precedent.

I did not conceal from General Dix that I was much disturbed by the information he had given me as to the nature of the orders he had issued, and I asked whether he had given them on his own authority or under instructions from Washington. He said that he had given them on his own authority, as Military Commander of the Department, but that he had reported what he had done to the Secretary of War.

I observed to him that any violation of the British territory would be a dangerous proceeding; and I reminded him that no doubt the principal object of the Confederates in getting up these expeditions was to embroil England with the United States, and that it would be playing the game of the enemies of the United States to allow the Federal officers to be led to violate British jurisdiction. Finally, before leaving the house, General Dix told me that he would send telegraphic instructions in the morning, which would enjoin upon the Federal officers the greatest caution with regard to the British territory. He added, that the officers employed would be very prudent and discreet, and that he did not think I need entertain any apprehensions.

I promised him to ask you by telegraph to go to Mr. Seward and to consult him as to the propriety of your making any communication to the Canadian authorities.

I should observe that General Dix spoke to me in a very frank and friendly manner, and expressed the most conciliatory intentions; and I should wish Mr. Seward to understand that I feel much obliged to the General.

If the men have plundered banks, and committed murders, and then taken refuge in Canada, I suppose the best course will be to treat them as ordinary criminals, liable to be delivered up to justice under the Extradition Treaty.

I intend to send this letter to you by the Queen's messenger Johnson to-morrow morning.

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 Inclosure 4 in No. 4.
*Mr. Seward to Mr. Burnley.*

Sir,

*Washington, October 21, 1864.*

I HAVE received communications from the United States' Consul at Montreal, which inform me that his Excellency Governor Monck and other Canadian authorities are proceeding with zeal and vigour to arrest the parties who were engaged in the depredations committed at St. Albans, in Vermont. It is not to be doubted that the object of those depredations is the same with that of the piratical operations which recently occurred on Lake Erie, namely, to embroil the Government of the United States and Great Britain in a border war. Under these circumstances I think it proper to let you know that the President regards with sincere satisfaction the conduct and proceedings of the Canadian authorities before referred to.

Thus far I have received no official or other certain account of the United States' civil or military Agents; but I am glad to learn, by unofficial reports, that the officers and Agents of the two Governments are acting together in good faith, and with due respect on each side for the lawful rights and authority of the other. This is in entire conformity with the wishes of the United States.

I have, &amp;c.

(Signed) WILLIAM H. SEWARD.

## Inclosure 5 in No. 4.

*Viscount Monck to Mr. Burnley.**Québec, October 22, 1864.*

YOUR telegram of yesterday has been received. By last account eleven of the St. Albans men were in custody. Directions have been given to detain them until the demand for their extradition can be fully investigated. Please to inform the Secretary of State of the United States.

## Inclosure 6 in No. 4.

*Mr. Burnley to Viscount Monck.*

My Lord,

*Washington, October 23, 1864.*

I HAVE the honour to inclose copy of a note of the 21st instant, which I have received from Mr. Seward, thanking your Lordship and the Canadian authorities for the active assistance afforded during the late proceedings at St. Albans, in Vermont.

I have, &amp;c.

(Signed) J. H. BURNLEY.

## Inclosure 7 in No. 4.

*Mr. Burnley to Mr. Seward.*

Sir,

*Washington, October 23, 1864.*

I HAVE the honour to acknowledge receipt of your note of the 21st relative to the affair at St. Albans, and beg to state that I have caused a copy of this note to be sent to his Excellency the Governor-General of Canada.

I have, &amp;c.

(Signed) J. H. BURNLEY.

## Inclosure 8 in No. 4.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, October 25, 1864.*

INFORMATION has been received at this Department that C. M. Wallace, Charles Sevegan, Bennett Young, Squire Lewis, Dudley Moore, George Williams, alias George Scott, Samuel Gregg, Marcus A. Spierse, S. B. Collins, H. P. Bruce, S. C. Lackey, S. Dory, J. McGrosly, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, at St. Albans, in the State of Vermont, are now fugitives from the justice of the United States in Canada, where they have been arrested and committed by Her Majesty's authorities, with a view to their examination in compliance with the provisions of the Xth Article of the Treaty of Washington. I have the honour to request through you, Sir, that Her Majesty's Government will be pleased to issue the necessary warrant for their delivery to any person whom the Governor of the State of Vermont may appoint to receive the said fugitives, in order that they may be brought back to the United States for trial.

I have, &amp;c.

(Signed) WILLIAM H. SEWARD.

## Inclosure 9 in No. 4.

*Mr. Burnley to Viscount Monck.*

My Lord,

*Washington, October 25, 1864.*

I HAVE the honour to transmit to your Excellency a copy of a note which I have this day received from the Secretary of State of the United States, requesting that Her Majesty's Government will issue the necessary warrants for the extradition of C. M. Wallace and others, stated to be now in Canada.

I have, &amp;c.

(Signed) J. H. BURNLEY.

## Inclosure 10 in No. 4.

*Extract of Report from Major Austine to General Dix.*

*Provost Marshal's Office, Brattleborough, Vermont, October 23, 1864.*

I HAVE the honour to report that I received the inclosed telegram at 7 P.M., on the 19th instant. At once I collected about a hundred convalescents and thirty of the Vermont Reserve Corps with two officers from the General Hospital here, and left at 9 P.M. (the earliest train to be had), arriving at St. Albans (the place of residence of the Governor, a distance of 200 miles) at 8 o'clock the next morning. I found that about 4 P.M. the previous day about twenty-five men from Canada, armed with two revolvers each, had suddenly entered the three banks of the town and robbed them of over 200,000 dollars, mortally wounding one citizen and seriously wounding another; they then seized a number of horses and made their escape,—the whole affair occupying less than half an hour. The citizens were utterly paralyzed by the boldness and suddenness of the attack. Soon after an ex-Captain of Volunteers, with a few citizens, started, mounted, in pursuit. The robbers in their retreat tried to enter the bank at Sheldon, but were unsuccessful. In both places they made abortive attempts to burn the buildings. They were pursued into Canada. After reaching the frontier, supposing themselves safe, they became less vigilant, and up to this date some twelve of them have been captured and lodged in Canada jails. About 75,000 dollars were recovered. No officer or soldier of our Government violated any of the laws existing between the two countries. The telegram to the Governor from your head-quarters, forwarded by a messenger from St. Albans by Lieutenant-Colonel Burton (late 11th Vermont, acting under State orders), was received by the ex-Captain about the time he had completed the pursuit. Finding that they were all in Canada, and had dispersed, and that the Canadian authorities had taken the matter in hand, I deemed it useless to proceed with the men to the line. Learning that some of the robbers were proceeding towards St. Johns, I sent Major Barstow, a discreet ex-officer of the 8th Vermont (acting under State authority) there, to confer with the Major relative to their arrest. The authorities over the line have shown every disposition to capture the robbers, and at all the interviews with our officials I learn that they have been very courteous and well-disposed.

Certain deserters of the Vermont regiments are supposed to be among the robbers; in fact, one was recognized by a soldier on furlough in the town.

I strongly recommend to the select men of the border-towns to at once organize all the able-bodied men, with a suitable chief, for local protection, each man to receive a musket and ammunition. Many towns have adopted the plan, and the Governor promises to carry out the recommendation. He has an abundance of arms and ammunition for distribution. From all I can learn, deserters and Confederates made up the party, under instructions from active rebel agents in Canada, and I shall not be surprised to hear of other outrages along the line before the Presidential election comes off. The decision of the Canadian authorities in the present cases will be of great importance to the rebels in their midst, as to future operations.

The Governor has grave apprehensions as to the future peace of the frontier, considering the great number of deserters and rebels now near the line, and is exceedingly anxious for as much military protection as the Government can afford at the present time.

(Signed) W. AUSTINE, Major, United States' Army,  
Assistant Adjutant Provost Marshal-General, and Military Commander.

Head-Quarters, Department of the East, New York City,  
October 26, 1864.

Official :

(Signed) D. T. VAN BUREN, Colonel and Assistant Adjutant-General.

Respectfully furnished for information of the Hon. W. H. Seward, Secretary of State, Washington, Delaware County.

(Signed) JOHN A. DIX, Major-General Commanding.

## Inclosure 11 in No. 4.

*Extract from the "New York Herald" of October 23, 1864.*

THE following is from the last edition of the "Evening Telegraph," published at St. Albans:—

"Fears are entertained, from the sympathy shown at St. Johns for the St. Albans raiders, that attempts will be made to rescue them.

"Captain Desrivier's troop of volunteer cavalry has been called out, and are now on duty guarding the jail.

"Hon. J. J. Abbott has been retained, with Mr. R. Laflamme, for the accused, and we understand that the retainers have engaged Hon. J. H. Cameron as consulting counsel. Mr. Devlin has been retained by the Federal authorities.

"We have just received the following letter from Lieutenant Bennett Young, commanding the party of raiders on St. Albans:—

"To the Editor of the "Evening Telegraph."

*"Freelingsburg, Canada East, October 21, 1864.*

"Through the columns of your journal I wish to make some statement to the people of Canada regarding the recent operations in Vermont. I went there for the purpose of burning the town and surrounding villages in retaliation for the recent outrages committed in the Shenandoah Valley and elsewhere in the Confederate States.

"I am a commissioned officer of the provisional army of the Confederate States, and have violated no laws of Canada. I do not wish my name coupled with the epithets now applied without a knowledge on the part of the people of Canada as to who we are and what caused our action.

"I wish also to make a few statements as to how myself and party were taken. I was seized on Canadian soil by American citizens, with arms in their hands, and violently searched. My pocket-book was taken from me, and I was started towards the United States. I reached out my hands and caught the reins of my horse, when three pistols were levelled at my head, with threats to shoot the damned scoundrel dead if he moved. Some Canadian citizens then spoke up, and the Americans, seeing the bailiff, started with me towards him, two of them holding arms in their hands.

"These statements can be proved by Canadian citizens. The Americans came into this place, and even beyond it, brandishing guns and threatening to kill some of us, even after we were in the hands of the English authorities.

"Surely the people of Vermont must have forgotten that the people of Canada are not in the midst of war, and ruled by a man despotic in his actions and supreme in his infamy.

"I am not afraid to go before the courts of Canada, and when the affair is investigated, I am satisfied that the citizens of Vermont, and not my party, will be found to be the violators of Canadian and English law.

"Some one, I hope, will be sent to investigate this breach of neutrality, and award to those American citizens doing armed duty in Canada the just merit of their transgression.

"Hoping you will give this a publication, I remain, &c.

(Signed). "BENNETT H. YOUNG,

"First Lieutenant, Provisional Army, Confederate States of America."

No. 5.

*Lord Lyons to Earl Russell.—(Received November 22.)*

My Lord,

*Washington, November 7, 1864.*

WITH reference to my despatch and its inclosures of the 28th ultimo, relative to the recent raid at St. Albans and the action of the United States' Government in this matter, I have the honour to inclose copies of the further correspondence which has passed on this subject.

I have, &c.

(For Lord Lyons),

(Signed)

J. HUME BURNLEY.

## Inclosure 1 in No. 5.

*Viscount Monck to Mr. Burnley, October 26, 1864.*

[See Inclosure 1 in No. 2.]

## Inclosure 2 in No. 5.

*Extract from the "New York Post."*

[See Inclosure 2 in No. 2.]

## Inclosure 3 in No. 5.

*Lord Lyons to Mr. Seward.*

Sir,

*Washington, October 29, 1864.*

I HAVE the honour to transmit to you, and to recommend to your serious attention, a copy of a despatch which I have received this morning from the Governor-General of Canada.

The Governor-General states that his attention has been called to an extract from the "New York Post," purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans; and his Excellency requests me to bring the subject to your notice, with the view that the order may be disavowed or explained.

I inclose a copy of the newspaper extract, and have, &c.

(Signed) LYONS.

## Inclosure 4 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

*Washington, October 29, 1864.*

I HAVE this morning had the honour to receive your Excellency's despatch to Mr. Burnley of the 26th instant, inclosing an extract from a newspaper purporting to give the words of an order telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the outrage at St. Albans.

I have, without any loss of time, transmitted copies of the despatch and of the newspaper extract to the Secretary of State of the United States, and have recommended the matter to his serious attention.

I have &c.  
(Signed) LYONS.

## Inclosure 5 in No. 5.

*Mr. Seward to Lord Lyons.*

My Lord,

*Department of State, Washington, October 29, 1864.*

INFORMATION has been received at this Department that Samuel Eugene Lackey, Squire Turner Travis, Charles Moore Swager, George Scott, Bennett H. Young, Caleb McDowell Wallace, James Alexander Doty, Joseph McGrosty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, and Alexander Pope Bruce, charged with the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, are now held in jail at St. John's in Canada East, awaiting the requisition of this Government for their extradition as fugitives from justice.

I have the honour therefore to request, through your Lordship, that Her Majesty's Government will be pleased to issue the necessary warrant for the delivery of the persons of the above-mentioned fugitives to any person or persons duly authorized by the Governor of the State of Vermont to receive them and to bring them back to the United States for trial.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

## Inclosure 6 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

Washington, October 29, 1864.

WITH reference to Mr. Burnley's despatch of the 25th October, I have the honour to transmit to your Excellency a copy of a further note from the Secretary of State of the United States, containing a demand for the extradition of certain persons stated to be in Canada, fugitives from the justice of the United States.

I am, &c.  
(Signed) LYONS.

## Inclosure 7 in No. 5.

*Mr. Seward to Lord Lyons.*

My Lord,

Department of State, Washington, November 1, 1864.

INFORMATION has been received at this Department that William H. Hutchinson, a fugitive from the justice of the United States, charged with the commission of the crimes of murder, assault with intent to commit murder, and robbery, within the jurisdiction of the United States, is now held in custody at Montreal in Canada, awaiting the requisition of this Government for his extradition.

I have the honour, therefore, to request through your Lordship that Her Majesty's Government will be pleased to issue the necessary warrant for the delivery of the person of the above-named William H. Hutchinson, to any person or persons who may be duly authorized by the Governor of the State of Vermont to receive him and bring him back to the United States for trial.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

## Inclosure 8 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

Washington, November 1, 1864.

I HAVE the honour to inclose to your Excellency a copy of a note which I have received from the Secretary of State of the United States, asking for the extradition of a man named William H. Hutchinson.

I have, &c.  
(Signed) LYONS.

## Inclosure 9 in No. 5.

*Viscount Monck to Mr. Burnley, October 28, 1864.*

[See Inclosure 3 in No. 3.]

## Inclosure 10 in No. 5.

*Lord Lyons to Mr. Seward.*

Sir,

Washington, November 2, 1864.

WITH reference to your note to Mr. Burnley of the 21st ultimo, and his answer of the 23rd ultimo, I have the honour to transmit to you a copy of a despatch from the Governor-General of Canada, expressing his acknowledgments for the expression of the satisfaction of the President with regard to the proceedings of the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont.

I have, &c.  
(Signed) LYONS.

## Inclosure 11 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

Washington, November 2, 1864.

I HAVE had the honour to receive the despatch which your Excellency addressed on the 28th ultimo to Mr. Burnley, and in answer to that in which he communicated to you a note from Mr. Seward, expressing the satisfaction of the President with regard to the proceedings of the Canadian authorities in reference to the perpetrators of the late depredations on St. Albans, Vermont. I have, without losing time, transmitted to Mr. Seward a copy of your Excellency's despatch.

I have, &c.  
(Signed) LYONS.

## Inclosure 12 in No. 5.

*Viscount Monck to Mr. Burnley.*

Sir,

Quebec, October 31, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of the 25th instant, covering an application from the Secretary of State of the United States, for the extradition of C. M. Wallace, and other persons fugitives from justice from the United States, and stated to be now in Canada.

I have the honour to state in reply, that as soon as I shall have been advised that the proofs required by the Treaty of Extradition have been made by these men, the necessary warrants will be issued for their delivery to the authorities of the United States.

I have, &c.  
(Signed) MONCK.

## Inclosure 13 in No. 5.

*Lord Lyons to Mr. Seward.*

Sir,

Washington, November 4, 1864.

WITH reference to your note of the 25th ultimo, applying for the extradition of C. M. Wallace and others; stated to be fugitives in Canada from the justice of the United States, I have the honour to communicate to you a copy of a despatch from the Governor-General of Canada, stating that as soon as he shall have been advised that the proofs required by the Treaty of Extradition shall have been given, the necessary warrants will be issued for the delivery of these men to the United States' authorities.

I have, &c.  
(Signed) LYONS.

## Inclosure 14 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

Washington, November 4, 1864.

I HAVE the honour to inform your Excellency that I have received your despatch of the 31st ultimo, respecting the extradition of C. M. Wallace and others, and that I have communicated a copy of it to the Secretary of State of the United States.

I have, &c.  
(Signed) LYONS.

## Inclosure 15 in No. 5.

*Mr. Seward to Lord Lyons.*

My Lord,

Department of State, Washington, November 3, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 29th of October last, together with a copy of a communication which has been addressed to

you by his Excellency Lord Monck, the Governor-General of Canada, in which he asks for an explanation or a disavowal of what is set forth in an article in the "New York Evening Post," on the subject of the crimes of robbery and murder recently committed at St. Alban's by persons who came from Canada to that place, and returned again to Canada for refuge from capture and punishment.

On the 24th of October last, I addressed a note to Mr. Adams concerning the transaction thus referred to, in which I fully explained the views and sentiments of this Government with regard to the unhappy condition of affairs on the British American border, its causes, probable consequences, and its needful remedy. Indignant complaint by newspapers which are entirely independent of the Government, as well as spontaneous hasty popular proceedings of self-defence and retaliation, are among the consequences which must be expected to occur when unprovoked aggressions from Canada no longer allow our border citizens to navigate the intervening waters with security, or to rest at home with confidence of security for their property and their lives. With a sincere conviction that Lord Monck is governed by the highest sense of honour and justice, I must nevertheless be allowed to say that I do not think the matter which he has submitted, when duly weighed, is sufficient to call for any enlargement or modification of the views I have already submitted through Mr. Adams to Her Majesty's Government. While this Government has been engaged in considering Lord Monck's request, our requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered.

We hear of a new border assault at Castine, in the State of Maine; and we are warned that plots are formed at Montreal to fire the principal cities of the Union. It is not the Government nor is it the people of the United States that are delinquent in the fulfilment of fraternal national obligations.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

Inclosure 16 in No. 5.

*Lord Lyons to Viscount Monck.*

My Lord,

*Washington, November 7, 1864.*

I HAD the honour of informing your Excellency on the 29th ultimo that I had transmitted to the Secretary of State for the United States copies of your Lordship's despatch of the 26th ultimo, and of its inclosures, relative to the order said to have been telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Alban's; and I have now the honour to forward to your Excellency a copy of Mr. Seward's answer.

I regret that serious indisposition obliges me to abstain for the present from attending to the business of this Legation.

I have therefore requested Mr. Burnley to sign for me during my temporary illness.

I have, &c.  
(Signed) LYONS.

No. 6.

*Mr. Adams to Earl Russell.—(Received November 23.)*

My Lord,

*Legation of the United States, London, November 23, 1864.*

I HAVE the honour to submit to your consideration copies of a number of papers which have been transmitted to me, with instructions to lay them before Her Majesty's Government.

It has become once more my painful duty to make representations respecting the manner in which the territories in America, under the authority of Great Britain, both continental and insular, are systematically used by the insurgents against the United States, as bases for hostile proceedings of every description.

The motives for such proceedings seem to have been twofold. The first and the most obvious is to do as much injury to the people of the United States as possible. But the second and far more inciting one has been to stimulate the Government and people of the United States to so great a degree of irritation as to prompt hasty acts of retaliation, which might ultimately effect a permanent breach of the friendly relations between the

two countries. By this means it is hoped that the natural result of a struggle perceived from the first to be unequal, might be changed by the intervention of a powerful ally to the failing side.

On a review of the correspondence which I have heretofore had the honour to conduct with your Lordship, I think it will most clearly appear that the intention of my Government has been most constantly fixed upon the necessity of averting the dangers springing out of this nefarious policy. In that view the insufficiency of the law of Great Britain to enforce a rigid neutrality, as well as of Her Majesty's Proclamation to avert causes of complaint, was very early foreseen. It was for that reason that a proposal was early made by me to your Lordship to secure such changes and amendments of that law as might be expected more fully to answer the purpose, and such as the experience in a former instance in the United States had actually dictated to them to adopt in order to maintain peace.

It is with great regret that I am obliged to remind your Lordship that nothing whatever has been done in this direction, and that in spite of the fact that every day's subsequent experience has proved the reasonableness of the anxiety that prompted the request.

The seizure of the steamer "Chesapeake" on the high seas by insurgents who made Her Majesty's provinces of Nova Scotia and New Brunswick the base of the operation, is well known to your Lordship. Although it be true that that vessel was ultimately released, it is equally certain that the perpetrators of the act escaped all penal consequences in the Colonies. Braine, the very same man who was engaged in that high-handed act, has since perpetrated another of the same kind upon the steam-packet "Roanoke," in the course of which he made the Island of Bermuda the point from which, failing to gain a reception for his prize, he completed his operations for her destruction at the mouth of the harbour.

I am now compelled to call your Lordship's attention to other proceedings of a character infinitely more dangerous to the peace of the two countries.

On Sunday evening, the 18th of September, a man came on board the "Philo-Parsons," while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter T. Ashley, who is part owner of the "Parsons," to call at Sandwich, on the Canadian shore, three miles below Detroit, to receive him and a party of friends who wished to go to Kelly's Island, about eleven miles from Sandusky, alleging that one of them was lame, and could not well cross the ferry. The "Philo-Parsons" sailed the next morning (Monday, the 19th of September); at 8 o'clock, with about forty passengers. The person referred to above as having engaged a passage for himself and party appeared immediately afterwards, and, at his request, the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canadian side, where the steamer always stopped, about twenty miles below Detroit, and near the point where the Detroit River empties into the Lake, about twenty more men came on board. The number not being unusual, excited no suspicion. The only baggage of the party was an old-fashioned trunk tied with rope, and which was afterwards ascertained to contain revolvers and large hatchets or hand-axes. The steamer continued on her course, and made her usual landings at North Bass, Middle Bass, and South Bass Islands,—the latter being better known as Put-in Bay Island. These islands are nearly north of Sandusky, and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass Island, where his family reside. Having made these landings, the steamer went on her course to Kelly's Islands, about seven miles farther on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one who was seen among them after the capture of the steamer had been several days on the island, visiting the inhabitants, and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's Island, about 4 o'clock in the afternoon, and while she was directly on her course for Sandusky, the "Philo-Parsons" was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass Island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the "Philo-Parsons" reached Middle Bass Island, and while she was taking in wood, the steamer "Island Queen," which performs daily trips from the Bass Islands to Sandusky and back, came alongside and was immediately seized. The engineer of the "Island Queen," without giving any provocation was shot in the face. The ball entered his cheek and passed out near the ear. One person was cut in the head with a hatchet, and bled profusely; several other persons were knocked

down, and a large number were struck with the butt ends of pistols and with hatchets; and some ten or a dozen shots were fired.

The passengers on both boats were landed at Middle Bass and a part of their baggage. After getting a supply of fuel the "Philo-Parsons" ran out into the Lake, towing the "Island Queen." At the distance of about five miles according to one statement, and at a smaller distance according to others, the "Island Queen" was scuttled, by cutting her supply pipe, and was sent adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the "Island Queen" had been scuttled, the "Philo-Parsons" stood for Sandusky Harbour, and was then turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, the 20th of September. A few miles above Malden a yawl boat-load of plunder was sent ashore on the Canadian side of the Detroit River. At Fighting Island, some six miles above, the crews of both steamers were landed.

The "Philo-Parsons" arrived at Sandwich at about 8 o'clock the same morning, and a pianoforte belonging to her, a number of trunks, and the cabin furniture were put ashore at the dock, where a custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes, and cast off. She partly filled, but was taken possession of a few hours afterwards by the mate who had come up in a small steamer (the "Pearl") from Ecorse, who had her towed to Detroit.

The facts thus set forth have been substantiated by the depositions of eye-witnesses of these occurrences.

Upon learning these extraordinary proceedings, initiated and executed from Her Majesty's possessions in Canada as a base, a note was immediately addressed by the Secretary of State to J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires at Washington, requesting through him that Her Majesty's Government would, upon the arrest and commitment of the parties perpetrating these outrages, issue the necessary warrant for their delivery to the agents of the United States, in order that they might be brought there for trial. This request was made on the ground that the persons were guilty of crimes embraced within the terms of the Extradition Treaty. Mr. Burnley replied, that he had referred the matter to Her Majesty's Provincial authorities, as is usual in such cases. Thus has it rested down to this time.

The primary object in capturing these steamers was confessedly to release the insurgent officers confined on Johnson's Island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents who have for some time past been residing in Canada for such purposes. Indeed, my Government has proof that Mr. Jacob Thompson has acknowledged that he was commissioned, and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

Scarcely had the alarm occasioned by this sally from the Canadian territory subsided, when information of a new and even more extraordinary and desperate outrage was received by my Government. This time it was not committed on the water, but against the peaceable and unoffending inhabitants of a border town.

A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier and proceeded in several small parties by stage-coach to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, broke into banking-houses and other buildings, and carried off large amounts of treasure, said to be 225,000 dollars, together with other valuable property. As soon as the people recovered from their surprise they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian Municipal Agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners.

A request, similar in its character to the former one has been addressed by the Secretary of State to Mr. Burnley, as will appear in the papers which accompany this note.

It must be obvious to your Lordship that at the time of the adoption of the arrangement between the two Governments, in April 1817, which limited their naval forces on the Lakes, a condition of things like the present could scarcely have been anticipated. The purpose clearly was to prevent either party from keeping up a force which might endanger the other, thus entailing upon both the necessity of maintaining a more or less burthensome

armament. It certainly did not contemplate the possible intervention of a third party ill-disposed to both, which should malignantly avail itself of the known provisions of the compact for the purpose of working certain mischief, to that which it hated the most, and possible injury to the other, by provoking strife between the two. Neither could it have foreseen the precise position in which Her Majesty's Government has been placed by recognizing as belligerents persons capable of abusing the privileges conceded by that measure, to the most malicious purposes. In view of these extraordinary events, against the recurrence of which, on the Canadian side, no provisions adequate to meet the immediate exigency seems to have been made on the part of Her Majesty's Government, it would seem to be the imperative duty of the United States to provide at once some stringent measures. Inroads by marauding ruffians upon the population of the United States on that border cannot be tolerated. Among the papers which I have the honour to lay before you, I beg in this connection to call to your notice a letter of the Secretary of the Treasury, directing the outfit of two steam-propellers, one upon Lake Erie, and the other on Lake Ontario, with the object of checking, and if possible suppressing depredations on the trade, or attacks upon the population connected with those waters.

In consequence, however, of the later outrage perpetrated at St. Alban's, I am directed to say that the preceding measures are not deemed by any means adequate to answer the desired purpose. The proceedings taken together are regarded as deserving of further and prompt action on the part of Her Majesty's Government, in order to avert the danger of ultimate conflict upon the Canadian border. It gives me great satisfaction to be able to acknowledge to your Lordship that the Canadian Executive authority has thus far co-operated with my Government in faithful and diligent efforts to bring these disturbers of the public peace to due account. It is a matter of certainty, though not perhaps susceptible of judicial proof, that all movements of this character are set on foot by a notorious person named Jacob Thompson, who with other disloyal citizens of the United States, is temporarily domiciled in Canada, and furnished with funds by his coadjutors at home for these iniquitous operations, through the banking institutions of that province. It is impossible not to feel their presence and their activity in that region to be a constant threat against the safety of the people occupying the entire long line of the border. I am therefore with great regret instructed to give this formal notice to your Lordship, that in conformity with the Treaty reservation of the right, at the expiration of six months from the date of this note the United States will deem themselves at liberty to increase the naval armament upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it.

In taking this step, I am desired to assure your Lordship that it is resorted to only as an indispensable measure to the national defence, and so far from being in a spirit of hostility, that it springs from a wish no less earnest than heretofore to preserve the most friendly relations with Great Britain. I take pleasure in adding that it is the fixed purpose of my Government in every case to direct its energies to the prevention of all attempts to invade the British territory, whether by way of retaliation or otherwise. The questions that grow out of the present anomalous state of things are deemed of not less importance to the interests of Her Majesty's possessions than they are to the people of the United States. A failure to maintain a rigid neutrality on the Canada border at this day may become a fruitful source of excuse for similar delinquency at some period or other on our side of the line, whenever the temptation may arise. It is not for my Government to indicate the precise means to be adopted by Her Majesty's Government to insure a more perfect observance of that neutrality on her side. I may, however, be permitted to suggest on its behalf an opinion, that a policy similar to that which was inaugurated under circumstances not altogether unlike, by the enactment of the Law of the 10th of March, 1838, already alluded to in the early part of this note, might be followed with advantages to Great Britain in the American provinces during the continuance of the present struggle.

I should fail, however, in executing the whole duty imposed upon me if I were not to repeat the expression of the sincere conviction of my Government that practically the policy of neutrality which Her Majesty has proclaimed, has failed as well in the British home ports as in the colonies, but most especially in the latter; and, moreover, that it must continue to fail more conspicuously every day so long as an asylum is opened there to active emissaries of the enemies of the United States, who have it in their power to use, by means fair or foul, the British ports and British borders as a base for felonious depredations of every description against the people of the United States. Neither it is deemed possible to arrive at any remedy adequate to meet the present exigency other than a recognition by Her Majesty's Government of the just and exclusive sovereignty of the United States in all the waters and all the territory heretofore legally under the

jurisdiction of the Government. In the use of the word exigency, the full sense of its effect is perfectly understood. The welfare and prosperity of the neighbouring British provinces are as sincerely desired on its part as they can be by Great Britain. In a practical sense they are sources of wealth and influence for the one country only in a less degree than for the other, though the jurisdiction appertain only to the latter. That this is the sincere conviction of my Government has been proved by its consent to enter into relations of reciprocal free commerce with them almost as intimate as those which prevail between the several States of the Union themselves. Thus far the disposition has been to remain content with those relations under any and all circumstances, and that disposition will doubtless continue, provided always that the amity be reciprocated, and that the peace and harmony on the border, indispensable to its existence, be firmly secured. The fulfilment of that obligation must be, however, as your Lordship cannot fail to perceive at a glance, the essential and paramount condition of the preservation of the compact. Even were my Government to profess its satisfaction with less, it must be apparent that by the very force of circumstances peace could scarcely be expected to continue long in a region where no adequate security should be afforded to the inhabitants against mutual aggression and reprisal.

Political agitation, terminating at times in civil strife, is shown by experience to be incident to the lot of mankind, however combined in society. Neither is an evil confined to any particular region or race. It has happened heretofore in Canada, and what is now a scourge afflicting the United States may be likely at some time or other to revisit her. In view of these very obvious possibilities, I am instructed respectfully to submit to Her Majesty's Government the question whether it would not be the part of wisdom to establish such a system of repression now as might prove a rock of safety for the rapidly multiplying population of both countries for all future time.

I pray, &c.  
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 6.

*Mr. Fessenden to Mr. Seward.*

Sir, *Treasury Department, September 23, 1864.*  
I HAVE the honour to inform you that a steam-propeller has been put in commission as a revenue vessel to cruize on the Lakes.  
I deem it proper to acquaint you with the fact, in view of any Treaty which may exist on the subject.

I am, &c.  
(Signed) W. P. FESSENDEN, *Secretary to the Treasury.*

Inclosure 2 in No. 6.

*Mr. Seward to Mr. Fessenden.*

Sir, *Department of State, Washington, September 30, 1864.*  
I INCLOSE for your perusal a copy of a telegram of the 23rd instant, from General Hitchcock to the Secretary of War, which I will thank you to cause to be returned to this Department.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 6.

*Major-General Hitchcock to Mr. Stanton.*

(Telegraphic.)

*Sandusky, Ohio, September 23, 1864.*  
I TAKE upon myself to express an opinion that the safety of our commerce on the Lakes, and the security of the cities along the Lake shores, make it of the highest importance, if not an indispensable necessity, that the Government should have several armed vessels, fully manned, to prevent the rebels who find security in Canada from seizing steamers engaged in commerce and converting them into war vessels; with a few

of which they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character. The recent seizure of two steamers in this vicinity has, indeed, terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our Government to take immediate measures to guard against a repetition of it. It would be but an act of self-defence, and from the disclosures made by Coole, now in arrest at Johnson's Island, I earnestly recommend that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the Upper Lakes also. I suppose we are engaged in war, rendering this step justifiable under the Treaty of 1815, but it is my duty to speak only of the justifying necessity of the case.

Inclosure 4 in No. 6.

*Mr. Fessenden to Mr. Seward.*

Sir, *Treasury Department, September 30, 1864.*  
I HAVE the honour to acknowledge the receipt of your letter of this date, transmitting telegram from General Hitchcock; and to state that this Department has this day chartered the steam-propeller "Hector" (at Oswego, New York) for revenue cutter purposes. This vessel, together with the "Winslow," chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, &c.  
(Signed) W. P. FESSENDEN.

Inclosure 5 in No. 6.

*Mr. Seward to Mr. Burnley.*

Sir, *Department of State, Washington, October 1, 1864.*  
WITH reference to the previous correspondence between this Department and Her Britannic Majesty's Legation on this subject, I have the honour to communicate a copy of a letter of yesterday, addressed to this Department by the Secretary of the Treasury, and from which it appears that it has been deemed advisable, at this juncture, to charter the steam-propeller "Hector" for revenue-cutter purposes. Any excess which may thus be occasioned, however, in the armament of United States' vessels in that quarter over the limit fixed by the arrangement of April 1817 will be temporary only, and as it has been made necessary by an emergency, not then foreseen, may not be regarded as contrary to the spirit of the stipulations of that instrument.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

Inclosure 6 in No. 6.

*Mr. Burnley to Mr. Seward.*

Sir, *Washington, October 4, 1864.*  
I HAVE the honour to acknowledge the receipt of your note of the 1st, relative to an increase of the American naval force in the Canadian Lakes and its inclosures, and beg to state in reply that I have to-day forwarded copies to Her Majesty's Government.

I have, &c.  
(Signed) J. HUME BURNLEY.

## Inclosure 7 in No. 6.

*Mr. Thurston to Mr. Seward.**United States' Consulate-General, Montreal,  
October 20, 1864.*

Sir,

YESTERDAY afternoon, just after I had left the Consulate, about half-past 6 o'clock, the evening paper was shown me, and my notice directed to an article announcing that a party of twenty or twenty-five men had attacked St. Alban's, Vermont, robbed the bank of 100,000 or 200,000 dollars, had also stolen a sufficient number of horses to mount them, and had escaped after killing several citizens and wounding others. I could not credit the report, and immediately telegraphed to G. Merrill, Esq., Superintendent of the Vermont Central Railroad, who returned the reply herewith inclosed. Judge Aldis, of the Supreme Court of Vermont, the gentleman mentioned in the telegram, arrived here at 11 o'clock last night. Directly he arrived we proceeded to the house of the Chief of Police, and made request that he would send a body of his police force to the frontiers, and arrest all suspicious persons passing into Canada. The Chief declining to act without the authority of his superior, Judge Cursoll, of the Quarter Sessions of this city, and whose jurisdiction embraces also the district through which the raiders must pass to reach Montreal, invited us to visit the judge with him, to obtain his consent. Accordingly we proceeded to the residence of Judge Cursoll, called him from his bed, and laid the object of our visit before him. After some consultation Judge Cursoll decided to proceed to St. John's, where he had a sergeant of special frontier police and several men, taking with him several men from this city also, and to render all the assistance in his power to arrest the raiders if they attempted to pass into Canada on the cars, either at St. John's or beyond it. He directed the Chief of Police to accompany him, and assured us that everything the Canadian authorities could do they would, and most cheerfully and promptly rendered every aid possible to arrest the parties concerned in this daring attack to rob and murder the peaceful citizens of Vermont. This morning at a quarter to 6 they took the cars to St. John's. Judge Cursoll informed me that he had a force of thirty special police distributed along the frontier, on the thoroughfares and other places, to arrest deserters from the regiments stationed at Montreal and Quebec; that should it be necessary he would call in all this force, and detail as many more from the police force at Montreal if it was required. While writing this despatch a telegram was sent me, directed to Judge Cursoll, announcing that six of the robbers of the bank at St. Alban's were arrested at Stanbridge, and a few minutes after another telegram from Judge Aldis, who returned this morning with the other parties, stating that two men had been caught; all of the eight having large amounts of money on their persons. Among the number arrested was the leader of this raid. The details of this outrage, written by Judge Aldis, who was in St. Albans when the raiders made the attack, I have the honour herewith to inclose, together with the telegrams received. The promptness with which Judge Cursoll and the Chief of Police have responded to our request for assistance, the kindness and courtesy with which they have received us, and the efficient services rendered, show the determination of the Canadian Government and its officials to arrest all offenders under the Treaty against the laws of the United States, and the cordial good feeling which they entertain towards our Government. I beg to assure the Department that everything has been done by the officers of this Consulate to render all possible assistance to citizens of Vermont.

I have, &amp;c.

(Signed) D. THURSTON.

## Inclosure 8 in No. 6.

*Mr. Merrill to Mr. Thurston.*

(Telegraphic.)

*St. Alban's, Vermont, October 19, 1864.*

JUDGE ALDIS left here on express train to-night for Montreal. The raiders, some twenty or twenty-five men, have collected here within a few days. Had evidently laid their plans, simultaneously; entered and robbed the three banks of from 100,000 to 200,000 dollars; seized horses and saddles enough to mount the party, shooting all persons who resisted, and started for Sheldon, probably to rob the bank there, and then escape to Canada. They were pursued by a party of citizens on horseback armed.

## Inclosure 9 in No. 6.

*Mr. Aldis to Mr. Thurston.*

(Telegraphic.

*St. Alban's, Vermont, October 20, 1864.*

WE have arrested two of the robbers on this side of the line, and have them in jail, with considerable money on their persons. Six more have been taken at Stanbridge, or Frelightsburg; among them their leaders, and about 50,000*l.* of the money. The whole country both sides of the line is alive with zeal to arrest them. Our Governor, too, much pleased to hear the Canadian authorities so prompt.

## Inclosure 10 in No. 6.

*Details of the Attack on St. Alban's, Vermont.*

DURING the past two or three days a number of persons, in all about thirty, came to St. Albans by twos and threes in the different trains, and stopped at the hotels. They were dressed like ordinary travellers, and attracted no attention. To-day, October 19, at about 3 P.M., and at the same moment, parties of five each entered the three banks, and armed with revolvers which they presented at the heads of the cashiers or tellers who were in, threatened to shoot them if they resisted or made any noise, and demanded the money. Resistance was out of the question, for in one bank only the cashier was in; in another one teller, and in the third the two tellers only. They robbed the banks of what money they could find, the vaults and safes being open, and took an amount in all of perhaps 150,000 or 200,000 dollars. While these persons were robbing the banks their confederates at the same time went to the hotels and livery stables and seized horses, in order therewith to escape to Canada. The whole matter was transacted within less than an hour. Of course, in seizing the horses they met with resistance, for this had to be done openly, and they fired a half dozen shots each at Mr. Fuller, the livery man, and at Mr. Field, the keeper of the American hotel. While stealing the horses they also fired at Mr. Morrison, who was walking along peaceably on the side walk on the opposite side of the street, and wounded him in the groin, it is feared fatally. They also shot Mr. Huntington, wounding him in the hip, and slightly wounding another. As soon as they had got together horses enough they left for the north, taking the road by way of Sheldon (where it is supposed they intended to rob the Missisquoi Bank), and thence probably by Franklin to Pigeon Hill, or to Frelightsburgh in Canada. They all came from Canada so far as their arrivals can be traced. On the plank road, about a mile north of St. Albans, they shot a young girl by the road side. They threatened to burn the depôt and other buildings, but probably felt that delay was dangerous. There was scarcely a gun or pistol in the village, but in about half an hour after they left, twelve or fifteen of our citizens, who succeeded in getting guns, went in pursuit of them. When about half way to Sheldon they were heard of as being within about a mile of the robbers. It is to be hoped they may overtake them.

Some of the leaders appeared to be disposed to commit no greater outrages than robbing the banks; others seemed to be desperadoes, wretches ready for any crime, and bent on wanton murder. The banks have offered a reward of 10,000 dollars.

## Inclosure 11 in No. 6.

*Mr. Seward to Mr. Burnley, October 21, 1864.*

[See Inclosure 4 in No. 4.]

## Inclosure 12 in No. 6.

*Mr. Burnley to Mr. Seward, October 23, 1864.*

[See Inclosure 7 in No. 4.]

## Inclosure 13 in No. 6.

*Mr. Burnley to Mr. Seward.*

My dear Sir,

Washington, October 23, 1864.

I SEND you on the other side the answer received this morning from the Governor-General of Canada.

I have, &c.  
(Signed) J. HUME BURNLEY.

## Inclosure 14 in No. 6.

*Viscount Monck to Mr. Burnley, October 22, 1864.*

[See Inclosure 5 in No. 4.]

## Inclosure 15 in No. 6.

*Colonel Van Buren to Mr. Seward.**Head-Quarters, Department of the East, New York City,  
October 25, 1864.*Sir,  
BY direction of Major-General Dix, I have the honour to forward to you the accompanying copies of report of the Acting Assistant Provost-Marshal-General at Brattleboro, Vermont, having reference to the St. Albans raid.I am, &c.  
(Signed) D. T. VAN BUREN.

## Inclosure 16 in No. 6.

*Major Austine to Major-General Dix, October 23, 1864.*

[See Inclosure 10 in No. 4.]

## Inclosure 17 in No. 6.

*The Governor of Vermont to Major Austine.*

('Telegram.)

To Major Austine, Brattleborough.

Montpelier, Vermont, October 19, 1864.

SEND here all your available force armed and with ordnance stores, by special train at once. Order the express train to let them through. Rebels have invaded St. Albans, have robbed all the banks, and killed several citizens. Don't delay.

(Signed) J. G. SMITH, Governor of Vermont.

Official.

(Signed)

D. T. VAN BUREN, Colonel and Assistant Adjutant-General.

## No. 7.

*Earl Russell to Lord Lyons.*

My Lord,

Foreign Office, November 26, 1864.

YOUR Lordship in your despatch of the 28th ultimo has referred to the intention of the United States' Government to give notice to Her Majesty's Government that, in conformity with the Treaty reservation of the right to give such notice, the United States' Government will deem themselves at liberty, at the expiration of six months after the communication shall have been made, to increase their naval armament upon the North American Lakes, if in their judgment the condition of affairs should require it; and you have inclosed a copy of a despatch from Mr. Seward to Mr. Adams, which, after referring to the case of the "Chesapeake," and after relating various acts of aggression from Canada, namely, the seizure and destruction of the "Philo-Parsons" and "Island Queen," on the Lakes, and the attack upon the town of St. Albans, in

Vermont, by a party of twenty-five men issuing from the British territory, proceeds to lay-down the following important propositions:—

1. "The insufficiency of the British Neutrality Act and of the warnings of the Queen's Proclamation to arrest the causes of the complaint referred to were anticipated early in the existing struggle, and the British Government was asked to apply a remedy by passing an Act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent Acts."

2. "It is now my duty to instruct you to give notice to Earl Russell, in conformity with the Treaty reservation of that right, that at the expiration of six months after you shall have made this communication, the United States will deem themselves at liberty to increase the naval armaments upon the Lakes, if in their judgment the condition of affairs in that quarter shall then require it."

3. After recurring again to the measures of 1838, Mr. Seward says:—"I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say, that practically the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British Colonies, and especially in the latter; and that it must continue to fail more conspicuously every day so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States; nor are we able to conceive of any remedy adequate to the present exigency but the recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

On the 23rd instant I received from Mr. Adams the note which I inclose, and the several documents annexed to it.

But as they are the same in substance as the communication you have sent me, I think it will be more convenient to deal with the formal and authoritative despatch of the Secretary of State.

1. The reference to the Act of March 10, 1838 (of which I inclose a copy), will not have any application with respect to vessels leaving the shores of the United Kingdom. The difficulty in regard to vessels fitted out or equipped in our home ports has always consisted in proving that the vessel was "provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State" with whom Her Majesty is "at peace," and a similar difficulty would be found in executing a law exactly copied from the United States' Act of March 10, 1838.

With regard to "territories conterminous with the United States," it might indeed more easily be proved with respect to any military bodies assembled near the border, that they were intended to cross the frontier in hostility to a State with whom Her Majesty is at peace. On this part of the question I have to desire you to assure Mr. Seward that the subject is undergoing the most searching investigation by the Law Officers of the Crown, with a view to take the most effectual measures to prevent incursions from the bordering British provinces into the territory of the United States.

In the meantime I have to observe that in the early part of the war, while active efforts were made to fit out in British ports ships intended to be completed in the waters of other neutral States as ships of war, and thence to be employed as cruisers against the United States, but few, if any, attempts were made to disturb the frontier of Canada by military or naval expeditions. Hence the Act of Congress of March 1838 was not considered to be applicable to the existing state of affairs.

I may also observe that during the late insurrection in Poland, although the Governments of Austria and Prussia were, from regard to their own interests, unfavourable to that insurrection, and although their means of repression were much more available and much more energetic than ours ever can be, yet insurgent expeditions from Galicia and from the Duchy of Posen were of very frequent occurrence.

The Governor of Canada, it is admitted by the United States Government, has done all that he could lawfully do; and if his efforts should fail, and other measures of repression consistent with the nature of our Government shall be found requisite, Her Majesty's Government will not hesitate to propose them.

2. It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the Lakes.

It is certainly true, that while both nations are disarmed on the Lakes, marauders or depredators may destroy or capture unarmed vessels belonging to either party.

Her Majesty will of course be at liberty also to increase her naval force on the Lakes at the expiration of the six months after notice, if she shall think fit so to do; but it is to be hoped that when peace is restored the former Agreement, which was formed upon just and wise considerations, may be renewed, as one that must be advantageous to both parties.

3. The next proposition of the Secretary of State declares the neutrality proclaimed by Her Majesty to have failed as well in the British home ports as in the Colonies; that it must continue to fail so long as asylum is allowed there to active agents of the enemies of the United States, and so long as those persons are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations; and the Secretary of State adds that the only remedy which the Government of the United States is able to conceive is the "recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

It appears to Her Majesty's Government that this proposal amounts to nothing less than a demand that Great Britain should cease to acknowledge the belligerent character of the Southern States, and treat the Southern citizens as felons and pirates. In order to consider this matter fully I find it necessary to recur to the events of the last three years.

President Lincoln, immediately after his accession to power, in 1861, found himself face to face with a most formidable insurrection. In the month of April 1861 he ordered a levy of 75,000 men to meet the danger. Finding this number insufficient, armies of 300,000, 400,000, and even 700,000 men have been raised, embodied, marched, exposed to battles and sieges, worn by fight and fever, exhausted, consumed, and replenished in this mighty contest. With similar purposes the President, in the same month of April 1861, proclaimed the blockade of the coasts of seven States, and the blockade of two other States was added immediately afterwards. A navy was suddenly created, supposed to be adequate to the task of blockading 3,000 miles of coast.

Her Majesty's Government could not, any more than the other Powers of Europe, fail to recognize in the vast extent of the territories involved in hostilities and in the fierce nature of the contest, a civil war of the most extraordinary character. In proclaiming that both parties in this vast war were to be treated as belligerents, and in admitting the validity of a blockade of 3,000 miles of coast, Her Majesty's Government acknowledged an existing fact, and recognized the international law applicable to that fact.

But Her Majesty's Government could not disguise from themselves the difficulties which would beset, under any state of law, the task of preventing undue aid being given by individuals among the Queen's subjects to one or the other of the belligerents. The identity of language, the increasing intercourse of trade, the immense extent of ship-building carried on in this country, and the ingenuity of speculators in defeating laws and proclamations, made it impossible that there should not be many escapes from the vigilance of the Government, and many successful stratagems to disguise hostile proceedings.

Still Her Majesty's Government counted on the fair consideration by the Government of the United States of what was possible, on their estimate of the honest intention of the British Executive, and their knowledge of the latitude, both of opinion and of action, prevailing among a people nurtured, like that of the United States, in free institutions.

Her Majesty's Government also thought that the United States must be aware that the Law of Nations and the circumstances of the war gave an immense advantage to the Federals against the Confederates in obtaining warlike supplies. In confirmation of this remark it may be reckoned, that, besides very many batteries of artillery, 500,000 rifles have been manufactured in this country and conveyed to the shores of the Northern States, to be used by the Federal troops in the war. It may safely be said also, that many thousands of the Queen's subjects have held those rifles against the breasts of men whom Her Majesty does not regard as her enemies.

The supplies sent to the Confederates are, on the other hand, very commonly intercepted and captured on the sea by Federal ships of war.

Her Majesty's Government, however, have put in force impartially the provisions of the law, and have prosecuted those persons who, in apparent violation of that law, have fitted out vessels in our ports with the purpose, as it was believed, of aiding in hostilities against the United States, or who have been engaged in enlisting seamen or recruits in the service of either belligerent; and Her Majesty's Government have succeeded in preventing the departure from the Clyde and the Mersey of several ships intended for the service of the Confederates.

Such being the state of affairs, Her Majesty's Government are not prepared either to deny to the Southern States belligerent rights, or to propose to Parliament to make the laws of the United Kingdom generally more stringent.

To allow to the United States the belligerent rights of blockade and of search and detention to the widest extent, and to refuse them altogether to the other party in the civil war, who have possession of an extensive territory, who have all the forms of a regular Government framed on the model of the United States, and who are wielding large regular armies, would, Her Majesty's Government presume to think, be as contrary to the practice of civilized nations as it would be to the rules of justice and of international law. Neither can Her Majesty's Government refuse an asylum to persons landing on our shores and conforming to our laws, merely because such persons may be or may have been in hostility with a Government or nation with whom Her Majesty is at peace.

The Congress and President of the United States have thought themselves compelled, by the necessity of internal war, to restrict and curtail the liberties of the people of those States. Her Majesty's Government do not presume to judge of that necessity, but they cannot find in the hostilities which prevail on the continent of North America any justification for so altering the laws of the United Kingdom as to deprive the citizens of the Southern States of America of that asylum which Great Britain has always afforded to men of all nations and of all political opinions.

But while the Government of the United States complain that Her Majesty's policy of neutrality has failed, Her Majesty's Government have had frequent occasions to complain that the United States have carried beyond all acknowledged limits the rights of belligerents. The crews of vessels, seized as blockade runners, who by the law of nations are only subject to detention till the case of the vessel in which they were found has been heard in a Prize Court, have been subjected to confinement for an indefinite period of time as prisoners of war, and Her Majesty's Government have more than once felt it to be their duty to express their opinion that such proceedings are a plain violation of neutral rights.

The United States' Government have also compelled British merchants trading between New York and a neutral port to give bonds for the conduct to be observed by them in that port, and for the direction of their future voyages, and this is against the plain tenor of the Treaties subsisting between Great Britain and the United States.

The Government of the United States have likewise permitted their subordinates and recruiting agents to enlist British subjects who had been drugged, and had not when so enlisted recovered from the effects of the treatment to which they had been subjected.

If Her Majesty's Government have not resisted more strenuously than they have hitherto done these illegal and unfriendly proceedings, the cause is to be found in their belief that the passion and excitement of the contest have for a time obscured the sense of justice and respect for law which usually distinguish the United States, and that with the close of the contest calm consideration will return, and a just view of these transactions will be taken.

The welfare and prosperity of the United States are earnestly desired by the Government of Her Majesty, and the necessity of securing peace and harmony on the border between the British and the United States' territory is fully acknowledged. With this disposition on both sides Her Majesty's Government cannot doubt that adequate means of repression will be found, and that signal failure will attend any wicked attempts which may be made to involve the two nations in the calamities of war.

It is a pleasure to me to conclude this despatch by noticing the handsome terms in which the Secretary of State declares himself not only able, but obliged, to acknowledge that the Canadian authority has, in the last instance mentioned, "thus far co-operated with this Government in faithful and diligent efforts to bring the disturbers of public peace to justice." Her Majesty's Government trust such faithful co-operation in the performance of friendly offices may long continue on both sides.

I have to instruct you to give a copy of this despatch to the Secretary of State.

I am, &c.

(Signed) RUSSELL.

No. 8.

*Earl Russell to Mr. Adams.*

*Foreign Office, November 29, 1864.*

EARL RUSSELL presents his compliments to Mr. Adams, and has the honour to send him a copy of the despatch which he addressed by last Saturday's mail to Lord

Lyons,\* in answer to the despatch of Mr. Seward and the note Lord Russell had the honour to receive from Mr. Adams, dated the 23rd instant.

## No. 9.

*Viscount Monck to Mr. Cardwell.—(Received November 30.)*

Sir,

Quebec, November 12, 1864.

REFERRING to my despatch of the 27th October and its inclosure, I have the honour to transmit for your information copies of a despatch which I have this day received from Her Majesty's Minister at Washington and of a note from the Secretary of State of the United States inclosed, and of the answer which I have returned to Lord Lyons' despatch.

I beg leave to call your attention to the circumstance that Mr. Seward neither avows nor denies the issue of the order by Major-General Dix.

With regard to the statement that requisitions for the extradition of persons charged with the commission of crimes in the United States remain "unanswered," I must refer to my answer to the last despatch of Lord Lyons.

I have, &c.  
(Signed) MONCK.

## Inclosure 1 in No. 9.

*Lord Lyons to Viscount Monck, November 7, 1864.*

[See Inclosure 16 in No. 5.]

## Inclosure 2 in No. 9.

*Mr. Seward to Lord Lyons, November 3, 1864.*

[See Inclosure 15 in No. 5.]

## Inclosure 3 in No. 9.

*Viscount Monck to Lord Lyons.*

My Lord,

Quebec, November 12, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of November 7, and the accompanying note from Mr. Seward, dated November 3, relative to the despatch which I deemed it my duty to address to you on the 26th October, calling your attention to an extract from the "New York Evening Post," which purported to give the words of an order issued by Major-General Dix in reference to the recent outrage at St. Albans, Vermont.

I shall transmit Mr. Seward's note to the Secretary of State for the Colonies for the consideration of Her Majesty's Government.

There is one statement, however, in Mr. Seward's note to which I must allude in justice to myself and the Government of Canada.

The Secretary of State for the United States says, "While this Government has been considering Lord Monck's request, our requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered." I am at a loss to account for this statement.

With regard to the first of these outrages it occurred on the 19th September. On the 22nd October a despatch was received by me from Mr. Burnley, dated October 16, inclosing a note from the Secretary of State of the United States, demanding the extradition of Bell and others (the persons supposed to have been concerned in the Lake Erie outrage).

On the same day (October 22) I addressed a despatch to Mr. Burnley, in which I acknowledged the receipt of his communication and begged him to inform Mr. Seward that "as soon as I should have been advised that these persons or any of them had been arrested in Canada, and that the proofs required by the Treaty had been made, the necessary warrants should be issued for their delivery to the authorities of the United States."

With reference to the outrage committed at St. Albans. This affair occurred on the 19th October; on the 31st October I received from Mr. Burnley a despatch dated October 25, demanding the extradition of C. M. Wallace and twelve other persons participators in the St. Alban's affair.

On the same day I answered Mr. Burnley's despatch, informing him that when the proofs required should have been made the warrants for extradition should be issued.

On the 4th November I received a further despatch, dated 29th October, referring to the same persons, and stating that they were in custody in Canada and asking for their extradition.

This was answered on the same day, informing Mr. Burnley that the men referred to were in custody, and that the warrants for their extradition should issue as soon as the proofs required by the Treaty had been completed.

On the 7th November I received from Lord Lyons a further despatch, dated November 1, inclosing a demand for the extradition of one Hutchinson, a man whose name was not included in the former list.

This despatch was answered on the same day, and in the same terms as the former communications.

I have been thus minute in the statement of what has occurred in these matters because I should have felt much annoyed if it could be supposed that your communications to me, made at the instance of the Minister of a friendly Power, had been for any cause allowed to remain unanswered.

I have, &c.  
(Signed) MONCK.

No. 10.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, December 3, 1864.*

THE attention of Her Majesty's Government has been directed to the violations of British neutrality of which certain persons have been guilty who profess to hold commissions from, or to act in aid of, the so-called Confederate States, and who make the soil of Canada the scene of their hostile preparations against the United States.

These violations of neutrality are a great offence against the British Crown, and Her Majesty's Government are of opinion that the Government of the United States have a clear right to expect that the Canadian law shall be found in practice generally sufficient, not merely for the punishment, but also for the suppression and prevention of these border raids.

The Secretary of State of the United States has reminded Earl Russell of the Act which was passed by Congress in the year 1838 for the suppression and prevention of hostile attempts prepared in the territory of the United States, and directed against the Government of Her Majesty in Canada. The circumstances of these two cases are not the same, and it does not appear to Her Majesty's Government to follow that precisely the same enactment which the Congress passed in 1835 is necessarily suited to the present case. They have observed with pleasure the promptitude and vigour with which you have put in force the existing law; but would wish you to consult your advisers, and obtain the opinion of your Law Officers whether that law places in your hands sufficient available powers for the effectual suppression and prevention of these raids, or whether it is necessary for you to apply to your Legislature for increased powers. In this latter case, any powers for which you should apply might very naturally be limited, as the powers of the Act of Congress of 1838 were limited, to a definite term, with a view to meeting the immediate exigency only.

I have, &c.  
(Signed) EDWARD CARDWELL.

No. 11.

*Lord Lyons to Earl Russell.—(Received December 5.)*

(Extract.)

*Washington, November 21, 1864*

WITH reference to my despatch of the 7th instant, I have the honour to inclose copies of further correspondence relative to the raids on St. Albans, by a party of Secessionists from Canada.

I would beg to call your Lordship's particular attention to the despatch of Viscount Monck of the 12th instant, inclosed in a note which I addressed to Mr. Seward on the 19th instant, and in rejoinder to the reply of the latter of the 3rd instant, already forwarded to your Lordship in my above-mentioned despatch, relative to the words of an order said to have been telegraphed to the officer commanding at Burlington, Vermont, by Major-General Dix, on the occasion of the late outrage at St. Albans.

I have been as anxious as Viscount Monck to place the matter in its true light, and not allow a very broad and, I may say, unfounded accusation "that the requisitions for the offenders whose crimes were committed on Lake Erie, and for the burglars and murderers who invaded Vermont, remain unanswered," should pass unnoticed.

There can be no doubt that considerable irritation exists in the minds of the American people on the general subject of these repeated raids from Canada.

Inclosure 1 in No. 11.

*Viscount Monck to Lord Lyons.*

My Lord,

Quebec, November 3, 1864.

I HAVE the honour to acknowledge the receipt of your despatch noted in the margin.\*

I have, &c.  
(Signed) MONCK.

Inclosure 2 in No. 11.

*Viscount Monck to Lord Lyons.*

My Lord,

Quebec, November 4, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of October 29th, covering a note from the Secretary of State of the United States to you, applying for the extradition of Samuel Eugene Lackey, and twelve other persons charged with the commission of murder and robbery in the United States.

I have the honour in reply to state for your Lordship's information that all the persons mentioned in Mr. Seward's note are now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the Treaty have been made in the case of all or any of them the necessary writs will be issued for their delivery to the authorities of the United States.

I have, &c.  
(Signed) MONCK.

Inclosure 3 in No. 11.

*Mr. Hunter to Lord Lyons.*

My Lord,

Department of State, Washington, November 5, 1864.

I HAVE the honour to acknowledge the receipt of your communication of yesterday respecting the proposed extradition of C. M. Wallace and others. The information which it contains will be duly communicated to the proper authorities.

Thanking your Lordship for your prompt action in the matter, I have, &c.

(Signed) W. HUNTER, *Acting Secretary*

## Inclosure 4 in No. 11.

*Viscount Monck to Lord Lyons.*

My Lord,

*Government House, Quebec, November 7, 1864.*

I HAVE the honour to acknowledge the receipt of your despatch of the 1st instant, inclosing a note from the Secretary of State of the United States, in which he asks for the extradition of one William H. Hutchinson.

In reply I have the honour to state that I have reason to believe that this person is now in custody at Montreal, and that as soon as I shall have been advised that the proofs required by the Treaty have been made in his case the necessary warrant will issue for his delivery to the officials of the United States.

I have, &c.  
(Signed) MONCK.

## Inclosure 5 in No. 11.

*Lord Lyons to Mr. Seward.*

Sir,

*Washington, November 12, 1864.*

WITH reference to your note of the 20th ultimo, asking for the extradition of Samuel Eugene Lackey and twelve other persons, fugitives from justice in Canada, I have the honour to inclose a copy of a note which I have received in reply from his Excellency the Governor-General of Canada.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 6 in No. 11.

*Lord Lyons to Mr. Seward.*

Sir,

*Washington, November 12, 1864.*

WITH reference to your note of the 1st instant, relative to the extradition of one W. H. Hutchinson, I have the honour to transmit to you herewith a copy of a despatch which I have received from the Governor-General of Canada.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 7 in No. 11.

*Mr. Seward to Lord Lyons.*

My Lord,

*Department of State, Washington, November 4, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 12th instant, transmitting a copy of a despatch addressed to you by the Governor-General of Canada relative to the extradition of W. H. Hutchinson, one of the St. Albans marauders, recently captured in Montreal. In reply I have the honour to state that the information contained therein has been communicated to the proper authorities.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

## Inclosure 8 in No. 11.

*Mr. Seward to Lord Lyons.*

My Lord,

*Department of State, Washington, November 16, 1864.*

I HAVE the honour to acknowledge the receipt of your communication of the 12th ant, inclosing a copy of a despatch from his Excellency the Governor General of

Canada, concerning the proposed extradition of Samuel Eugene Lackey and twelve other persons, charged with the commission of the crimes of murder and robbery in the United States. Thanking your Lordship for the information, I have the honour to inform you that I have communicated it to the proper authorities.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

Inclosure 9 in No. 11.

*Viscount Monck to Lord Lyons, November 12, 1864.*

[See Inclosure 3 in No. 9.]

Inclosure 10 in No. 11.

*Lord Lyons to Mr. Seward.*

Sir,

*Washington, November 19, 1864.*

WITH reference to Viscount Monck's despatch of the 26th ultimo, and to your reply of the 3rd instant, with respect to the order issued by General Dix relative to the recent outrage at St. Albans, I have now the honour to inclose copy of a despatch which I have received from his Excellency, replying on his side to the observations contained in that note.

In the sentiments expressed by his Excellency the Governor-General I fully concur.

It suffices to examine the dates when the various requisitions for extradition were received at this Legation and despatched to Viscount Monck to prove that on my side also nothing was left undone which could promote the wishes and anxious desires of the American Government, whether in the affair of Lake Erie or in that of St. Albans. Your note of the 13th ultimo, asking for the extradition of Bell and others concerned in the Lake Erie occurrences, was received on the 14th and despatched to Viscount Monck on the 16th, and his Excellency's reply of the 22nd, received on the 26th, was transmitted the next day to you.

With regard to the affair at St. Albans, your first note, of the 25th ultimo, relative to the extradition of Wallace, was received and despatched on the same day to Viscount Monck. His Excellency's reply, of the 31st October, was received on the 3rd instant, and transmitted to you on the 4th instant. Your further note of the 29th ultimo, relative to the extradition of Lackey and others, was received on the day on which it was written, and on that same day despatched to Viscount Monck. His Excellency's reply, of the 4th instant, received at this Legation on the 11th instant, was despatched to you the same day. Finally, your note of the 1st instant, requesting the extradition of Hutchinson, was again received and despatched to its destination on the same day, and Viscount Monck's reply of the 7th instant, received on the 12th instant, was forwarded to you on the day on which it was received.

You will thus perceive that both Viscount Monck and myself have done all that lay in our power to expedite the ends of justice, and that it cannot in truth be said that requisitions for these offenders have remained unanswered.

I have, &c.  
(Signed) LYONS.

No. 12.

*Viscount Monck to Mr. Cardwell.—(Received December 5.)*

Sir,

*Government House, Quebec, November 19, 1864.*

REFERRING to my despatch of October 27th, I have the honour to report to you that persons answering to the following names were arrested by the Canadian authorities, on the evidence of United States' citizens, for having taken part in the attack on the banks at St. Albans, Vermont:—Samuel Eugene Lackey; Squire Turner Teavis; Alamananda Pope Bruce; Charles Moore Swayer; George Scott; Bennett H. Young; Caleb McDowall Wallace; James Alexander Doty; Joseph McGrosty; Samuel Simpson Gregg; Dudley Moore; Thomas Bronsdon Collins; Marcus Spurr; William H. Hutchinson.

The preliminary inquiry to enable me to issue warrants for the extradition of these

persons was commenced at St. Johns, but subsequently the prisoners, for the convenience and by the consent of all parties concerned, were removed to Montreal, where they are now in custody, and where the examination proceeded till Wednesday the 16th November, when, on the application of the prisoners' counsel, the magistrate granted an adjournment until the 13th December, to enable the prisoners to bring forward material evidence.

I have the honour to transmit for your information copies of all the depositions and statements made in the case which have been forwarded to me by the magistrate.

An application has been made by the Government of the United States for the extradition of these men on a charge of murder and robbery, but I am not empowered to issue my warrant for that purpose until they shall have been fully committed by the magistrate. At present you will observe they are held in custody on remand only.

I have, &c.  
(Signed) MONCK.

No. 13.

*Lord Lyons to Earl Russell.*—(Received December 8.)

My Lord,

*Washington, November 25, 1864.*

WITH reference to my despatches of the 28th ultimo, and of the 7th and 21st instant, I have the honour to transmit to your Lordship herewith copies of further correspondence relative to the raid on St. Albans.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 13.

*Mr. Seward to Lord Lyons.*

My Lord,

*Department of State, Washington, November 21, 1864.*

REFERRING to my note of the 29th ultimo, applying for the extradition of Samuel Eugene Lackey and others, and to that of the 1st instant, applying for the extradition of William Hutchinson, I have now the honour to inform your Lordship that some inaccuracies occurred in the former note respecting the names of some of the persons indicated therein; but I have now received a corrected list of the names of the parties, and other information, from which it appears that Samuel Eugene Lackey, Squire Turner Travis, Charles Moore Swayer, George Scott, Bennett H. Young, Caleb M'Dowall Wallace, James Alexander Doty, Joseph M'Grosty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, Alexander Pope Bruce, and William H. Hutchinson, are charged with the commission of the crimes of murder, assault with intent to commit murder and robbery, at St. Albans, in the State of Vermont, within the jurisdiction of the United States; that official complaints have been filed in the proper Courts in said State charging them with those offences, and that regular warrants for their apprehension have thereupon been issued, duly authenticated copies of which complaints and warrants are attached hereunto.

I have therefore the honour to request, through your Lordship, that Her Majesty's Government will, in virtue of the provisions of the Xth Article of the Treaty of Washington, be pleased to issue the necessary warrants for the delivery of the above-named fugitives, who are now understood to be held in gaol at Montreal, in Canada, to any person or persons duly authorised to receive the said fugitives and bring them back to the United States for trial.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

P.S. I will thank your Lordship, at your earliest convenience, to transmit a copy of this note and accompanying papers to the Canadian Government.

W. H. S.

## Inclosure 2 in No. 13.

*Lord Lyons to Viscount Monck.*

My Lord,

Washington, November 22, 1864.

WITH reference to the previous correspondence which has passed between your Excellency and this Legation in the matter of the extradition of Samuel Eugene Lackey and others, I have the honour to transmit herewith a copy of a note of yesterday's date which I received this morning from the Secretary of State of the United States, inclosing copies of fresh warrants and other papers in this case, with a request that they may be communicated to your Excellency at my earliest convenience.

I beg to forward herewith the documents in question.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 3 in No. 13.

*Lord Lyons to Mr. Seward.*

Sir,

Washington, November 22, 1864.

I HAD the honour this morning to receive your note of yesterday's date, inclosing to me copies of fresh warrants and other papers in the matter of the extradition of Samuel Eugene Lackey and others.

I have this day forwarded these documents to his Excellency the Governor-General of Canada.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## No. 14.

*Lord Lyons to Earl Russell.—(Received December 8.)*

My Lord,

Washington, November 25, 1864.

I HAVE the honour to transmit to your Lordship herewith copies of a note and of its inclosure which I have received from Mr. Seward, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I beg also to transmit a copy of my despatch to Viscount Monck, inclosing copies of this communication and of my note to Mr. Seward acknowledging the receipt thereof.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 1 in No. 14.

*Mr. Seward to Lord Lyons.*

My Lord,

Department of State, Washington, November 23, 1864.

I HAVE the honour to inclose an extract from a communication of the 17th instant, addressed to this Department by his Excellency the Governor of Vermont, relative to the hostile schemes of insurgent agents in Canada against the United States. I must request your Lordship to ask the earnest attention of Her Britannic Majesty's Government to the subject.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

## Inclosure 2 in No. 14.

*The Governor of Vermont to Mr. Seward.*

(Extract.)

Mr. EDMUNDS informs me that Messrs. Clay, Saunders, and Westcott (late Senator from Florida), still continue to threaten retaliation, and openly say that they are organized both in Canada East and West and prepared for action. My advices from reliable sources are, that in their secret conclaves their plans are being discussed and perfected, and that they threaten that they will destroy the towns of Burlington and St. Albans within thirty days. They are cognizant of our movements here for the defence of the frontier, being informed by their spies how many muskets have been distributed and to what towns. There is no movement made of which they were not informed, as they have spies in every town. The action of our Legislature is reported to them, and they are familiar with the discussion of every measure which may affect them.

## Inclosure 3 in No. 14.

*Lord Lyons to Viscount Monck.*

My Lord,

*Washington, November 23, 1864.*

I HAVE the honour to transmit to your Lordship herewith copies of a note and of its inclosure which I received this day from the Secretary of State of the United States, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 4 in No. 14.

*Lord Lyons to Mr. Seward.*

Sir,

*Washington, November 23, 1864.*

I HAD the honour this day to receive your note of yesterday's date, inclosing to me a copy of an extract of a communication from the Governor of Vermont, relative to alleged schemes of so-called Confederate agents in Canada against the United States.

I have this day forwarded copies of your note and of its inclosure to his Excellency the Governor-General of Canada, and I will lose no time in bringing the same to the knowledge of Her Majesty's Government.

I have, &c.  
(Signed) LYONS.

## No. 15.

*Viscount Monck to Mr. Cardwell.—(Received December 8.)*

Sir,

*Quebec, November 25, 1864.*

I HAVE the honour to transmit for your information copies of the different documents noted in the margin, also of an approved minute of the Executive Council, and of an extra edition of the "Royal Gazette" containing a proclamation forbidding the exportation from this province of warlike stores or munitions of war.

I think the documents of which I inclose copies fully prove that warlike stores have been manufactured at Guelph, in Canada West, under circumstances which leave little moral doubt that they were intended for the purpose of arming some vessel on the lakes in the interest of the so-called Confederate States of America.

This proceeding, if carried into practice, would have been in effect to make Canada a base of warlike operations against the United States of America, and would have compromised the neutrality which Her Majesty's Government has always maintained between the contending parties on the American continent.

It is obvious that there are two modes in which, as regards the purchase and sale of warlike stores, a third Power may maintain its neutrality between two belligerents: one is

by throwing open its markets freely to both parties, the other by forbidding the sale of warlike stores to either.

The former is the course which Her Majesty's Government has pursued with respect to the sale of warlike stores to the American belligerents within the United Kingdom, but I trust that the difference in the circumstances of the two countries with reference to the contending parties, and the impossibility of guarding against an abuse by one of the belligerent parties of the right to purchase warlike stores in Canada will justify in your opinion the adoption of the latter mode in my case, and that the course which I have taken will receive your approbation.

I have, &c,  
(Signed) MONCK.

Inclosure 1 in No. 15.

*Report of a Committee of the Executive Council, approved by the Governor-General on the 23rd November, 1864.*

ON a memorandum, dated 22nd instant, from the Hon. the Attorney-General, U.C., stating that it having come to his knowledge that certain ammunition, shell, and solid shot, and a certain gun carriage, had been prepared at Guelph, in Upper Canada, and packed in boxes for the purpose of being sent coastwise from Collingwood to Spanish River, under circumstances which lead him to suspect they are intended to be used against the shipping of the United States; he, the Attorney-General, recommends that a proclamation do immediately issue, under the statute 27 Vic., cap. 4, for prohibiting the exportation, or the carrying coastwise, or by inland navigation, of arms, ammunition, and gunpowder, military and naval stores, and any article manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same.

The Committee advise that a proclamation issue to the above effect forthwith.

Certified.  
(Signed) WM. H. LEE, C. E. C.

Inclosure 2 in No. 15.

*Mr. Coursol to Mr. Mc Donald.*

Sir, *Montreal, November 16, 1864.*  
I HAVE the honour to transmit to you copies of a document and a letter which I have this day received from D. Thurston, Esq., United States' Vice Consul-General in this city.

I have, &c.  
(Signed) CHS. J. COURSOL.

Inclosure 3 in No. 15.

*Mr. Thurston to Mr. Coursol.*

Sir, *Montreal, November 16, 1864.*  
I HAVE the honour to transmit to the Governor of Canada, through you, the accompanying intelligence, received from the Consular Agent at Toronto.

Respectfully, &c.  
(Signed) D. THURSTON, *United States' Consul.*

Inclosure 4 in No. 15.

*Mr. Kimball to Mr. Potter.*

Sir, *Toronto, Canada West, November 14, 1864.*  
I HAVE just been informed by a Vermonter residing in Guelph, C.W. of the following:—

A person in that village, by the name of John Vanorgan, has, for a year or two, owned

a gun or a cannon, about a 14-pounder, which has until lately been in his front yard, but is now removed, and this Vermonter is informed that it is purchased to be put on board a steamer by some Southerners; what steamer he has not heard. He is also informed that Messrs. Robinson and Son, foundrymen, of that place, have lately been casting solid shot, shell and grape shot, of a size which would probably fit the missing gun.

These manufacturers are known as strong Southern sympathizers, and it is supposed by the people in Guelph that this material is to be used by rebels against the United States. I asked for some proof, but he could not furnish it.

I communicate the information as I got it, so that you may take such action as you deem proper.

I have, &c.  
(Signed) R. J. KIMBALL, *United States' Consular Agent.*

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Inclosure 5 in No. 15.

*Mr. Bernard to Mr. Coursol.*

*Department of Attorney-General for Upper Canada,  
Quebec, November 18, 1864.*

Sir,

I HAVE the honour, by desire of the Attorney-General for Upper Canada, to acknowledge the receipt of your letter of the 16th instant, transmitting copies of a document and a letter received by you from D. Thurston, Esq., United States' Consular agent in Montreal, relative to the cannon at Guelph, said to have been purchased to be put on board a steamer by some Southerners.

I have, &c.  
(Signed) H. BERNARD.

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Inclosure 6 in No. 15.

*Mr. Mc Donald to Mr. Kingsmill.*

(Telegraphic.)

*Quebec, November 17, 1864.*

PROCEED to Toronto forthwith, and see R. J. Kimball, United States' Consular Agent there. Get certain information from him. Enquire at Guelph, and report here.

(Signed) JOHN A. MACDONALD.

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Inclosure 7 in No. 15.

*Mr. Bernard to Mr. Kingsmill.*

*Department of Attorney-General for Upper Canada,  
Quebec, November 17, 1864.*

Sir,

I AM desired by the Attorney-General to transmit you a copy of a letter which has just been forwarded to him, and signed by Mr. Kimball, United States' Consular Agent in Toronto, relative to a gun in Guelph, said to be purchased to be put on board a steamer by some Southerners.

The Attorney-General has himself telegraphed you to-day, to see Mr. Kimball, and thereafter to make inquiry in Guelph into the matter, and to report thereupon.

I now forward you the inclosed copy of a letter with the view of assisting you in making such inquiry, and report.

I have, &c.  
(Signed) H. BERNARD.

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Inclosure 8 in No. 15.

*Mr. Kingsmill to Mr. Mc Donald.*

(Telegraphic.)

*Guelph, November 19, 1864.*

MY report leaves by mail to-day. You had better advise Collector at Collingwood to look for suspected packages.

(Signed) J. J. KINGSMILL.

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## Inclosure 9 in No. 15.

*Mr. Kingsmill to Mr. Mc Donald.*

Sir,

*Guelph, November 19, 1864.*

IN answer to your télégraph of 17th instant, and the communication from your office of the same date, I have the honour to report that upon the receipt of the telegraph I forthwith proceeded to Toronto, and there saw R. J. Kimball, United States' Consular Agent, and upon my return to Guelph commenced my inquiries, proceeding with caution, so as not to excite suspicion.

Having ascertained that Adam Robertson and Son, founders, lately had a gun (14-pounder, that heretofore belonged to them or one of their workmen) re-bored and newly mounted, and that both shell and solid shot had lately been prepared upon their premises, I proceeded to the railway station, and in the Grand Trunk warehouse discovered two boxes from Messrs. Robertson's establishment that had just been received at the station, and directed as follows:—"From Adam Robertson and Son, to H. M. Carroll, Spanish River, via Collingwood. To be left till called for."

Thinking the address suspicious, I, in the presence of the Inspector of Customs and station-master, saw them opened, and in one found a new gun-carriage, evidently intended for use on board ship, and the other was filled with new cartridge-cases made of tin. These packages leave Guelph to-day for Collingwood, where they will arrive on Monday evening or Tuesday.

I have not been able to discover where the gun is, but I have ascertained that it left the foundry about a week ago packed in shavings. It left in a waggon, and has not gone from this by train.

I further find that at Mr. Robertson's house there has been staying for the last month a stranger, who was present and assisting when the gun left. This person was arrested here this morning as Captain Bell, who on the 20th September last on Lake Erie seized the steamer "Island Queen." He will be taken to Toronto to-day, where the warrant was issued. He is charged with assault with intent to murder.

Any further information I may receive I shall report.

Your, &amp;c.

(Signed) J. J. KINGSMILL, *County Attorney.*

## Inclosure 10 in No. 15.

*Mr. Bouchette to Mr. Spence.**Finance Department, Customs, Quebec,  
November 22, 1864, 3 P.M.*

(Telegraphic.)

LOOK out for two heavy boxes on their way to Collingwood, to be there shipped. Contrive to delay their shipment until further instructions, and telegraph your officer at Collingwood to that effect. They are addressed H. M. Carroll, Spanish River.

(Signed) R. S. M. BOUCHETTE.

## Inclosure 11 in No. 15.

*Mr. Spence to Mr. Bouchette.*

(Telegraphic.)

*Toronto, November 22, 1864.*

HAVE ascertained that two boxes as described in your telegram arrived from Guelph and were this morning forwarded to Collingwood. I have instructed officer there in accordance with your directions.

(Signed) R. SPENCE.

Inclosure 12 in No. 15.

*Mr. Spence to Mr. Bouchette.*

(Telegraphic.)

*Toronto, November 22, 1864.*

"GEORGIAN" sailed for the Sault on last trip for the season yesterday. Inquiry about the boxes is being made.

(Signed)

R. SPENCE.

Inclosure 13 in No. 15.

*Mr. Bouchette to Mr. Spence.*

*Finance Department, Customs, Quebec,  
November 23, 1864.*

Sir,

I INCLOSE for your information and guidance the "Canada Gazette" Extra, containing a Proclamation of his Excellency the Governor-General in Council, bearing date the 22nd instant, prohibiting the exportation of certain munitions of war, to which I have to direct your special attention, in order that its injunction may be strictly carried out.

I am, &c.

(Signed)

R. S. M. BOUCHETTE.

Inclosure 14 in No. 15.

*The "Canadian Gazette" Extra, of November 22, 1864.*

PROVINCE OF CANADA.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To all to whom these presents shall come and whom the same may concern—Greeting :

John A. Macdonald, Attorney-General.

WHEREAS it is, in and by an Act of the Parliament of our said Province of Canada, made and passed in the 27th year of our reign, intituled "An Act to amend the Act respecting Duties of Customs and the collection thereof," amongst other things in effect enacted, that our Governor in Council may, by Proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise, or by inland navigation, of the following goods:—arms, ammunition and gunpowder, military and naval stores, and any articles which our Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores. And, whereas, our Governor in Council has deemed it expedient that the exportation and also the carrying coastwise, or by inland navigation, of arms, ammunition and gunpowder, and military and naval stores, and any articles manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same, from our Province of Canada, be prohibited: Now therefore know ye that we do by and with the advice of our Executive Council, and by this our Royal Proclamation, prohibit the exportation from our Province of Canada or the carrying coastwise or by inland navigation, in any manner or way whatsoever, of arms, ammunition and gunpowder, or military or naval stores, or any articles manufactured for the purpose of forming part of any kind or description of arms, or for the purpose of mounting the same. Of all which our loving subjects are to take notice, and govern themselves accordingly.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: Witness, Our right trusty and well-beloved cousin the Right Honourable Charles Stanley Viscount Monck, Baron Monck of Ballytrammon, in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. At our Government House, in Our City of Quebec, in Our said Province of Canada, this twenty-seventh day of November, in the year of our Lord, one thousand eight hundred and sixty-four, and in the twenty-eighth year of Our Reign.

By command,

(Signed)

WILLIAM Mc DOUGALL, *Secretary.*

## Inclosure 15 in No. 15.

*Mr. Mc Donald to Mr. Kingsmill.*

(Telegraphic.)

Quebec, November 23, 1864.

SPARE no pains to trace the ponderous box that left your place last week in a waggon, as mentioned in your letter. Answer by telegraph.

(Signed) JOHN A. Mc DONALD.

## Inclosure 16 in No. 15.

*Mr. Kingsmill to Mr. Mc Donald.*

(Telegraphic.)

Guelph, November 24, 1864.

IT left Rockwood Station on the 11th of November, directed to David Smitter, Sarnia, together with two heavy barrels, all marked "Potatoes."

(Signed) J. J. KINGSMILL.

## Inclosure 17 in No. 15.

*Mr. Mc Donald to Mr. Kingsmill.*

(Telegraphic.)

Quebec, November 24, 1864, 12:45 P.M.

PROCLAMATION issued, making such matters forfeitable. Go to Sarnia, and have it diligently searched for. Answer.

(Signed) JOHN A. Mc DONALD.

## Inclosure 18 in No. 15.

*Mr. Bernard to Mr. Bouchette.*

Sir,

Quebec, November 24, 1864, 2:30 P.M.

WITH reference to my recent interviews with you, the Attorney-General desires me to inform you that, in addition to the boxes forwarded to Collingwood, addressed to H. M. Carroll, Spanish River, a box containing a gun (14-pounder) had been removed from Guelph, which could not then be traced.

The Attorney-General has just received from the County Attorney at Guelph a telegram, saying that the box containing the gun left Rockwood Station on the 11th November, directed to David Smitter, Sarnia, together with two heavy barrels, all marked "Potatoes." The Attorney-General requests that you will immediately telegraph to your officer at Sarnia as to the effect of the proclamation issued on the 22nd, and to mention the above facts in such a way as that he shall, if possible, be enabled to prevent the export of the gun and the barrels. Mr. Kingsmill, County Attorney at Guelph, who has conducted the previous inquiries in this matter, has been instructed by telegraph to proceed to Sarnia at once on the subject.

I have, &amp;c.

(Signed) H. BERNARD.

## Inclosure 19 in No. 15.

*Mr. Spence to Mr. Bouchette.*

(Telegraphic.)

Toronto, November 24, 1864.

BOTH messages of to-day received. Have instructed Wilson, and directed him to write me fully. Had not boxes better be forwarded to Toronto?

(Signed) R. SPENCE.

## Inclosure 20 in No. 15.

*Mr. Scully to Mr. Bouchette.*

(Telegraphic.)

*Sarnia, November 25, 1864.*

TWO barrels and one box despatched (potatoes) per "Duncan Smitten." Arrived here on the 14th November from Rockwood. Shipped on the 16th, per steamer "Reindeer," to Lexington, Michigan, in charge of owner, as informed by the wharfinger.

(Signed) J. SCULLY.

## No. 16.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, December 9, 1864.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 25th of November, reporting the circumstances under which you had issued a proclamation forbidding the exportation from Canada of warlike stores or munitions of war.

I have to acquaint you that Her Majesty's Government entirely approve of the course which, by the advice of your Ministers, you have taken in this case.

I have received from Earl Russell copies of a note from Mr. Seward and of its inclosures, copies of which were forwarded to you by Lord Lyons on the 23rd ultimo. Her Majesty's Government rely with confidence on your having used, and continuing to use, all the powers at your disposal in order to prevent the successful execution of any such schemes.

With regard to the persons whose extradition has been demanded by the United States' Government for the late alleged act of murder and robbery at St. Albans, your Lordship will necessarily have acted upon the decision of the proper legal authorities in Canada. If the decision shall be that they have not been guilty of any offence for which they can be delivered up to the Government of the United States, Her Majesty's Government do not doubt that you will have consulted your legal advisers whether the facts do not establish an offence against the sovereignty of the Queen punishable by the laws of Canada.

I have, &amp;c.

(Signed) EDWARD CARDWELL.

## No. 17.

*Mr. Adams to Earl Russell.—(Received December 12.)*

My Lord,

*Legation of the United States, London, December 12, 1864.*

I HAVE the honour to submit to your consideration a copy of a letter addressed to the Secretary of War at Washington, by the officer holding the chief command in the military department embracing the northern frontier of the United States. I have already been called upon to enter so fully into the argument connected with this subject, that I deem it superfluous on the present occasion to do more than to furnish this paper as an additional illustration.

I pray, &amp;c.

(Signed) CHARLES FRANCIS ADAMS.

## Inclosure in No. 17.

*Major-General Dix to Mr. Stanton.*

Sir,

*Head-Quarters, Department of the East,  
New York, November 22, 1864.*

I HAVE the following reliable information:—

There are about forty rebels in Marysburgh, Prince Edward's County, Canada, on the north-east of Lake Ontario, and north-west of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the

neighbourhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organizations for hostile purposes on Canadian soil are so plainly in violation of all the obligations of neutrality that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier, on account of the outrages on the Detroit River and at St. Albans, and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I am, &c.  
(Signed) JOHN A. DIX.

No. 18.

*Viscount Monck to Mr. Cardwell.*—(Received December 15.)

Sir,

Quebec, November 28, 1864.

I HAVE the honour to transmit for your information copies of despatches and other documents noted in the margin, relating to the demand of the Government of the United States for the extradition of certain persons accused of having committed the crimes of murder, assault with intent to commit murder, and robbery, at St. Albans, in the state of Vermont.

I do not in general trouble you with applications of this nature, but as this case seems likely to raise an important question of international law, I think it my duty to put you in possession of all the information connected with it to which I have access.

I have, &c.  
(Signed) MONCK.

No. 19.

*Viscount Monck to Mr. Cardwell.*—(Received December 15.)

Sir,

Quebec, November 30, 1864.

REFERRING to my despatches of the 19th and 28th instant, I have the honour to transmit, for your information, copies of the documents noted in the margin, relating to the investigation into the case of certain persons now in custody at Montreal, charged with murder and assault with intent to commit murder at St. Albans, in the state of Vermont, and for whose extradition several applications have been made by the Government of the United States.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 19.

*Petition.*

TO his Excellency the Right Honourable Charles Stanley Viscount Monck, Baron Monck of Ballytramon in the county of Wexford, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

THE petition of the undersigned Bennett H. Young, Samuel Eugene Lackey, Squire Turner Tevis, Almada Pope Bruce, Charles Moore Swager, George Scott, Caleb McDowal Wallace, James Alexander Doty, Joseph McGrorty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, and William H. Hutchinson, all citizens of the Confederate States of America, and officers or soldiers in the army of the said Confederate States of America, now confined in the common gaol of the district of Montreal, on application from the Government of the United States of America for their extradition,

Respectfully sheweth:—

That your petitioners are charged with having committed divers crimes at St. Albans, in the state of Vermont, on the 19th day of October last, and that the said Government

of the United States, as your petitioners have been given to understand, have demanded of your Excellency the extradition of your petitioners by reason thereof.

That, in fact, whatever acts were done by your petitioners at St. Albans aforesaid on the same day were so done under the orders of Lieutenant Bennett H. Young, one of your petitioners, holding a commission from the said Confederate States, and under direct instructions to that effect from the said Government; that the said enterprise was planned, undertaken, and partially carried out in retaliation for the atrocities committed by Federal officers and soldiers in the said Confederate States; that it was not organised in Canada; that it was conducted without any breach of the neutrality laws of Great Britain or of Canada; and that the object of it was the sacking and burning of the principal banks and public buildings in the said town of St. Albans; but without injury to women or children, or to unresisting unarmed citizens.

That your petitioners were unexpectedly compelled to take refuge in Canada, which did not form any part of their plan of operations; but that in so doing they believed that they became entitled to that protection which is accorded under the law of nations to belligerents taking refuge in neutral territory.

That notwithstanding such reasonable expectation, your petitioners have been imprisoned upon charges of robbery, murder, and attempt to murder; that the evidence for the prosecution has been closed on one of the said charges, and your petitioners put upon their defence; and that your petitioners have been allowed till the 13th of December next to procure testimony for such defence. That the best evidence attainable and requisite for the defence of your petitioners can only be procured at Richmond, in the said Confederate States; but that the communication with Richmond is interdicted by the Federal Government, and can only be obtained by penetrating the Federal lines, which is both hazardous and uncertain; and that, in fact, it is stated by Federal newspapers, and is probably true, that one of the messengers already sent for that purpose by your petitioners has been arrested by the Federal Government.

That, under these circumstances, your petitioners throw themselves upon your Excellency's humanity and indulgence, believing that neither your Excellency nor the Government of Great Britain would desire the extradition of your petitioners, which would result in certain death to them, unless such extradition is imperatively demanded by the conventional relations of Great Britain and the United States, and by the statutes passed in that behalf; but that your petitioners desire no other interference on their behalf than such assistance as may lawfully be afforded to them in their attempt to procure from Richmond aforesaid evidence which will conclusively establish their innocence of any such crimes as are imputed to them by the said charges.

Your petitioners, therefore, pray that your Excellency will be pleased to send a Government messenger to Richmond aforesaid (whose expenses and salary your petitioners will pay), to be the bearer of an unsealed envelope, containing the evidence already taken on the said charges, certain newspapers establishing the present position thereof and of your petitioners, and an unsealed request for the transmission by the authorities of Richmond aforesaid of the evidence thereon specified, copies of all which documents have already been transmitted to their Excellencies Lord Lyons and the President of the United States.

And your petitioners, as in duty bound, will ever pray.

*Montréal, November 18, 1864.*

(Signed)

BENNETT H. YOUNG.  
SAML. E. LACKEY.  
C. M. SWAGER  
JAMES A. DOTY.  
DUDLEY MOORE.  
SQUIRE T. TERVIS.  
GEORGE C. SCOTT.

JOSEPH Mc GRORTY.  
THOMAS B. COLLINS.  
ALAMANDA P. BRUCE.  
CALEB Mc D. WALLACE.  
SAMUEL S. GREGG.  
MARCUS SPURR.  
WM. H. HUTCHINSON.

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Inclosure 2 in No. 19.

*Messrs. Abbott, Laflamme, and Kerr to Mr. Lincoln.*

Mr. President;

*Montreal, November 18, 1864.*

AS Counsel for Bennett H. Young and thirteen other persons now in prison here on a demand for their extradition to Vermont on account of the attack on St. Albans, in that State, in last month, we have the honour respectfully to solicit from your Excellency an order for a pass through the army of the United States for a messenger to Richmond,

Virginia, to convey an application from Mr. Young on behalf of himself and comrades for certain documentary evidence to enable them to submit their case fully and fairly to the Judge now charged with the duty of adjudicating upon it. We have the honour to inclose to your Excellency printed copies of Mr. Young's application and the papers accompanying it, and we venture to hope that, in the interests of justice, your Excellency will grant our request, and also direct that obstacles which might otherwise be interposed to our receipt of an answer to the application in due time may be removed.

We have requested the Honourable James Mandeville Carlisle, counsellor-at-law, Washington, to wait upon your Excellency for your decision upon this matter, and we would most respectfully solicit as early an answer as may be convenient to your Excellency, as the delay granted to the prisoners for the purpose of obtaining the desired evidence extends only to the 13th proximo.

We have, &c.  
 (Signed) J. J. C. ABBOTT, Q.C.  
 R. LAFLAMME, Q.C.  
 W. H. KERR, *Advocate*.

Inclosure 3 in No. 19.

*Messrs. Abbott, Laflamme, and Kerr to Lord Lyons.*

My Lord,

*Montreal, Canada East, November 18, 1864.*

WE have the honour to inclose printed copies of the proceedings and depositions taken before Judge Coursol on the demand by the United States' Government for the extradition of the Confederate soldiers who sacked the St. Albans banks on the 19th of October last.

We also inclose a copy of Memorial addressed this day to his Excellency the Governor-General of Canada by the prisoners, also an application to the Federal Government of the United States by us as Counsel for the prisoners for a pass to a Government courier if one is allowed us, or for our own courier, or for the transmission through the Federal lines by flag of truce of a printed copy of the papers in the case (a duplicate of the printed copy herewith inclosed), with files of the "Herald," "Gazette," and "Telegraph" newspapers, published here, showing the exact position of the case, and with an unsealed letter from B. H. Young to Counsel in Richmond and to the Confederate authorities, and those of the State of Virginia, asking for authenticated copies of papers in the public offices of Richmond necessary for the defence of the prisoners.

As these prisoners have been constrained to take refuge in Canada, and are therefore under the protection of our laws, we venture to hope that we may presume to appeal to your Excellency, as the Representative of our Government at Washington, to aid in giving some effect to the humane decision of Judge Coursol, granting to these unfortunate men delay till the 13th of December next, to enable them to obtain evidence to be used in their defence. We therefore respectfully solicit your Excellency's influence to further our application to the Federal Government, and we have requested James Mandeville Carlisle, Esq counsellor-at-law, at Washington, to wait upon your Excellency in connection with this request.

We have, &c.  
 (Signed) J. J. C. ABBOTT, Q.C.  
 R. LAFLAMME, Q.C.  
 W. H. KERR, *Advocate*.

Inclosure 4 in No. 19.

*Messrs. Abbott, Laflamme, and Kerr to Mr. Carlisle.*

Sir

*Montreal, November 18, 1864.*

WE are informed that we may venture to trouble you with the request that you will be good enough to wait as soon as possible upon their Excellencies the President of the United States and Lord Lyons, with reference to the inclosed documents and applications (copies of which have been sent to each), and to further as much as may be in your power the object which their perusal will disclose to you.

And in the event of a pass being granted we should be glad if you will take the trouble to engage and send off a messenger to Richmond, with instructions to await the

preparation of the documents required, and to bring them on direct to this city as quickly as possible, or to you, to be despatched by mail.

But if the Federal Government should themselves prefer to send a messenger of its own choice to Richmond, for the desired purpose, we should have perfect confidence in that mode of proceeding, and the papers may be handed to such messenger accordingly. Lord Monck is at Quebec, and no answer has been received from him.

Your, &c.

(Signed) J. J. C. ABBOTT, Q.C.  
R. LAFLAMME, Q.C.  
W. H. KERR, *Advocate.*

Inclosure 5 in No. 19.

*Lieutenant Young, C.S.A., to J. Randolph Tucker and Raleigh T. Daniels, Esqs., Counsellors-at-Law, and to the Authorities of the Confederate States, and to the Governor of the State of Virginia, Richmond, Va.*

ON behalf of myself and those under my command I desire to obtain certain documents for our defence here in reference to the St. Albans affair, viz. :—

1. A copy of my commission as 1st Lieutenant C.S.A., dated 16th June, 1864, and a copy of my instructions same date. The originals given me are here, but properly authenticated copies may dispense with the proof of Mr. Seddon's signature, which may be attended with difficulty here.

2. A copy of the confidential instructions to me of the 20th of August, 1864, received at Chicago, August 31st, in cypher, and decyphered.

3. A copy of my report and muster roll, 31st August, at Chicago, if received by Adjutant-General.

Copies of any other documents at Richmond you may deem essential or useful to our defence.

All should be certified by Secretary of War, and his signature and office by Secretary of State, under seals, and by Executive of Confederate States under Great Seal, if there be such seal; and I am advised also by the Secretary of State and Governor of the State of Virginia, under the great seal of that State.

I send you files of the "Montreal Gazette," "Herald," and "Telegraph," and printed copies of the proceedings in the case, prepared for use of Counsel, showing how the case now stands. The newspapers contain reports of discussion by Counsel, which, though imperfect and loose, will suffice to explain the case.

Please send on all the papers indicated, as soon as possible, addressed to the Hon. J. J. C. Abbott, our leading Counsel. If printed, as it is presumed they will be, I have no objection that copies be sent to Federal Government, and to Lord Lyons at Washington, to the Governor-General of Canada, and to the Counsel for the Crown and the United States here.

*Montreal Prison, November 18, 1864.*

(Signed)

BENNETT H. YOUNG,  
*Lieutenant Commanding 5th Retributors, C.S.A.*

Inclosure 6 in No. 19.

*The Assistant Secretary to Messrs. Abbott, Laflamme, and Kerr.*

Gentlemen,

*Secretary's Office, Quebec, November , 1864.*

I HAVE the honour, by command of his Excellency the Governor-General, to inform you that his Excellency is advised not to grant the application transmitted by you, of Bennett H. Young, Esq., and thirteen others, now confined in the common gaol of the district of Montreal, praying that a Government messenger be sent to Richmond, in the State of Virginia, to be the bearer of an unsealed envelope containing certain documents, with a request to the authorities at Richmond for the transmission of certain other documents which the petitioners declare are required for their defence.

I have, &c.

(Signed) E. PARENT.

No. 20.

*Earl Russell to Mr. Adams.*

Sir,

*Foreign Office, December 16, 1864.*

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, inclosing a copy of a letter addressed to the Secretary of War of the United States by the officer holding the chief command in the Military Department, embracing the northern frontier of the United States, respecting the organization of a party of persons in Canada apparently with a view to hostile operations against the territory of the United States.

I have to state to you in reply that the attention of Her Majesty's Government is very seriously directed to the means of preventing such inroads on the territory of the United States as that which is commonly known by the name of "the St. Albans' raid." If it should appear that the persons concerned in such inroads are for any reason not subject to extradition, they and others must in some way be effectually prevented from committing similar offences against a neighbouring State.

But I need scarcely point out to you that any invasion of the Canadian territory from the United States would excite hostile feelings in Canada against the people of the United States, and might prove extremely injurious to the pacific relations between the two countries.

I am, &c.  
(Signed) RUSSELL.

No. 21.

*Earl Russell to Lord Lyons.*

My Lord,

*Foreign Office, December 16, 1864.*

I INCLOSE, for your information, copies of a correspondence with Mr. Adams respecting the organisation of a party in Canada with a view to carrying on hostile operations against the United States.\*

I am, &c.  
(Signed) RUSSELL.

No. 22.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, December 16, 1864.*

HER Majesty's Government have had under their consideration, and have referred to the Law Officers of the Crown the depositions taken in the case of the late attack upon St. Albans, Vermont, and forwarded to me in your despatch of the 19th ultimo.

You will necessarily have been guided by the decision of the proper legal authorities in Canada, whether the persons in custody ought or ought not to be delivered up under the Treaty of Extradition. If that decision shall have been that they ought, Her Majesty's Government will entirely approve of your having acted upon that decision. If the decision shall have been that they ought not, Her Majesty's Government think that the opinion of your legal advisers should be taken whether, upon the evidence and other information in the possession of the Canadian Government, these persons may not properly be put upon their trial on a charge of misprision and violation of the Royal prerogative, by levying war from Her Majesty's dominions against a friendly Power.

Unless the Canadian Law Officers should see reason to the contrary, Her Majesty's Government would wish that in the case supposed they should be retained in custody and brought to trial for that offence.

Her Majesty's Government also think that such a decision of the legal authorities of Canada would furnish a strong argument for the expediency of arming the Canadian Government as promptly as possible with such additional legal powers of prevention as were referred to in my despatch of the 3rd instant.

Since writing the foregoing part of this despatch, I have received your despatch of the 30th ultimo, to which it is not possible for me to reply by this day's mail.

That despatch suggests the possibility that in the course of the proceedings some difficulty may arise on which it will be necessary for you to ask for specific instructions from the Home Government. You will not understand that anything I have written is intended to preclude you from the fullest opportunity of making such a reference; during which time it will, of course, be proper that the prisoners be detained in custody.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 23.

*Earl Russell to Lord Lyons.*

My Lord,

*Foreign Office, December 17, 1864.*

WITH reference to your Lordship's despatch of the 25th ultimo, I transmit to you herewith copies of instructions which have been addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department on the subject of the recent attack on St. Albans, Vermont;\* and I have to instruct you to communicate the substance of these instructions to Mr. Seward.

I am, &c.

(Signed) RUSSELL.

No. 24.

*Viscount Monck to Mr. Cardwell.—(Received December 22.)*

Sir,

*Quebec, December 7, 1864.*

I HAVE the honour to inclose, for your information, a copy of a despatch from Lord Lyons, with copies of its inclosures, respecting an alleged military organisation in Canada, of fugitives from the United States, together with a copy of my reply to Lord Lyons.

I have, &c.

(Signed) MONCK.

Inclosure 1 in No. 24.

*Viscount Monck to Lord Lyons, December 6, 1864.*

[See Inclosure 5 in No. 26.]

Inclosure 2 in No. 24.

*Lord Lyons to Viscount Monck, November 30, 1864.*

[See Inclosure 4 in No. 26.]

Inclosure 3 in No. 24.

*Mr. Seward to Lord Lyons, November 29, 1864.*

[See Inclosure 1 in No. 26.]

Inclosure 4 in No. 24.

*Mr. Dana to Mr. Seward, November 25, 1864.*

[See Inclosure 2 in No. 26.]

## No. 25.

*Mr. Cardwell to Viscount Monck.*

Sir,

*Downing Street, December 24, 1864.*

I HAVE now to reply to your despatch of the 30th ultimo, reporting that the persons concerned in what is called the St. Alban's raid had applied to you to send a messenger of the British Government to Richmond, in order to obtain evidence stated by them to be necessary for their defence.

Her Majesty's Government consider that, under the circumstances stated in your despatch, the proper course would be for the Magistrate to grant such an enlargement of time as would give the prisoners a reasonable opportunity of obtaining the required evidence through any means of communication which are practically open.

It seems, therefore, that the course which you were advised to take was right, and that if any difficulty arose in the course of the proceedings at a later stage it would be open to you to take the advice of your Law Officers upon it, or, if need were, to refer for specific instructions to the Home Government.

I have, &amp;c.

(Signed) EDWARD CARDWELL.

## No. 26.

*Mr. Burnley to Earl Russell.—(Received December 25.)*

My Lord,

*Washington, December 13, 1864.*

I HAVE the honour to inclose copies of correspondence with Mr. Seward and Viscount Monck in regard to the existence of a military organisation of insurgent fugitives from the United States in Canada.

I have, &amp;c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 26.

*Mr. Seward to Lord Lyons.*

My Lord,

*Department of State, Washington, November 29, 1864.*

I HAVE the honour to invite your attention to the inclosed copy of a communication of the 25th instant from the War Department, giving a copy of a report of the 22nd instant from Major-General Dix in regard to the existence of a military organisation of insurgent fugitives from the United States in Canada.

I have, &amp;c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 26.

*Mr. Dana to Mr. Seward.*

Sir,

*War Department, Washington City, November 25, 1864.*

THE Secretary of War directs me to transmit for your information the inclosed copy of a letter from Major-General Dix relative to the disturbed condition of the Northern frontier.

I have, &amp;c.

(Signed) C. A. DANA,  
*Assistant Secretary of War.*

## Inclosure 3 in No. 26.

*Major-General Dix to Mr. Stanton.**Head Quarters, Department of the East, New York City,  
November 22, 1864.*

Sir,

I HAVE the following reliable information:—

There are about forty rebels in Marysburgh, Prince Edward's County, Canada, on the north side of Lake Ontario, and north-west of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the neighbourhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organisations for hostile purposes on Canadian soil are so plainly in violation of all the obligations of neutrality that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice.

There are some indications of retaliation on the part of our citizens along the frontier on account of the outrages on the Detroit River and at St. Albans, and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I have, &c.  
(Signed) JOHN A. DIX, *Major-General.*

## Inclosure 4 in No. 26.

*Lord Lyons to Viscount Monck.*

My Lord,

*Washington, November 30, 1864.*

I HAVE the honour to transmit to your Excellency herewith copies of a note and of its inclosures, which I have received from the Secretary of State of the United States relative to the alleged existence of a military organisation in Canada of fugitives from the United States.

I have, &c.  
(Signed) LYONS.

## Inclosure 5 in No. 26.

*Viscount Monck to Lord Lyons.*

My Lord,

*Quebec, 6th December, 1864.*

I HAVE the honour to acknowledge the receipt this day of your despatch of the 30th November inclosing copies of the documents noted in the margin,\* and respecting the alleged organisation and drilling in Prince Edward's County, Canada West, of fugitives from the United States.

In reply, I have the honour to state for the information of Mr. Seward, that I will take immediate steps to investigate the accuracy of the information communicated to Major-General Dix, and should it prove well-founded I will use all legal means to put an end to the practice.

I have, &c.  
(Signed) MONCK.

## Inclosure 6 in No. 26.

*Mr. Burnley to Mr. Seward.*

Sir,

*Washington, December 12, 1864.*

I FORWARDED on the 30th ultimo to his Excellency the Governor-General of Canada, copies of your note of the 29th ultimo and its inclosures, relative to the alleged existence of a military organisation in Canada of fugitives from the United States.

I have now the honour to transmit to you a copy of his Excellency's reply.

I have, &c.  
(Signed) J. H. BURNLEY.

\* Mr. Seward to Lord Lyons, November 29, 1864; Assistant Secretary of War to Mr. Seward, November 25, 1864; Major-General Dix to Mr. Stanton, November 22, 1864: Inclosures 1, 2, and 3 in No. 26.

*Letter addressed to Mr. Benjamin.—(Communicated to Earl Russell by Mr. Adams, December 28.)*

Sir,

*St. Catherine's, Canada West, November 1, 1864.*

YOU have doubtless learned, through the Press of the United States, of the raid on St. Albans, Vermont, by about twenty-five Confederate soldiers, nearly all of them escaped prisoners, led by Lieutenant Bennett H. Young; of their attempt and failure to burn the town, and of the robbery of three banks there, of the aggregate amount of about 200,000 dollars; of their arrest in Canada by United States' forces, their commitment, and the pending preliminary trial. There are twelve or fourteen of the twenty-five who have been arrested, and who are now in prison at Montreal, where the trial for commitment of extradition is now progressing. A letter from the the Honourable J. J. C. Abbott, the leading Counsel for the prisoners, dated Montreal, 25th October, says to me,—“We” (prisoner's counsel) “all think it quite clear that the facts will not justify a commitment for extradition under the law as it stands; and we conceive the strength of our position to consist in the documents we hold establishing the authority of the raiders from the Confederate States' Government. But there is no doubt that this authority might be made more explicit than it is, in so far as regards the particular acts complained of; and I presume the Confederate Government will consider it to be their duty to recognize, officially, the acts of Lieutenant Young and his party, and will find means to convey such recognition to the prisoners here in such a form as can be proven before our Courts. If this were accompanied or followed by a demand upon our Government that the prisoners be set at liberty, I think a good effect would be produced, although, probably, the application would not be received by the authorities. There will be, at least, a fortnight's time, and probably more, expended in the examination of witnesses, so that there will be plenty of time for anything that may be thought advisable to be done in behalf of the prisoners.”

I met Mr. Young at Halifax on my way here in May last. He showed me letters from men whom I knew, by reputation, to be true friends of State rights, and therefore of Southern independence, vouching his integrity as a man, his piety as a Christian, and his loyalty as a soldier of the South. After satisfying me that his heart was with us in our struggle, and that he had suffered imprisonment for many months as a soldier of the Confederate States' army from which he had escaped, he developed his plans for retaliating some of the injuries and outrages inflicted upon the South. I thought them feasible, and fully warranted by the law of nations, and therefore recommended him and his plans to the Secretary of War. He was sent back by the Secretary of War with a commission as second Lieutenant to execute his plans and purposes, but to report to Hon. — and myself. We prevented his achieving or attempting what I am sure he could have done, for reasons which may be fully explained hereafter. Finally disappointed in his original purpose, and in all the subsequent enterprises projected, he proposed to return to the Confederate States *via* Halifax, but passing through the New England States, and burning some towns, and robbing them of whatsoever he could convert to the use of the Confederate Government.

This I approved as justifiable retaliation. He attempted to burn the town of St. Albans, Vermont, and would have succeeded but for the failure of the chemical preparation with which he was armed. Believing the town was already fired in several places, and must be destroyed, he then robbed the banks of all the funds he could find, amounting to more than 200,000 dollars. That he was not prompted by selfish or mercenary motives, and that he did not intend to convert the funds taken to his own use, but to that of the Confederate States, I am as well satisfied as I am that he is an honest man, a true soldier and patriot, and no one who knows him will question his title to this character. He assured me before going on the raid that his efforts would be to destroy towns and farm-houses, not to plunder or rob; but he said if after firing a town he saw he could take funds from a bank or any house which might inflict injury on the enemy, and benefit his own Government, he would do so. He added most emphatically that whatever he took should be turned over to the Government, or its Representatives in foreign lands. My instructions to him, oft repeated, were, “to destroy whatever was valuable, not to stop to rob, but if after firing a town he could seize and carry off money, or treasury or bank notes, he might do so, upon condition that they were delivered to the proper authorities of the Confederate States. That they were not delivered according to his promise and undertaking was owing, I am sure, to the failure of his chemical compound to fire the town, and to the capture of himself and men on Canadian soil, where they were surprised and overpowered by superior numbers from the United States. On showing me his commission

and his instructions from Mr. Sedden, which were of course vague and indefinite, he said he was authorized to do all the damage he could to the enemy in the way of retaliation. If this be true, it seems to me the Confederate States' Government should not hesitate to avow his act was fully authorized as unwarrantable retaliation. If the Government do not assume the responsibility of this raid, I think Lieutenant Young and his men will be given up to the United States' authorities. If so, I fear the exasperated and alarmed people of Vermont will exact cruel and summary vengeance upon them before they reach the prison of St. Albans.

The sympathies of nine-tenths of the Canadians are with Young and his men; a majority of all the newspapers justify or excuse his act as merely retaliatory, and they desire only the authority of the Confederate States' Government for it to refuse their extradition. The refusal of extradition is fully warranted by the like course of the United States in many cases cited lately in the Canadian papers, which I cannot now repeat, but which you can readily find. The refusal of extradition would have a salutary political influence, it is thought, both in the British Provinces and in England. I cannot now explain why; I trust, therefore, for the sake not only of the brave soldiers who attempted this daring exploit (which has caused a panic throughout the United States bordering on Canada, and the organization of forces to resist, as well as the arbitrary and tyrannous order of General Dix touching the coming Presidential election), but for the sake of our cause and country, that the President will assume the responsibility of the act of Lieutenant Bennett H. Young, and that you will signify it in such form as will entitle it to admission as evidence in the pending trial.

I send the special messenger, who bears this, that your answer may be brought back by him within ten days or by the 11th instant. The final judgment can and will be postponed for the action of the Confederate States' Government as long as possible, certainly for ten days. I avail myself of this opportunity to bring to your notice the case of Captain Charles H. Cole, another escaped prisoner of General Forrest's command, who was taken about six weeks since in the "Michigan" (the Federal war-steamer on Lake Erie), and is charged with an attempt at piracy (for attempting to capture the vessel), with being a spy, &c., &c. The truth is, that he projected and came very near executing a plan for the capture of that vessel, and the rescue of the prisoners on Johnson's Island. He failed only because of the return of the Captain (Carter) of the "Michigan" a day sooner than expected, and the betrayal (in consequence of C.'s return) of the entire plot. The only plausible ground for charging him with being a spy is, that he was in Sandusky, on Johnson's Island, and on the "Michigan" frequently, without having on his person the Confederate uniform, but wearing the dress of a private citizen. Mr. — and I have addressed a letter to the Commandant at Johnson's Island, protesting against his being treated as a spy, for the following reasons:—That he was in the territory of the United States as a prisoner against his consent; that he escaped by changing his garb; that he had no Confederate uniform when he visited Sandusky, Johnson's Island, and the "Michigan;" that he did not visit them as an emissary from the Confederate States; that whatever he conceived he had not executed anything; that he had conveyed no information to his Government and did not contemplate conveying any information to his Government. His trial has been postponed; I know not why, or for what time. His exchange should be proposed, and notice given that any punishment inflicted on him will be retaliated upon an officer of equal rank! He is a very brave and daring soldier and patriot, and deserves the protection of his Government.

I wrote to you on the 14th June, to the President 25th July, and to you on 11th August and 12th September last. I trust you received these letters. Mr. H— (who I see has gotten into the C. S.) has doubtless explained things here. I have never received a line from you or any person excepting my brother at Richmond. I have not changed the views expressed in my former communications. All that a large portion of the Northern people, especially in the north-west, want, to resist the despotism at Washington, is a leader. They are ripe for resistance, and it may come soon after the Presidential election. At all events it must come if our armies are not overcome and destroyed, or dispersed. No people of the Anglo-Saxon blood can long endure the usurpation and tyrannies of Lincoln. Democrats are more hated by Northern Republicans than Southern rebels, and will be as much outraged and persecuted if Lincoln is re-elected. They must yield to a cruel and disgraceful despotism or fight. They feel it and know it.

I do not see that I can achieve anything by remaining longer in this province, and, unless instructed to stay, shall leave here by the 20th instant for Halifax, and take my chance for running the blockade. If I am to stay till spring I wish my wife to join me, under a flag of truce, if possible. I am afraid to risk a winter's residence in this latitude and climate.

I need not sign this. The bearer and the person to whom it is addressed can identify me. But I see no reason why your response should not be signed and sealed, so as to make it evidence as suggested in respect to the St. Alban's raid. A statement of prisoner's counsel has been sent by way of Halifax and Wilmington, but it may never reach you, or not in time for the deliverance of the prisoners. This is my chief reason for sending this by one I think I can trust.

Please reply promptly and start the messenger back as soon as possible. He will explain the character of his mission. Send under a seal that cannot be broken without being discovered.

I am, &c.

No. 28.

*Brigadier-General Townsend to Mr. Seward.—(Communicated to Earl Russell by Mr. Adams, December 28.)*

*War Department, Adjutant-General's Office,  
Washington, December 12, 1864.*

Sir,

BY direction of the Secretary of War I have the honour to forward herewith copies of letters from Major-General Hooker and Lieutenant-Colonel Hill, in relation to the manufacture of Greek fire at Windsor, Canada, to be used in firing certain cities of the United States by rebel emissaries.

I have, &c.  
(Signed) E. D. TOWNSEND.

Inclosure 1 in No. 28.

*Major-General Hooker to Brigadier-General Townsend.*

*Head-Quarters, Northern Department, Cincinnati,  
Ohio, December 6, 1864.*

General,

I HAVE the honour to forward herewith a copy of a letter dated the 3rd instant, just received from Lieutenant-Colonel R. H. Hill, commanding the district of Michigan, as it contains information of importance to all of our frontier bordering upon Canada. The information has been furnished by one of our most reliable detectives, and unusual confidence may be placed in it. A few days since advices of similar import were received by me. From the letter it will be seen that refugees and deserters from the rebel Confederacy are engaged in the manufacture of Greek fire at Windsor in Canada, to facilitate their incendiary purposes. With regard to attacks from armed bodies of rebels I feel much less apprehension than from individual efforts to burn and plunder our cities, as my means of information are such that I hope to be able to anticipate the former. It is almost unnecessary for me to add that I have enjoined unceasing vigilance and activity on the part of the military and civil authorities throughout my command.

Very, &c.  
(Signed) JOSEPH HOOKER.

Inclosure 2 in No. 28.

*Lieutenant-Colonel Hill to Captain Palter.*

*Head-Quarters, District of Michigan, Detroit,  
Michigan, December 3, 1864.*

Sir

I HAVE the honour to report that from information I have received I am satisfied that very extensive preparations are being made in Canada for burning not only cities on the lakes but others, and it is very necessary that great precaution and vigilance should be observed everywhere.

I have the assurance that greek fire is being prepared at Windsor. Buffalo, Cleveland, and this city will be the principal cities to be burned, and there will be armed attempts to rob and plunder. Cincinnati and Louisville are also mentioned.

I am also informed that by some means a large number of rebel soldiers have been introduced into Canada; some it is said have been furloughed, and have made their way through the lines.

I have at this time very excellent means of obtaining information, and the only apprehension I have is that the person in my employ may fail me at the last moment. In this city I have called the attention of the hotel-keepers to the necessity of observing great vigilance in regard to their guests, and the hotels are daily visited by a secret agent in my employ.

I am, &c.  
(Signed) B. H. HILL.

No. 29.

*Mr. Dana to Mr. Seward.—(Communicated to Earl Russell by Mr. Adams, December 28.)*

Sir, *War Department, Washington City, December 12, 1864.*  
THE Secretary of War directs me to transmit for your information and for such action as you may consider necessary, a copy of a letter from Major-General Dix relative to the plans of the rebels in Canada.

I have, &c.  
(Signed) C. A. DANA, *Assistant Secretary of War.*

Inclosure in No. 29.

*Major-General Dix to Mr. Stanton.*

Sir, *Head-Quarters, Department of the East, New York City,  
December 10, 1864.*  
THERE are such strong indications of a purpose on the part of the rebels in Canada to burn and plunder our frontier towns, that I deem it my duty to ask for a regiment of mounted men for their protection. I have reliable information that organised expeditions are now in preparation for the purpose, and I have no force to spare for resisting them. If such a regiment cannot be put at my disposal, I ask authority to raise five companies of mounted men to be distributed along the frontier of New York and Vermont. It is very desirable that they be mounted, in order to make the pursuit of the raiders effectual.

It is reported to me on authority which I cannot doubt, that Colonel Butler's regiment of Kentucky Cavalry has been furloughed to meet in Canada, and is making its way there.

I am, &c.  
(Signed) JOHN A. DIX.

No. 30.

*Earl Russell to Mr. Burnley.*

Sir, *Foreign Office, December 29, 1864.*  
YESTERDAY, the 28th, Mr. Adams called upon me by his own desire at the Foreign Office.

He expressed to me by the order of his Government the great regret felt by them at the departure of Lord Lyons, and offered to show me a letter of Mr. Seward to Lord Lyons testifying that regret.

I told him that equal regret was felt on our side, and that nothing but the failing health of Lord Lyons would have induced Her Majesty's Government to consent to his temporary departure. Mr. Adams promised to send me a copy of the letter of Mr. Seward.

Mr. Adams then spoke to me of two or three matters of very little importance, and finally entered on that which he said was the chief object of his seeking an interview with me, namely, the border raids which had been executed or were in preparation from Canada.

Mr. Adams said that my last letter to him had contained assurances so positive and unequivocal that he should not have asked me for any further declarations had he not received by the last packet positive injunctions to make to me certain communications.

The documents which he then put into my hands, and of which I send you copies,\* consisted mainly of—

1. An intercepted letter written by a Confederate partizan from Canada, not signed, but evidently authentic. This letter, written before the re-election of President Lincoln, shows that although the particular raid or foray against St. Alban's was not directed by the Confederate Government, yet the general plan of burning towns and robbing banks in the frontier States of the United States was concerted and approved by the Confederate authorities. The failure of the attempt to burn the banks and houses of St. Alban's is attributed to some defect in the chemical preparation which had been used.

2. The next document contains evidence that the town of Windsor in Canada had been fixed upon by the Confederates for the preparation and manufacture of a chemical material to be used in setting on fire the towns and villages of the United States.

3. The third set of documents contain a letter of the Assistant-Secretary of War to Mr. Seward, inclosing for such action as might be considered necessary, a copy of a letter of General Dix, in which he states that he has information upon which he can rely that a Confederate regiment, namely, Colonel Butler's regiment of Kentucky Cavalry, was to be furloughed into Canada for the purpose of disturbing from that neutral position the frontiers of the United States.

Mr. Adams, after I had read these documents, said that Mr. Seward had directed him to put them into my hands in order that Her Majesty's Government might take such measures as were required by our own declarations of neutrality, and the relations of amity subsisting between the two nations.

I said that I had already assured him, in the letter to which he had alluded, that Her Majesty's Government would adopt such measures as may be required and may be effective, for the maintenance of Her Majesty's declared neutrality; that one of the measures to which I meant to refer was a direction already sent to the Governor-General of Canada to propose to his Legislature a measure similar to the United States' Act of Congress of 1838; that whatever technical grounds may have been found for delivering from custody the St. Alban's raiders, all the highest law authorities in this country concurred in thinking that any act done in Canada in violation of Her Majesty's neutrality and in disobedience to Her Majesty's Proclamation would be illegal; that it remained for Her Majesty's Government to give such directions and adopt such measures as might insure the punishment of persons guilty of such illegal acts, and prevent the repetition of such acts for the future. I said that Her Majesty's Government were fully aware of their international duties and determined to perform them.

I then asked Mr. Adams whether he had seen the second edition of the "Times." Mr. Adams said he had. The paragraph to which I meant to allude was to the following purport:—"In consequence of the discharge of the St. Alban's raiders and preparations in Canada for the renewal of similar enterprises, the military commanders on the frontier are directed by General Dix, in case of further acts of depredation, to shoot down the perpetrators if possible, and, if necessary for their capture, to cross the Canadian boundaries and pursue them wherever they take refuge, and not to surrender them if captured, but send them on to head-quarters for trial by court-martial."

Finding that Mr. Adams had read this paragraph, I said that with regard to the treatment of such depredators in the United States' territory I had nothing to say; but I had seen with regret that orders were given to pursue such persons in Her Majesty's Canadian territory; that such pursuit might encounter resistance, and the relations of the two countries might be thus endangered.

Mr. Adams said that such outrages caused so great a resentment, it was difficult to restrain troops in pursuit of their enemy.

I said that was very true, and that troops in pursuit or in the heat of blood might not accurately respect an ill-defined boundary; but this was a deliberate order of a General in the military service of the United States.

Mr. Adams said he knew General Dix, who bore a high character for sense and moderation.

I said that might be, but we must all recollect the very just remark of President Lincoln, that these inroads and depredations were organized with a view to bring on a war between Great Britain and the United States; that both Governments were bound to do everything in their power to defeat so wicked a design; that for our parts we had nothing more at heart.

Mr. Adams then took his leave.

I am, &c.  
(Signed) RUSSELL.

## No. 31.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, December 31, 1864.*

I HAVE the honour to transmit to you, for your information, the inclosed copies of papers received at the Foreign Office from Mr. Adams relative to Confederate organizations in Canada and to the St. Albans raid.

You are in possession of other documents of the same nature which have been communicated to you directly from the British Minister at Washington, and subsequently made known to me by the Foreign Office.

I have learnt with great regret from the reports which have reached this country that the prisoners in the St. Albans case have been released upon some technical objection, the Court not having heard the case upon its merits. Her Majesty's Government can of course express as yet no opinion upon this subject, on which I have not received your report; but they are sure that you and your Ministers are most anxious to vindicate the just authority of the Crown, and to preserve inviolate the neutrality of British territory, and rely with confidence that you will not have failed in using for these purposes all the powers which you possess and will have taken into your mature consideration the adequacy of those powers and the propriety of applying to your Legislature for fresh powers. With these observations I shall wait for your report, and for your reply to my former despatches on the subject.

I have, &amp;c.

(Signed) EDWARD CARDWELL.

## No. 32.

*Mr. Burnley to Earl Russell.—(Received January 2, 1865.)*

(Extract.)

*Washington, December 15, 1864.*

THE liberation of the St. Alban's raiders has excited in the press and Congress of the United States both comment and discussion.

The inclosed extract from this morning's papers will show your Lordship what passed before the Montreal Court, and that the grounds for the liberation of the prisoners were based upon the fact that the Provincial Canadian Act, to carry into effect the Ashburton Treaty, had not received the special Royal sanction requisite.

That in consequence the Imperial Act must rule, and that Act required that the warrant, under which the prisoners were arrested, should be signed by the Governor-General; that failing that, the Court possessed no jurisdiction and the order was accordingly issued to liberate the prisoners.

The announcement of the release of the prisoners has been followed up by a special order of the day from General Dix, enjoining, among other things, on Commanders to cross the boundary line between the United States and Canada, and pursue the offenders, and bring them into head-quarters.

I am bound to say, however, that this order has been issued without instructions from this Government, and Mr. Seward, on my speaking to him on the general question this morning, informed me that steps had been taken to prevent any action as regards the question of crossing into Canada, and I telegraphed in this sense to the Governor-General of Canada.

In the Senate two Resolutions were brought forward by Mr. Chandler, Chairman of Commercial Relations, which, although they have no particular reference the one to the other, may be presumed from their contiguity to bear upon the hostile feeling of the day.

The first was that the Military Committee should inquire into the expediency of immediately enlisting an army corps to watch and defend the territory bordering on the lakes from all hostile demonstrations, and the second that the Secretary of State be instructed to make out a list of all vessels and cargoes destroyed by piratical ships fitted out in British harbours, with a separate valuation of the same and interest thereon at the rate of 6 per cent. per annum, and that he be directed to demand from the British Government payment in full for all ships or cargoes destroyed as aforesaid.

Both these Resolutions have been negatived by Mr. Reverdy Johnson and allowed to lie over.

Late last night I received a telegram from Viscount Monck, informing me that fresh warrants had been issued for the apprehension of the prisoners, and that the police were

making every effort to prevent their escape. As considerable irritation exists in the public mind at present on this topic, I communicated it verbally to Mr. Seward this morning.

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Inclosure in No. 32.

*Extract from "Daily Morning Chronicle" of December 15, 1864.*

*Discharge of the St. Albans' Raiders.*

*Montreal, December 13, 1864.*

THE case of the St. Albans' raiders were reopened to-day before Justice Coursol. The court-room was well filled with spectators. The appearance of the prisoners was much the same as at the last hearing.

At the commencement of the proceedings Mr. Kerr objected that the Court had no jurisdiction in the case. He denied *in toto* his Honour's right to sit there at all on this investigation.

*Mr. Devlin* said that, after having granted a delay of a month, they had now met to hear evidence for the defence, and not to listen to a legal argument.

After a few words from the Court, and from Mr. Johnson, Queen's Counsel—

*Mr. Kerr* was allowed to go into an argument as to the jurisdiction of the Court in the premises, and after some discussion between the Counsel, the Court said that this was a matter of most grave importance, involving his right of jurisdiction, and, consequently, the validity of these proceedings from the commencement. He should, therefore, take time to consider it before proceeding further, and for this purpose the Court would adjourn until 3 P.M.

The Court reassembled at 3 o'clock, and was densely crowded. Justice Coursol, on taking the bench, said the matter in question was most important, since his authority had been denied. He had given the argument on both sides his most serious consideration, and had come to the conclusion that the case came under the Imperial Act, and that he was bound to act and to obey the Imperial authority. In a national question, like the one under consideration, the Imperial Act was supreme, and must be his guide. Our own Provincial Act to carry into effect the Ashburton Treaty had not received the special royal sanction requisite. The case was a most exceptional one, and being national he could do no other than allow our own Act to give way before that of the Imperial Legislature. The revised Imperial Act must rule herein, and that Act required that the warrant under which the prisoners were arrested should be signed by the Governor-General. If the Court could have reserved the point for a higher tribunal it would most gladly have done so, but since the liberty of the subject was involved there admitted of no delay, and since he had not had the warrant of the Governor-General, he had come to the conclusion that the Court possessed no jurisdiction in the case, and he must order the immediate release of the prisoners.

This announcement was received with applause by a number of persons present, but the demonstration was instantly checked.

*Mr. Devlin* then rose, and in a most impassioned speech implored his Honour not to order the discharge of the prisoners upon the remaining indictments, but in fairness and justice to the Counsel for the United States, and for those of the private prosecutors, the Banks, to allow of a hearing. He contended that the prisoners could be discharged only on this one particular indictment, and the Court owed it to the Counsel to be heard on the others. Should it be said in an English Court of Justice that the Judge having decided in favour of the prisoners in one case, he immediately discharged them in six others, what would be said outside? The Counsel for the defence themselves knew that that the course which the Court had taken was unprecedented. Had not his Honour issued six warrants, and yet he had but one warrant before him. He called solemnly on the Court to hesitate. He (*Mr. Devlin*) could not remain silent whilst thirteen men charged with robbery, and even murder, were allowed to go at liberty without their several cases being investigated. Our good name for justice and fair play was at stake, and though some amongst us might be sympathizers with the prisoners, he had yet to learn that they set at naught the jewel fair play. He again called upon the Court to hesitate before discharging these men, and give the Counsel for the prosecution a chance of being heard, for here the most important interests of all were at stake, viz., international ones. He again implored the Court not to order this wholesale delivery. He would put to the Court, was it treating the Counsel for the prosecution with fairness? If the Court should persist in doing this, then we must be prepared for the consequences. No country had dealt fairer with England in extradition matters than had the United

States. Their Judges combined to give effect to the Extradition Treaty. The Judges of our Supreme Court had concurrent jurisdiction with his Honour, and had Counsel known of the probable course of his Honour, they would have desired the Court to allow these Judges to have seats on the bench with him.

*Mr. Johnson* rose and said that both those who represented the United States and those who represented private interests in this affair had upon them a grave responsibility, but he thought *Mr. Devlin* mistaken in the view which he took of the judgment of the Court. The Court meant that the prisoners were discharged on the one charge which had been investigated.

The Court here said that *Mr. Devlin* had understood the judgment of the Court aright. The prisoners were discharged in every case before him.

*Messrs. Kerr, Abbott, and Laflamme*, Counsel for the prisoners, objected to any calling in question of the judgment.

*Mr. Rose*, Counsel for the United States, wished to speak. He said he did not mean to call his Honour's judgment just delivered in question.

The Court declined to hear further, saying that if he had no right to arrest these men on one charge, as he held that he had not, then neither had he the right to detain them on any others. These men had been arrested on Magistrates' warrants upon his own motion, and then on motion of the police, and now when his Honour's own jurisdiction was called in question because his warrants were null and void he saw he had been mistaken, and it was the duty of every British Judge, on finding that, to rectify his errors.

The Court ordered, therefore, that the prisoners be immediately discharged, and was prepared to incur the responsibility of its own acts.

Applause again broke out in the Court, but was again instantly checked.

In a few minutes the prisoners walked through the Court-room, and were congratulated by a few of their acquaintances; and when they emerged from the building a few voices were raised in something meant to be cheers. They then separated, looking pleased at their enlargement, and the crowd at once dispersed.

CASE OF THE ST. ALBANS RAIDERS.—The pretext upon which the St. Albans raiders have been set at large, and their plunder restored to them, namely, that it was necessary, under the Act of the British Parliament, for the Governor-General to have issued his warrant for their arrest, is believed to be the first in the many cases of extradition which have taken place where it has been put forward. The Canadian Acts of the 30th of May, 1849; and 18th of May, 1861, were passed expressly to provide for the contrary. They contain the following words:—"And whereas certain provisions of the Act passed by the Parliament of Great Britain, for the apprehension of certain offenders, have been found inconvenient in practice in this province, and more especially that provision which requires that, before any such offender as aforesaid shall be arrested, a warrant shall issue under the hand and seal of the person administering the Government," &c.

*New York, December 14.*—The following General Orders have just been issued:—

*General Orders, No. 97.*

*Head Quarters, Department of the East, New York City,  
December 14.*

"Information having been received at these head-quarters that the rebel marauders who were guilty of murder and robbery at St. Albans, Vermont, have been discharged from arrest, and that other enterprises are actually in preparation in Canada, the commanding General deems it due to the people of the frontier towns to adopt the most prompt and efficient measures for the security of their lives and property.

"All military commanders on the frontier are, therefore, instructed, in case further acts of depredations or murder are attempted, whether by marauders or persons acting under commissions from the rebel authorities at Richmond, to shoot down the perpetrators, if possible, while in the commission of their crimes, or if it be necessary, with a view to their capture, to cross the boundary between the United States and Canada, said Commanders are hereby directed to pursue them wherever they may take refuge; and, if captured, they are under no circumstances to be surrendered, but are to be sent to these head-quarters for trial and punishment by martial law. The Major-General commanding

the Department will not hesitate to exercise, to the fullest extent, the authority he possesses under the rules of law recognized by all civilized States in regard to persons organizing hostile expeditions within neutral territory, and fleeing to it for an asylum after committing acts of depredation within our own, such an exercise of authority having become indispensable to protect our cities and towns from incendiaries, and our people from robbery and murder.

"It is earnestly hoped that the inhabitants of our frontier districts will abstain from any retaliation on account of the outrages committed by the rebel marauders; and that the proper means of redress will be left to the action of the public authorities.

"By command of Major-General Dix.

(Signed) "D. T. VAN BUREN,  
"Colonel and Assistant Adjutant-General."

*Mr. Chandler.*—I see in the morning papers the following announcement from Toronto:

"The St. Albans raiders have been discharged for want of jurisdiction."

I desire to offer a couple of Resolutions this morning bearing upon this subject—one of them particularly; but I do not expect to make the Senate understand the state of feeling existing on the border. I have a great number of letters in my possession from gentlemen living on that border. In my own city, which is within musket range of the Canadian border, thousands of citizens have been under arms for a long time. We have been in a continual state of alarm for incendiaries, burglars, and robbers. From the commencement it would seem that the Canadian authorities have made up their minds to protect these robbers. As I understand it, a man comes from the South with a commission purporting to be issued by Jeff. Davis. He enlists his robbing parties, crosses the borders, murders and robs, and returns to Canada, where he is protected. These letters which I have in my possession are all bearing upon this point. The one in my hand now is from one of the most respectable citizens of Detroit, a gentleman of great wealth and high political and social position, who earnestly desires to avoid any difficulty with Great Britain at this time. He says: "The anxiety growing out of the mist and doubt encircling every rumour that reaches us is not to be endured; and upon some slight provocation, one of these days, regardless of neutral lines, our people will be found engaged in Canada in some act that the Canadian Government will say is wrong, and sooner or later war will be the result." He says, also, "Will you give this subject your immediate attention, for I think it involves, sooner or later, if not properly managed, war with Great Britain?" Mr. President, I have no expectation of making the Senate comprehend the state of excitement thus announced, and the state of feeling on that border. Vermont may, for aught I know, quietly submit to have her towns robbed and her citizens murdered, but the North-west will not. I offer this Resolution:—

Whereas recent raids have been organised in the Canadas and Nova Scotia, and men enlisted in said British provinces, by men purporting to hold commissions from the rebels of the United States, of burning cities and villages, of piratically capturing merchant-vessels and murdering their crews, and for a general system of murder, arson, robberies, and plunder of the peaceable and unarmed citizens of the United States; and whereas the people of the British provinces seem disposed to protect these thieves, robbers, incendiaries, pirates, and murderers, not only in their individual capacities, but by the quibbles of law; therefore,

"Resolved—That the Committee on Military Affairs be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions."

*Mr. Johnson.*—I object to the Resolution.

*The President pro tem.*—The Resolution will lie over, objection being made.

*Mr. Chandler.*—I had hoped there would be no objection to it. I will now offer another Resolution, which I ask to be referred to the Committee on Commerce.

The Resolution was read, as follows:—

Whereas at the commencement of the present rebellion the United States were at peace with all the governments of the world, and upon terms of comity and good will with Great Britain; and whereas that nation, before the arrival on her soil of our Minister accredited to the Administration of President Lincoln, precipitately acknowledged the rebels as belligerents, thus recognizing their flag upon the ocean, without which recognition it would have been regarded and treated as piratical by all other Powers; and

whereas she then proclaimed perfect neutrality between a Republic with which she had entertained friendly relations for upwards of a half century and its treasonable subjects; and whereas numbers of her subjects, with the knowledge of her government, commenced fitting out British fast-sailing ships, loaded with munitions of war, for the purpose of running into our blockaded ports to the rebels, thus furnishing them the means of organizing and continuing the rebellion, and without which it could not have sustained itself six months; and whereas in addition to the above, and with the knowledge of the Government, British subjects and members of Parliament engaged in the manufacture of piratical English ships, owned by British subjects, manned by British seamen, and sailing under British colours, for the purpose of burning, destroying, and utterly driving from the ocean all peaceful merchant-vessels sailing under the United States' flag; and whereas many private and unarmed American ships have been burned and destroyed by these pirates from English ports, thus causing great loss and damage to the citizens of the United States; therefore,

“Resolved, That the Secretary of State be instructed to make out a list of each ship and cargo thus destroyed, with a fair and separate valuation thereof, and interest thereon, at the rate of six per cent. per annum, from the date of capture or destruction to the date of presentation, and that he be directed to demand from the British Government payment in full for all ships or cargoes destroyed as aforesaid.”

*Mr. Johnson* objected, and the Resolution lies over.

*Mr. Doolittle* wished to have the Resolution in relation to taxation, offered by him on Monday, taken from the table and referred to the Committee on Finance.

No. 33.

*Mr. Burnley to Earl Russell.*—(Received January 2, 1865.)

My Lord,

Washington, December 16, 1864.

I HAVE the honour to inclose copy of a note of the 14th instant which I have received from Mr. Seward, inclosing copy of an instruction addressed under the President's direction to Mr. Adams, United States' Minister in London, on receipt of telegraphic intelligence that the men who attacked St. Albans in the State of Vermont, had been discharged from the custody of the Canadian authorities.

I have forwarded copies to his Excellency the Governor-General of Canada.

I have, &c.

(Signed) J. HUME BURNLEY

Inclosure 1 in No. 33.

*Mr. Seward to Mr. Burnley.*

Sir,

Washington, December 14, 1864.

I HAVE the honour to communicate herewith, for your information, a copy of an instruction of this date which I have under the President's direction addressed to Charles Francis Adams, Esq., the Minister of the United States at London, upon the receipt of telegraphic dispatches from the agents of the United States in Montreal, announcing to me the facts that Samuel Eugene Lackey and others, whose extradition was requested in my note to Lord Lyons of the 21st of November last, upon the charges of murder, robbery, and assault with intent to commit murder within the jurisdiction of the United States, have been discharged from custody, that the money and other property stolen by them has been returned to them, and that they are now at large.

I have, &c.

(Signed) W. H. SEWARD.

Inclosure 2 in No. 33.

*Mr. Seward to Mr. Adams.*

Sir,

Washington, December 14, 1864.

I HAVE just received information by telegraph from Montreal, that the felons who proceeded from Canada into Vermont, and committed the crimes of robbery, burglary and

murder, at St. Albans in that State, and who were arrested in Canada upon a requisition of this Government, under the Xth Article of the Treaty of the 9th August, 1842, have been set at liberty, that the stolen money which was found upon them has been restored to them, and that they are now at large near the border of the United States, in the province aforementioned.

This grave circumstance renders it my duty under the direction of the President to ask whether Her Majesty's Government has taken, or proposes to take, any measures to prevent a renewal of the invasions of the territory and sovereignty of the United States from the border provinces. If such measures have been taken, or are to be taken, this Government desires to know their character, so far as it may be consistent with the interests of Great Britain to communicate the same.

I am, &c.  
(Signed) W. H. SEWARD.

No. 34.

*Mr. Burnley to Earl Russell.—(Received January 2, 1865.)*

(Extract.)

*Washington, December 16, 1864.*

I HAVE the honour to inclose copies of a note of the 12th instant, and its inclosures, which I have received from Mr. Seward, and brought to the knowledge of his Excellency the Governor-General of Canada, relative to some supposed danger of invasion of the United States from Canada.

It has been my duty lately to communicate so often with his Excellency on kindred subjects bearing upon the relations between Canada and the United States, that I am apprehensive if these sources of trouble, all more or less of course fomented and fostered by Southern Agents with the aim of embroiling the two countries, are allowed to exist, that we may expect to see some day some rash move on the part of this people.

Inclosure 1 in No. 34.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, December 12, 1864.*

I GIVE you, for the information of the Governor-General of Canada, a copy of a communication which has just been received from Major-General Dix, showing the existence of imminent danger of invasion of the United States from Canada. I trust that it will receive his Lordship's immediate and effective attention.

I have, &c.  
(Signed) W. H. SEWARD.

Inclosure 2 in No. 34.

*Mr. Dana to Mr. Seward, December 12, 1864.*

[See No. 29.]

Inclosure 3 in No. 34.

*Major-General Dix to Mr. Stanton, December 10, 1864.*

[See Inclosure in No. 29.]

*Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)*

Sir,

*Government House, Quebec, December 15, 1864.*

I HAVE already informed you in the despatches noted in the margin of attacks on the territory of the United States by persons who, after the perpetration of these outrages, have sought refuge in Canada.

Doubts have been raised whether such persons come within the provisions of the Extradition Treaty.

Under these circumstances it has occurred to me that it would be advisable that I should be armed with some further statutory powers to enable me to restrain persons who seek an asylum in Canada from the commission of acts calculated to compromise the neutrality of Her Majesty's dominions.

I venture to call your attention to the Act (Imperial) 11 & 12, cap. 20, as one the provisions of which might be adapted to the exigencies of the present time in Canada, and also to an Act of the Congress of the United States, stat. 11, cap. 31 (1838), on the subject of vessels fitted out on the lakes for hostile purposes.

Should you authorize me to propose Bills similar in their provision to these Acts, or modifications of them, I entertain no doubt that they would be passed by the Provincial Legislature.

I have, &c.  
(Signed) MONCK.

*Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)*

Sir,

*Quebec, December 15, 1864.*

REFERRING to my despatches noted in the margin, I have the honour to report that the prisoners who had been arrested for having taken part in the late attack on St. Albans, in the State of Vermont, and to whom a month's time to procure evidence had been allowed, were discharged at Montreal on Tuesday last, the 13th instant, by the Police Magistrate, Mr. Coursol, on the ground that he had no jurisdiction to hear the case.

I inclose a number of the "Montreal Gazette," containing the Judgment of Mr. Coursol on the question.

It appears that by the Imperial Statute, passed to give effect to the Treaty of Extradition with the United States, 6 & 7 Vict., cap. 76, it is enacted in the 5th section that "if by any law or ordinance to be hereafter made by the legislature of any British colony or possession abroad, provision shall be made for carrying into complete effect within such colony or possession, the objects of this present Act, by the substitution of some other enactment in lieu thereof, then it shall be competent to Her Majesty, with the advice of her Privy Council (if to Her Majesty in Council it should seem meet, but not otherwise) to suspend the operation within any such colony or possession, of this present Act, so long as such substituted enactment shall continue in force there, and no longer."

The Provincial Act to give effect to the Treaty, Consolidated Statutes of Canada, cap. 89, was passed on the 30th May, 1849, and by an Order of the Queen in Council, dated the 8th January, 1850, the operation of the Imperial Act in Canada was suspended in favour of the substituted Provincial Statute.

In 1861 an Act was passed in the Canadian Parliament (24 Vict., cap. 6) repealing certain clauses of the first Provincial Act, and substituting other provisions in their stead.

This amending Act, by an Order of the Queen in Council dated October 11, 1861, was left to its operation.

The argument of the Counsel for the prisoners which was adopted by Mr. Coursol was, that the repeal of the portion of the substituted Provincial Act by the amending Statute of 1861 annulled the suspension of the Imperial Act, and that that Law not having been duly suspended in favour of the amending Act, the proceedings should have been taken under the provisions of the Imperial Act.

I have been advised that the decision of Mr. Coursol is not well founded in law, and fresh warrants have been issued for the apprehension of the discharged prisoners; but I have thought it right also to issue my warrants under the Imperial Statute, so that if

Mr. Courso's decision shall be upheld, proceedings may in that event be taken under the Imperial Act.

I venture to suggest that the opinion of the Law Officers in England should be taken as to the propriety of passing an Order in Council suspending the Imperial Act in favour of the combined provisions of the two Canadian Statutes, and so putting the question to rest at all events, in reference to future cases.

I have, &c.  
(Signed) MONCK.

Inclosure in No. 36.

*Extract from the Montreal "Gazette" of December 14, 1864.*

No. 37.

*Viscount Monck to Mr. Cardwell.—(Received January 2, 1865.)*

Sir,

*Government House, Quebec, December 17, 1864.*

I HAVE the honour to transmit for your information, copies of two approved Minutes of the Executive Council of Canada, showing the steps which have been adopted in order to prevent the formation in this province of plans hostile to the Government of the United States, or calculated to compromise the neutrality of Her Majesty's territories.

I may add that a stipendiary magistrate and a considerable preventive police force have been for some time past on duty in that part of the country which forms the frontier between the United States and Lower Canada.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 37.

*Report of a Committee of the Executive Council, approved by the Governor-General in Council on the 16th December, 1864.*

THE Committee have had under consideration a memorandum, dated the 16th December instant, from the Honourable the Attorney-General, Upper Canada, acting on behalf of the Honourable the Minister of Militia; in his absence, stating that he feels it his duty to call your Excellency's attention to the necessity which exists for the immediate organization of a militia force to be stationed on the frontier in aid of the civil power.

That the late piratical destruction of two American steamers on Lake Erie, by parties some of whom were alleged to have gone from Canada, the marauding incursion into St. Albans, in the State of Vermont, plundering and robbing its peaceful inhabitants, and the ascertained fact that arms and munitions of war have been prepared at Guelph, evidently for the purpose of being used in similar aggressions against the United States, all show that prompt and vigorous measures are called for.

Fears, he states, are entertained by the inhabitants on both sides of the boundary line that illegal combinations are now being organized for a continuation of such aggressions, and the peace, prosperity, and sense of security along the border have thereby been much disturbed, and ill feeling engendered between the people of the two countries.

That he has too much reason to believe that those fears are well-grounded, and that a continuation of such outrages may be expected.

That the combination of bodies of men in Canada, ready with arms to cross the frontier line of Canada, will, if carried into effect, amount to insurrection.

That he, therefore, in the belief that there is immediate danger of such insurrection, submits for the consideration of your Excellency that it will be necessary, with a view to the preservation of peace on the border and to the prevention of such combinations, and the suppression of any such insurrectionary movements, when attempted, to call out for actual service a part of the Canadian Volunteer Militia force.

He further recommends that the number of men to be called out shall not be less

than 1,500, say 30 companies, and that such companies may be organized in such manner as your Excellency may think fit, to be marched to any part of the province where their services may be required.

He further states that the force so called out will thenceforth be subject to the Queen's Regulations, the rules and articles of war, and the Mutiny Act, and all other laws then applicable to Her Majesty's troops in this Province, not inconsistent with the Act respecting the Volunteer Militia force.

Under such regulations or Imperial laws certain arrangements are made as to pay and the lodgings and rations of troops, in respect to which he, the Attorney-General, has the honour to suggest that the following be substituted:—

1. That the daily pay of each officer shall be according to the rate allowed to his rank in Her Majesty's service; but that an officer holding brevet rank shall only receive the pay of his regimental rank; and that any field-officer shall only receive the pay of his rank when acting in that capacity.

2. That the daily pay of each non-commissioned officer and man shall be as follows:—

	Cents.								
Pay sergeant .. .. .	..	..	..	..	..	..	..	..	80
Sergeant .. .. .	..	..	..	..	..	..	..	..	70
Corporal .. .. .	..	..	..	..	..	..	..	..	60
Private .. .. .	..	..	..	..	..	..	..	..	50

That such pay shall be in full, and inclusive of any daily pay to which officers and men might otherwise be entitled under the Queen's Regulations or any Imperial Statutes.

3. That, in lieu of rations and any allowances for lodging, forage, fuel, light, or other expenses or allowances to which officers or men might otherwise be entitled under the Queen's Regulations or Imperial Statutes, the following sums be paid as a daily allowance for each officer and man as follows:—

	\$ c.								
Lieutenant-Colonel (when acting as a field officer) .. .. .	..	..	..	..	..	..	..	..	1 0
Captain .. .. .	..	..	..	..	..	..	..	..	0 76
Lieutenant .. .. .	..	..	..	..	..	..	..	..	0 72
Ensign .. .. .	..	..	..	..	..	..	..	..	0 69
Colour Sergeant .. .. .	..	..	..	..	..	..	..	..	0 55
Sergeant .. .. .	..	..	..	..	..	..	..	..	0 55
Corporal .. .. .	..	..	..	..	..	..	..	..	0 50
Privates .. .. .	..	..	..	..	..	..	..	..	0 50

4. That the aggregate amount payable to each company under the above scales of pay and allowances shall be made monthly, in advance, to each captain commanding a company, under such regulations as to the payment of officers and men, and the providing of board and lodging for the men, not exceeding the allowances specified therefor, and the necessary acquittance rolls for such payments respectively, as may be prescribed by your Excellency.

That such necessary regulations for transport of the force shall be carried into effect as shall be prescribed by your Excellency.

The Committee concur in the Report of the Attorney-General, except as to the allowances, and they recommend that sums not exceeding those suggested by him may be expended for such allowances; but that, if practicable and consistent with efficiency, they should be arranged at a lower scale.

Certified :  
(Signed) WM. H. LEE, C.E.C.

Inclosure 2 in No. 37.

*Report of a Committee of the Executive Council, approved by the Governor-General in Council on the 16th December, 1864.*

ON a Memorandum dated 16th December instant, from the Honourable the Attorney-General for Upper Canada, reporting that the late piratical destruction of two American steamers on Lake Erie by parties some of whom were alleged to have come from Canada, and the fears that are entertained by the inhabitants on both sides of the boundary line between Canada and the United States of America, that illegal combinations are now being organized for the purpose of invasion or depredation, require that additional steps should be taken for the enforcement of the law and the preservation of the public peace.

That such additional steps are required also for the purpose of putting an end to the

nefarious practice of kidnapping, or carrying away by violence Her Majesty's subjects from Canada, with the view to force them to enlist in the American armies, as well as for the purpose of arresting such parties as are engaged in enticing soldiers of Her Majesty's regular service to desert.

That with this view he, the Attorney-General, recommends that a stipendiary Magistrate be appointed holding a commission for the counties of Simcoe, Halton, Wentworth, Lincoln, Welland, Haldimand, Norfolk, Brant, Wellington, Grey, Waterloo, Oxford, Elgin, Middlesex, Perth, Kent, Essex and Lambton, and for the united counties of York and Peel, and of Huron and Bruce, and that he be employed in his magisterial capacity along the line of frontier in those localities, and generally to attend to such matters connected with those duties as may from time to time be prescribed by the Government or the Law Officers of the Crown.

He further recommends that such Stipendiary Magistrate be paid at the rate of six dollars per day and his travelling expenses, and that the same be charged to the administration of Criminal Justice.

He further recommends that the Stipendiary Magistrate be authorized under instructions from him, the Attorney-General, and subject to the approval of your Excellency, to form an efficient police force—preventive and detective—to act under his instructions, and at such a rate of pay as may be hereafter approved of by your Excellency in Council.

The Committee advise that the above recommendations of the Honourable the Attorney-General be approved and acted on.

Certified :  
(Signed) WM. H. LEE, C.E.C.

No. 38.

*Mr. Burnley to Earl Russell.—(Received January 3, 1865.)*

(Extract.)

*Washington, December 19, 1864.*

MY despatch of the 15th instant informed your Lordship that the somewhat hasty order of General Dix, instructing military officers on the frontier to cross the boundary line between the United States and Canada, had been disapproved of.

I have now much pleasure in forwarding to your Lordship the official revocation of this order, published in yesterday morning's papers.

As I was aware of Viscount Monck's anxiety on this point, I telegraphed to him immediately.

With a view of assisting in making matters smooth and calming down the great irritation which exists in the public mind at the present moment, I agreed at an interview Mr. Seward, to telegraph to the Governors of Nova Scotia and New Brunswick and Prince Edward's Island, that they should be upon their guard and not let the men escape through their provinces.

Inclosure in No. 38.

*Extract from "Morning Chronicle" of December 18, 1864.*

*General Orders, No. 100.*

*Head Quarters, Department of the East, New York City,  
December 17, 1864.*

THE President of the United States having disapproved of that portion of Department General Order, No. 97, current series, which instructs all military commanders on the frontier, in certain cases therein specified, to cross the boundary line between the United States and Canada, and directs pursuit into neutral territory, the said instruction is hereby revoked.

In case, therefore, of any future marauding expeditions into our territory from Canada, military commanders of the frontier will report to these head-quarters for orders, before crossing the boundary line in pursuit of the guilty parties.

By command of Major-General Dix.

(Signed) D. T. VAN BUREN.  
*Colonel and Assistant Adjutant-General.*

Official :

CHARLES O. JOLINE, *Major and Aide-de-Camp.*

## No. 39.

*Earl Russell to Mr. Burnley.*

(Extract.)

*Foreign Office, January 4, 1865.*

HIS Majesty's Government approve your proceedings with regard to the recent raid on St. Albans, as reported in your despatch of the 19th ultimo.

## No. 40.

*Viscount Monck to Mr. Burnley.—(Received at Colonial Office, January 5, 1865.)*

Sir,

*Government House, Quebec, December 20, 1864.*

I HAVE the honour to acknowledge the receipt of your despatch and inclosures of December 14, relative to the apprehended attempts of persons hostile to the United States from Canada.

In reply, I have the honour to inform you that I have taken measures for the prevention of such acts by the establishment of a detective Police Force, under special Stipendiary Magistrates, along the border between Canada and the territory of the United States.

I have also called out for permanent duty a strong force of the Volunteer Militia, who are to be stationed on the frontier line.

I trust that these measures will be effectual in preventing any such attempts as those alluded to in your despatch.

I shall feel obliged if you will communicate the substance of this despatch verbally to the Secretary of State of the United States.

I have, &c.  
(Signed) MONCK.

## No. 41.

*Mr. Burnley to Earl Russell.—(Received January 7, 1865.)*

(Extract.)

*Washington, December 23, 1864.*

SINCE my despatches of the 15th and 19th instants were forwarded to your Lordship, I have been in constant telegraphic correspondence with the Governor-General of Canada.

Your Lordship will be gratified to learn that Viscount Monck, by his energetic endeavours in organizing an efficient detective force along the border, has succeeded in arresting one of the raiders, and hopes the others will soon follow.

During the whole of this troublous period, I have deemed it best to be unreserved in my communications with Mr. Seward, as any apparent dilatoriness in letting him know what was going on would only have tended to make matters worse, and I think that what I have done has been appreciated by him.

P.S.—Since the foregoing was written, Viscount Monck informs me of the re-arrest of five of the St. Albans' raiders, including Young, the leader.

## No. 42.

*Mr. Burnley to Earl Russell.—(Received January 7, 1865.)*

My Lord,

*Washington, December 23, 1864.*

I HAVE the honor to transmit to your Lordship herewith copies of a resolution which has been introduced into the Senate by Mr. Chandler, to the effect that the Committee on Military Affairs should be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend the United States' territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions.

I have, &c.  
(Signed) J. HUME BURNLEY.

## Inclosure in No. 43.

*Resolution.*

MR. CHANDLER submitted the following Resolution:—

“Whereas raids have been organized in the Canadas and Nova Scotia, and men enlisted in said British provinces by men purporting to hold commissions from the rebels of the United States, for the purpose of robbing and murdering peaceable citizens of the United States, of burning cities and villages, of piratically capturing merchant-vessels and murdering their crews, and for a general system of murder, arson, robberies, and plunder of the peaceable and unarmed citizens of the United States;

“And whereas the people of the British provinces seem disposed to protect these thieves, robbers, incendiaries, pirates, and murderers, not only in their individual capacities, but by the quibbles of the law: Therefore,

“Resolved—That the Committee on Military Affairs be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations and incursions.”

No. 43.

*Mr. Burnley to Earl Russell.—(Received January 7, 1865.)*

My Lord,

*Washington, December 23, 1864.*

I HAVE the honour to inclose copies of an instruction, with its inclosures, addressed by Mr. Seward to the United States' Minister in London, relative to certain intercepted correspondence of insurgents residing in Canada.

Copies of this correspondence have been communicated by me to Viscount Monk.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 43.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, December 19, 1864.*

I HAVE the honour to communicate, for your information, a copy of an instruction of this Department of the 6th instant, and of its inclosures, addressed to Mr. Adams, United States' Minister at London, on the subject of certain intercepted correspondence of insurgents residing in Canada.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 43.

*Mr. Seward to Mr. Adams.*

Sir,

*Department of State, Washington, December 6, 1864.*

YOU will receive herewith a copy of intercepted correspondence, which will be found to support the protests you have been instructed to offer to Her Majesty's Government against the use of the British provinces on our border as a base for aggressive robbery and murder. The original papers are in my hands. We know that they are genuine. You will use them as shall seem expedient. They are preceded by extracts from a report of Major-General Augur, by whom the bearer of the illicit correspondence was arrested. That report describes the intercepted correspondence.

I have, &c.

(Signed) WILLIAM H. SEWARD.

## Inclosure 3 in No. 43.

*Major-General Augur to Mr. Stanton.*

*Head-Quarters. Department of Washington, 22nd Army Corps,  
Washington, D.C., November 12, 1864.*

\* \* \* \* \*

IN conjunction with Colonel Welles, I have examined the papers found upon his person, and herewith transmit them for the consideration of the War Department. They are as follows, viz., two envelopes and inclosures. The first of these envelopes has no address written upon it, but bears upon its reverse a seal in red wax, impressed apparently by an ordinary signet ring. Though the wax has been somewhat broken, the letters "C. C. C. Jr." on the main portions thereof can be made out. This envelope contains two inclosures. The first is a letter upon a single sheet of white note paper, of a very thin description, like the envelope which contains it. This letter is dated "St. Catherine's, Canada West," and is addressed to "My dear Ginie." It is also marked "No. 20" at its head, but has no signature. At the bottom, on the fourth page, is a sort of postscript marked "H. L. C.," and urging that an immediate answer should be sent. There is also posted at the head of the note a "Personal" cut from some newspaper, addressed to "Mrs. Caroline V. Tracy," and signed "F. E. Lacy." The second inclosure in this envelope is a letter written upon one and a-half sheets of thin blue letter paper; also dated at "St. Catherine's, Canada West," November 1st, addressed to the "Honble. J. P. Benjamin, Secretary of State, Richmond, Va." It relates to the recent attack upon St. Albans, Vermont, and also to one Captain Cole, a rebel officer captured on the United States' steamer "Michigan," and appeals to the Confederate Government to recognise and acknowledge the acts of these parties. This first envelope, and its two inclosures, I have marked letter "A."

The second envelope is also of thin white paper, but bears neither seal nor address. It contains three inclosures, first a thin piece of blank blue paper, covering two letters. The first of these letters is dated "October 31, 1864," without the name of the place at which it was written. It is addressed at the top "My own dearest," and is signed "Your devoted husband," but without the name of the writer.

This letter, as well as its companions in the same envelope, is written upon thin blue letter paper, precisely like that contained in the envelope marked "A." The other letter in this envelope bears neither date nor address at the top, but is headed "Extract from the proposition of — sent forward." It relates to the proposition of a party in the United States to furnish provisions for the rebel army on the Mississippi River, and at places within General Butler's Department. The second envelope and its inclosures I have marked "B."

I have, &c.  
(Signed) C. C. AUGUR.

## Inclosure 4 in No. 43.

*"H. L. C." to "My dear Ginie."*

Printed Advertisement pasted on.

[Mrs. Caroline N. Tracey, care of Major Corner, Macon, Ga. Don't sail or join me unless Lawson says I must stay. I hope to return in November. I have written weekly; none from you since June 30. Have seen Jennie. F. E. LACY.—"Richmond Enquirer and Macon Telegraph." Please copy.]

My dear Ginie,

*St. Catherine's, Canada West, November 1, 1864.*

I AM disappointed, mortified, distressed, and almost distracted this morning, at receiving not one line from you or any kin or friend in Dixie. It is 8 o'clock A.M. I arose one hour ago, dressed, and ran to the P.O. for letters, as our mail from Halifax was due. I returned with three for Rev. — Tucker, for his wife, of 13th, 20th and 30th ultimo, one from his daughter, and two from friends: six letters from home. And thus it has been ever since I reached here. He gets his regular monthly mail, with three or more letters from his wife, and as many from others. I have received one letter from Lawson and two from you since reached Canada—the last dated June 30th. These are all I have gotten in Canada, and six letters from you since leaving you, six months ago, are all ever received. Now, am I not encouraged to write to you, and to write often, by tender

appeal or monitions for intelligence of me? Am I not well repaid for writing regularly every week or ten days to you, determined to take every chance of communicating with you? The only thing I have heard from you, save through others, since yours of June 30th, which reached me 15th of September, was your personal of September 20th, which reached me at Quebec, whither I had gone on business, on October 13th. I immediately inclosed to Jennie my answer to it, and 10 dollars to pay for yours and mine. It did not, however, appear in the news till October 29th; I know not why. It was there addressed to Caroline Tracey. I inclose it, but I hope you will get it and understand. I have also since sent a personal to Colonel H. L. Clay, which I hope he and you will see, inquiring "Can I return at once? If not, let my wife come to me by flag of truce boat, via Washington city, if she can; not otherwise." I was surprised and distressed by your personal. As I told you, the President did not expect me to stay longer than the early part of this month, and you knew it would require quite a month under favourable circumstances to get to me. I could not understand why you should come to me to go back immediately. I inferred either that you had learnt that I was to stay here all the winter, or that you did not hear from me, or that some fresh affliction had come upon you, that made you feel like flying to me for comfort. Oh, what anxiety and suspense I have endured; money cannot compensate for it. If I could only have had a personal every two weeks of about two words only—all well, I should have been quite cheerful. As it is, in utter ignorance of those I love best, whether living or dead, sick or well, in comfort or in want, contented or miserable, I cannot but feel disquieted, anxious and rather unhappy. God grant you and all my dear kin life and health, comfort and content, until we meet again, is my daily and nightly prayer.

I sent you, immediately after getting your letter, by Ben. Young, all the articles you wrote, and several more for yourself, dear Lestia, and Matt. They reached Halifax; were sent by the "Ellen," which got into the port of Wilmington, and I therefore trust have been long since delivered to you by the Express Company, by whom they were to be carried thence. I also sent a magnificent fan, a present for G. W. Sanders, and two very superior pairs of winter shoes, some six or eight weeks since. I again sent you about two weeks ago a package of flannels, balmorals, dresses, stockings, gloves, collars, cuffs, &c.; among them the best black silk I could find here. Accompanying each I have written you at length. The last was the most valuable of the packages sent. I hope you may get them all and enjoy them very much. Some of these last articles were for dear Lestia, as you will see if they ever reach you. Now I shall send this by an underground railroad, addressed to Lawson, who will open, read and forward to you forthwith. I hope too, if you are in Ga., he will telegraph you on receipt of letter that he has it, that I am well, and that he has forwarded it by express, for I mistrust the mails. My health continues very good, notwithstanding my anxiety and distress, and I certainly look better than for many years. I intend, if I am not instructed to remain, to leave here for Halifax by the 20th instant at farthest, and to try my best to get to you as soon thereafter as possible. But Wilmington is so closely blockaded now that it is very hard to get in, and I may be captured in trying to do so; and if Forts Fisher and Caswell are taken, or if the enemy get over the bar with their war vessels, I may have to go to Galveston, Texas, or even to Mexico and across the Rio Grande, which may require some months before you can hear from me. I think I shall try Wilmington if any blockade-runner ventures in after I get to Halifax. If it is desired that I stay here through the winter, you must try to get a safe-conduct and come to me by flag of truce through the United States. I cannot endure the thought of staying here till spring without you. I trust I shall get an answer to my last personal to Lawson, saying "you can return," or "you must stay," so as to settle my purposes. Jake says he means to stay till March, but I won't unless desired by the President. Something may turn up to change my views. I trust Lawson will answer this by the bearer, sealing it as this is, so as to show if it is tampered with. I write on this thin paper and put in as thin an envelope and seal with a friend's seal. Let Lawson say what seal he puts on the answer, and urge the secretaries to give the bearer their answers as soon as possible. L.'s answer need not be signed by him, and may be addressed to J. Bevins Giles, St. C's., C. W. Now I am sure you have written to me twice a month. Try now personals and letters one page long by flag of truce to Mrs. R. E. Coxe (wife of our friends), Poughkeepsie, N. Y., and sign your name distinctly Caroline N. Lacy, so that Mrs. Coxe may know who you are. With love to you and to my kin and servants, and God's blessing to you all, I am as ever yours with more love and reverence than should be given to any earthly creature. Farewell—I hope not a long farewell, my precious darling Cinic.  
—H. L. C.

Hand the within immediately as directed, and try and send answer of L. within twenty-four hours of delivery.

## Inclosure 5 in No. 43.

*Letter addressed to Mr. Benjamin, November 1, 1864.*

[See No. 27.]

## Inclosure 6 in No. 43.

October 31, 1864.

THE party taking this leaves here to-night. If he reaches you safely, he will deliver most important communications from Mr. C. and myself. I must ask you and May to copy mine in large handwriting, that it may be easily and intelligently read. B. will show it to you. If either or both the plans are acceded to, I must remain here during the winter, and therefore I must beg you and Annie to join, if you can come through the North; if not, do not attempt the blockade—it is too perilous, and I should be wretched to think you were coming that way. If these plans, which I have laboured to perfect as I never laboured before in all my life, are not adopted, then I can see no further object in my remaining here, and you need not join me, but I will you as soon as possible. I do not, however, anticipate a refusal by the Department to acquiesce, for all our friends here whom I have consulted consider the plans most eligible and fortunate for this Government; indeed, this will be, in a short time at least, the only course we have left open. If all is well, therefore, I shall expect you to leave as soon as you conveniently can, after you have been informed of the favourable entertainment of the enterprises.

I received all your letters written at Afton, in September, down to your letter of 30th September—the day you returned to Richmond—this morning, and what a glorious comforting treat they were to me! Tell Ned his usual scratch note came, which I managed to read better than usual, and that I will send his letter to Miss K. promptly. Tell him she paid me a visit, talking much with me, and leaving me a shawl for him, which I will send or bring him, when I can. She seems to be very devoted to him. I sent him a letter from her *vid* Halifax or Wilmington.

How thankful I am, my own love, that our kind Father in heaven has preserved our dear boys through so many dangers; and you, my own precious darling M., little A., and dear E. in health and Christian patience, through so many trials and privations. Oh, may He give me a grateful and humble heart, for all his wonderful mercies to me, unworthy-sinful creature that I am! May's letter, by flag of truce of 7th October, is the latest intelligence from you. I shall send a personal directed to letter A. to-morrow, which you may get before this. Do stir A. to attend to my business promptly and energetically, and with life and spirit. I would do as much and a thousand times more for him, were it in my power. I sympathise truly with poor old Tom and his family. Give him my love. How blessed are we in the dispositions and habits of our boys! I hope you have received before this the shirts, hats, cloth, the shoes sent you from Toronto, the cavalry boots and uniform for Tim, and \$50 in American gold, sent you by the Hon. T. P. H., whom I see got safely in, although the steamer was lost and Mrs. Greenhows and other lives.

I have tried to communicate with my dear sister, and send her a little gold, but have been wholly unsuccessful in both. May her Father, to whom she is so faithful, have her and her dear ones, to the third generation, in his holy keeping! I am grieved to hear our noble brave boy is so destitute of clothes, but hope, ere this, his wants have been supplied. I am surprised that the President has not even replied to your application for a cadetship for him. Don't give it up. General Curen Lee might help you. My thumb is entirely well, but I have given it a great turn this morning, having been writing five or six hours without resting. I shall await anxiously replies to these, particularly as reunion with my darling depends upon it. May God bless you all!

Your devoted husband.

## Inclosure 7 in No. 43.

*Extract from the Proposition of — — sent forward.*

HE previously showing me to my entire satisfaction that the parties whom he represents, and is connected with, are powerful and influential with the Government of the United States. He says, Through the influence of the parties referred to, I have arranged to get at least one-half supplies (meat), the other half greenbacks, for all the cotton your (our) Government may feel disposed to part with, the first 5,000 or 10,000 parcels of pork or bacon to be landed at any port Mr. Secretary Seddon may designate on the east

side of the Mississippi, or as much more on the west side, if General Kirby Smith, or any other Confederate commander, needs them. After this delivery the way is perfectly clear to deliver anywhere with General Butler's Department. It must of course be obvious to you (me) that a concession so great was made only with the understanding that it should be kept with the most sacred secrecy, and although it presents upon its face a general rule for the sake of protecting the Executive (Mr. Lincoln), to whom alone we are indebted, the main intention is that it should be carried out by my (his) own friends, and such others as only will be useful to us. In order, then, that we may have the fullest benefit from the arrangement, I would suggest that what may be done shall be done in the name of a single individual or his agents, so far as the delivery of the supplies and the receipt of the cotton are concerned: touching the disposition of the portion paid in funds this can be received and disposed of as you (the Department) may determine, either in the United States or in Europe, or in the Canadas, by instant conversion into sterling. To show how thoroughly the enterprise has been arranged, there are now 10,000 lbs. of pork purchased and ready for shipment the moment the details are perfected, &c.

It was then proposed to get me a pass to go through the lines, but in this I fear they have failed; and that the alternative course has been adopted, to wit, sending the proposal by the hand of Mr. D. Preston Parr or Mr. Inlors. With respect to the plan I would urge through you upon the Department, first, that the only objectionable in it consists in receiving greenbacks for one half of the cotton instead of provisions for the whole, for the reason that it is the policy of the Government (ours) not to trade in the currency of the enemy, or countenance such trade by the people. The wisdom of the regulation in the abstract is clear. Indiscriminate barter in this money would, of course, be seductive and dangerous; but this objection does not obtain with the same force in operations of Government. And if it did, the evil is weakened, if not wholly removed by the fact that these funds need not, would not, enter into the circulation within our own country, but could be paid over to agents designated by our Government, either in the United States, Canada, or Europe, and at once converted into sterling. Thus, then, possession and immediate conversion would place foreign funds at any point desired, either for purchases, payment of interest, &c. &c. Again, the programme submitted commends itself to favourable consideration in that it is indorsed by the highest official in the United States' Government. Certainly if execution and expedition are thus secured, our abilities and facilities for producing this kind of provisions are daily becoming more circumscribed and precarious, by the presence of large armies and their destructive raids in the rural districts. We are left, then, mainly to rely upon what may be introduced through the blockade; and we may be said now to have only one port where the success of blockade-running is at all commensurate with, or superior to, the risk incurred. This port is Wilmington, and we have it from the most indubitable source that herculean efforts will presently be made to capture Wilmington, or failing this to be, to seal far more vigorously her port. Where, then, are we to look for these indispensable supplies, if not through the cupidity and avarice of our enemies? To gratify these is as hateful to me, I trust, as to any compatriot in my land; but starvation, or even scanty or uncertain rations to our patient, enduring, and gallant army, is a more fearful and abhorrent alternative. Under these circumstances, I think it behoves us to embrace the opportunity offered to supply ourselves with the great necessity. I believe it is not [*sic*] the only, the surest, and most expeditious mode of accomplishing the object upon sufficient and certain scale.

The provision question, in this terrible struggle for our national existence, is one of not [*sic*] the greatest we have had to solve; and if my mission shall result in the inauguration of a plan for the certain subsistence of our noble armies, I shall be as thankful to God as if I had achieved a successful military campaign. Should it, on the other hand, be attended with failure (albeit no fault of mine if these plans are not accepted), I shall never feel happy I had not remained to share the discomforts, dangers, and trials of the humblest soldier in our ranks. Independent and aside from this, I have made a contract with a party by which supplies of meat will be furnished at Mobile by written permission of the President of the United States, to the free passage of the blockading fleet at that port. The first steamer has already sailed, but she only carries 300 barrels of pork, the rest assorted cargo; but I am assured by the party "that if there is no delay or difficulty at Mobile the steamers' trips will be hereafter from New Orleans, where cargoes of meat provided from St. Louis will go rapidly in, and receive cotton upon the terms of my order, pound of cotton for a pound of meat." He then proceeds to say, "If this arrangement fails, it will (be) because of difficulties on the other side." Meaning with us. My contract with this party is for the delivery of 5,000,000 lbs., and this is in accordance with the order. But there are other important considerations in this plan. The President authorising the breaking of the blockade. What complications may not be produced by this with foreign

Governments? I gave the party a letter to the military, naval, and civil authorities requesting "safe ingress and egress for any ship or steamer, or vessels of any character with cargoes under the provisions of my contract." Under these circumstances, and Judge O. desiring to send a special messenger home, I have united with him in sending at much expense a young man, whom we believe to be sound and trustworthy. His engagement is to go directly through, deliver these and other papers, and return to us with replies. Accordingly I sent him at once to you, believing that public and personal considerations will impel you to lay them before the Secretary with great promptness, reading them to him yourself, suggesting that he advise the authorities at Mobile without delay of such an arrangement, that this aid and cooperation will be given to such deliveries, &c., &c. You will know by a reference to boyhood's days at the conclusion of this, that it is genuine, and that the party who bears it is "all right." Any replies you have to send let them be written on as thin paper as possible, and sealed with your large seal, that I may be equally secure that the communications are genuine and have not been tampered with. God bless you and yours, and all ours, and deliver us and our bleeding country from the hands of our enemies!

October 3, 1864.

I have seen with my own eyes old Abe's written permission to pass the blockading squadron at Mobile with vessels to take supplies (meat) and bring out cotton.

No. 44.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, January 7, 1865.*

MY despatch of the 3rd of December and others will have already told you by anticipation that Her Majesty's Government are prepared generally to approve the proposals contained in your despatch of the 15th of December

Her Majesty's Government consider it most expedient that you should be armed, with as little delay as possible, with such extraordinary powers as may enable you to deal promptly and effectually with the difficulties incident to the present emergency, and that this should be done by the Provincial Legislature.

It further appears to them that these powers should embrace two objects, viz., the sending of suspected aliens out of the Province, and the seizure of suspected vessels on the British Lakes, and munitions of war of every kind, in which category ought to be included chemical materials adapted to and prepared for the burning of property.

For the first object, they agree with you that the 11 Vict., cap. 20, contains provisions which you can easily adapt to the exigencies of the present emergency; and for the latter object, they think that the Act of Congress referred to by you as well as that of March 10, 1838—passed for the purpose of strengthening the hands of the United States' Government during the Canadian rebellion, to prevent the invasion of Canada by subjects of the United States—would furnish a very proper precedent and model.

They also think it especially desirable that the operation of the proposed Canadian statute should be limited either to a short period of two or three years (as the United States' statute was) or to the duration of the present civil war in America.

I have, &c.

(Signed) EDWARD CARDWELL.

No. 45.

*Viscount Monck to Mr. Cardwell — (Received January 9, 1865.)*

Sir,

*Quebec, December 24, 1864.*

I HAVE the honour to transmit, for your information, a page of the "Royal Gazette," containing a Militia General Order, which I have thought it right to issue in calling out for service on the frontier a portion of the Volunteer Militia of the Province.

I have, &c.

(Signed) MONCK.

## Inclosure in No. 45.

*Extract from "Canada Gazette" of December 24, 1864.*

## VOLUNTEER MILITIA.

*General Order.*

*Head-Quarters, Quebec, December 23, 1864.*

1. REFERRING to the General Order of December 19, his Excellency the Commander-in-chief is pleased to call out for actual service the following companies of the Volunteer Force.

2. These Companies will be formed into three Administrative Battalions, which shall be composed respectively of the following Companies and such others as may be added to each Battalion by any further General Order.

*Western Battalion.*

No. 1. Company from 3rd Battalion Volunteer Militia Rifles, Montreal, Captain J. Bacon.

No. 2. Company, York Rifles, Captain Davis.

No. 3. Company, Brockville Rifles, Major Crawford

No. 4. Company, from 8th Battalion Volunteer Militia Rifles, Quebec, Captain Alley.

No. 5. Company, Brantford Rifles, Captain Grant.

No. 6. Company, Belleville Rifles, Major Levesconte.

*Centre Battalion.*

No. 1. Company, from 2nd Battalion Volunteer Militia Rifles Toronto, Lieutenant John Brown.

No. 2. Company, from ditto, Captain Charles F. Gilmor.

No. 3. Company, from 14th Battalion Volunteer Militia Rifles, Kingston, Major Kelly.

No. 4. Company, Collingwood Rifles, Lieutenant-Colonel Stephen.

*Eastern Battalion.*

No. 1. Company, Woodstock Rifles, Major Richardson.

No. 2. Company, Beachville Rifles, Captain Greig.

No. 3. Company, from 5th Battalion Volunteer Militia Rifles, Quebec, Lieutenant A. Jackson.

No. 4. Company, from 9th Battalion Volunteer Militia Rifles, Quebec, Captain Gingras.

No. 5. Company, 1st Cornwall Rifles, Captain Bergen.

*First (or Western) Administrative Battalion.*

To be Lieutenant-Colonel:—Lieutenant-Colonel Osborne Smith, Commanding Victoria Rifles, Montreal.

To be Major:—Major Augustus Heward, Major Victoria Rifles, Montreal.

To be Adjutant:—Lieutenant William H. Hutton, of Victoria Rifles, Montreal.

*Second (or Centre) Administrative Battalion.*

To be Lieutenant-Colonel:—Lieutenant-Colonel William Smith Durie, Commanding 2nd Battalion or "Queen's Own" Rifles, Toronto.

*Third (or Eastern) Administrative Battalion.*

To be Lieutenant-Colonel:—Lieutenant-Colonel John B. Taylor, Commanding Battalion Oxford Rifles.

To be Captain:—Lieutenant A. Jackson, Adjutant 5th Battalion Volunteer Militia Rifles, Quebec.

6. In calling out for actual service this portion of the Volunteer Force, the Commander-in-chief desires to express the gratification he has experienced at the numerous offers of service he has received from Volunteer Companies all through the province, as soon as it became known that men were required for permanent duty.

7. The Commander-in-chief desires to impress upon the officers, non-commissioned officers and men of the force called out for duty, that they are embodied not for the purpose of warfare, but with the object of aiding the civil power in its efforts to prevent aggression on the territories of a friendly State, on the part of persons enjoying the right of asylum in Her Majesty's dominions, and to maintain, as regards Canada, that complete neutrality with respect to the war now existing in the United States which Her Majesty has enjoined on all her subjects.

8. With these objects in view, it will be the duty of all officers commanding detachments on the frontier to take special care that the territorial rights of the Government of the United States shall be carefully respected, and that no infringement by the men under their command shall under any circumstances take place of such regulations for the security of their borders as may be made from time to time by that Government.

9. It will be the duty of officers, should suspicious circumstances be brought under their observation, immediately to report any such to the Civil authorities, and to place themselves under their guidance.

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief.

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Lower Canada.*  
WALKER POWELL, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Upper Canada.*

*Head Quarters, Quebec, December 19, 1864.*

VOLUNTEER MILITIA.

*General Orders.*

(No. 1.)

His Excellency the Commander-in-chief is pleased to state that he has given orders to call out for actual service, under the provisions of "The Volunteer Militia Act," a part of the Volunteer Militia of this province, and that the same will consist of thirty companies of rifles or infantry to be hereafter named.

(No. 2.)

His Excellency desires that all officers commanding battalions, and officers commanding companies (not in battalion) will forthwith increase the strength of their several companies of rifles or infantry to sixty-five non-commissioned officers and men, and will hold themselves in readiness for immediate actual service, when his Excellency may see fit to call out the same or any part thereof.

(No. 3.)

His Excellency has been pleased to disband Captain Herring's Company of the 9th Battalion Volunteer Militia Rifles or "Voltigeurs de Québec."

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief.

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Lower Canada.*  
WALKER POWELL, *Lieutenant-Colonel, Deputy-Adjutant-General of Militia, Upper Canada.*

No. 46.

*Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)*

Sir,

*Quebec, December 24, 1864.*

I HAVE the honour to inform you that five out of the thirteen persons concerned in the late attack on St. Albans, in the State of Vermont, of whose discharge I apprised you in my despatch of the 15th December, have been re-arrested under warrants issued for their apprehension by a Judge of one of the Superior Courts.

They are now in custody at Montreal awaiting examination.

I have, &c.

(Signed) MONCK.

No. 47.

*Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)*

Sir,

Quebec, December 24, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of the 3rd instant, respecting the necessity for further statutory powers to enable me to meet the case of persons who make the soil of Canada the scene of their hostile preparations against the territory of the United States.

I have already, in my despatch of the 15th instant, brought before you my opinion, which is shared by my Law Officers, on this question, and stated the nature of the powers with which I think it advisable I should be armed under existing circumstances.

My object in writing on this subject was to obtain authority from you to propose legislation of this sort immediately on the meeting of Parliament.

I consider that your despatch gives me the required sanction, and it is the intention of my Government, as soon as Parliament shall have met, to propose to it the enactment of laws for the summary removal of suspected foreigners, and for the summary detention of suspected ships.

I have a strong conviction that the existence of these legal powers, combined with some additional means of enforcing the laws of neutrality on the Western Lakes, will render the exercise of them unnecessary, except in very rare instances.

I have, &c.  
(Signed) MONCK.

No. 48.

*Viscount Monck to Mr. Cardwell.—(Received January 9, 1865.)*

Sir,

Quebec, December 30, 1864.

IN my despatch of the 7th instant I transmitted to you copies of a note and of its inclosures that I had received from Lord Lyons relative to an alleged military organization in Prince Edward's County, Canada West, of fugitives from the United States.

I have now the honour to acquaint you that the result of the strict inquiry that I directed to be made on the subject is that no traces of such an organization can be discovered, and of this I have informed Mr. Burnley.

I have, &c.  
(Signed) MONCK.

No. 49.

*Earl Russell to Mr. Burnley.*

Sir,

Foreign Office, January 10, 1865.

HER Majesty's Government approve your proceedings relative to the questions arising out of the St. Alban's raid, as stated in your despatch of the 23rd of December.

I am, &c.  
(Signed) RUSSELL.

No. 50.

*Mr. Cardwell to Viscount Monck.*

My Lord,

Downing Street, January 11, 1865.

I LEARN with satisfaction from your Lordship's despatch of the 24th of December, that five of the persons concerned in the recent attack on St. Albans, Vermont, have been re-arrested, and are in custody at Montreal awaiting examination.

I have, &c.  
(Signed) EDWARD CARDWELL.

No. 51.

*Viscount Monck to Mr. Cardwell.*—(Received January 12, 1865.)

Sir, *Quebec, December 31, 1864.*  
 I HAVE the honour to inclose for your information copies of despatches and other documents noted in the margin relative to apprehended attacks from Canada on the Michigan frontier.

I have, &c.  
 (Signed) MONCK.

Inclosure 1 in No. 51.

*Mr. Burnley to Viscount Monck.*

My Lord, *Washington, December 5, 1864.*  
 THE Secretary of State of the United States has requested me to transmit to your Excellency the accompanying copy of a Memorial addressed to him by W. A. Howard, Esq., on behalf of the people of Michigan living on the frontier adjacent to the British possessions, in relation to their exposed condition, in consequence of the danger of hostile proceedings by evil-disposed persons collected on the Canada side.

I have, &c.  
 (Signed) J. HUME BURNLEY.

Inclosure 2 in No. 51.

*Memorial.*

The Honourable Secretary of State.

THE Undersigned on behalf of the people of Michigan living on the frontier, respectfully represent that the border from Lake Erie to Lake Huron, a distance of eighty miles, is much exposed to raids from evil-disposed persons collected on the Canada side. From Lake Erie to Lake St. Clair, a distance of thirty miles, is only a river; and from Algonac at the mouth of the St. Clair river to Lake Huron, some twenty-five or thirty miles over border, is separated only by St. Clair river. A large volunteer police force may measurably protect Detroit and the Detroit river below the city; but Port Huron and the villages of Algonac and St. Clair, and indeed the border on the whole length of the St. Clair river is greatly exposed. It is respectfully asked that the Government take such measures as will effectually prevent robbers and raiders from visiting the border along the St. Clair river.

*Washington, December 2, 1864.*

(Signed) WILLIAM A. HOWARD.

Inclosure 3 in No. 51.

*Viscount Monck to Mr. Burnley:*

Sir, *Quebec, December 12, 1864.*  
 I HAVE the honour to acknowledge the receipt of your despatch of the 5th instant, transmitting to me at the request of the Secretary of State of the United States the Memorial of W. A. Howard, Esq., on the part of the people of Michigan living on the frontier adjacent to the British possessions, in relation to their apprehension of danger from hostile proceedings by evil-disposed persons collected on the Canadian side.

I have to request you will assure the Secretary of State of the United States that the subject referred to has engaged and will continue to engage the anxious attention of the Canadian Government, with a view to prevent any violation of the neutrality of Her Majesty's dominions.

I have, &c.  
 (Signed) MONCK.

## Inclosure-4 in No. 51.

*Mr. Burnley to Viscount Monck.*

My Lord,

*Washington, December 24, 1864.*

WITH reference to the correspondence which has taken place between your Excellency and this Legation relative to a Memorial of W. A. Howard, Esq., on the part of the inhabitants of Michigan in regard to their apprehension of danger from rebel emissaries in Canada, I have the honour to transmit to your Excellency a copy of despatch which I have received from the Secretary of State of the United States stating that your Excellency's proceedings in the matter are highly appreciated by the United States' Government.

I have, &amp;c.

(Signed) J. HUME BURNLEY.

## Inclosure 5 in No. 51.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, December 22, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, which is accompanied by a copy of a despatch from his Excellency the Governor-General of Canada, relative to a Memorial of W. A. Howard, Esq., on the part of the inhabitants of Michigan in regard to their apprehension of danger from rebel emissaries in Canada. The proceedings of Lord Monck therein mentioned are highly appreciated by this Government.

I have, &amp;c.

(Signed) WILLIAM H. SEWARD.

## No. 52.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, January 14, 1865.*

WITH reference to the recent judgment of Mr. Coursol, communicated to me in your despatch of the 15th of December, in the case of the so-called St. Albans raiders, I have the honour to inform you that Her Majesty will be advised to issue an Order in Council to remove doubts respecting the suspension in Canada of the operation of the Imperial Act 6 & 7 Vict., cap. 76, entitled "An Act for giving effect to a Treaty between Her Majesty and the United States of America for the apprehension of certain offenders."

I have, &amp;c.

(Signed) EDWARD CARDWELL.

## No. 53.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, January 14, 1865.*

WITH reference to my despatch of the 24th ultimo, I have to acquaint you that Her Majesty's Government are desirous to receive any information which you may be able to communicate as to the truth of the allegations made by the prisoners lately in confinement at Montreal, upon the charge of having been concerned in the St. Albans raid.

Her Majesty's Government understand them to have stated that the expedition to St. Albans was not organised in Canada; that the orders and instructions to make the attempt were received by Mr. Young, a commissioned officer in the service of the so-styled Confederate States, in August 1864, at Chicago, in the United States. I should be glad to be informed whether this statement is confirmed, whether they appear to have entered Canada before going to St. Albans, and to receive all the information with which it is in your power to supply me as to their proceedings.

I have, &amp;c.

(Signed) EDWARD CARDWELL.

No. 54.

*Mr. Burnley to Earl Russell.—(Received January 17.)*

My Lord,

Washington, January 2, 1865.

I HAVE the honour to forward to your Lordship copies of a note of a confidential nature, and of its inclosures, which I have received from Mr. Seward, relative to the proceedings of Jacob Thomson, an insurgent enemy of the United States in Canada, and to those of one Holcombe, in organizing, aiding, and abetting hostile expeditions against the United States.

I have, at the same time, communicated copies of the note and inclosures to his Excellency the Governor-General of Canada.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure in No. 54.

*Mr. Seward to Mr. Burnley.*

Sir,

Department of State, Washington, December 30, 1864.

I HAVE the honour to inclose, for the information of Her Majesty's Government, a copy of depositions which were communicated to me on the 22nd instant, relative to the proceedings of Jacob Thomson, an insurgent enemy of the United States, in Canada, and to those of one Holcombe, and others, in organizing, aiding, and abetting hostile expeditions against the United States. I will thank you to communicate the information to his Excellency Viscount Monck, but I must request you to cause the names of the deponents to be regarded as confidential.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

No. 55.

*Viscount Monck to Mr. Cardwell.—(Received January 17, 1865.)*

Sir,

Government House, Quebec, December 29, 1864.

REFERRING to my despatches of the 17th, 20th, and 24th instant, I have the honour to report that in pursuance of the General Order of the 19th December the thirty companies of volunteers called out for duty have been embodied in three administrative battalions of ten companies each, the head-quarters of which are stationed respectively at Windsor, Niagara, and La Prairie.

The companies are all sixty-five strong, exclusive of officers.

You will perceive by the copies of the several General Orders, that the companies have been so selected as to give all parts of the province an opportunity of contributing to the force embodied.

I have also so arranged that the volunteers from Eastern Canada should, as much as possible, be stationed in Canada West, and *vice versa*.

These modes of proceeding caused some slight delay in getting the force to its destination, but I think it is not a little creditable to the Volunteers and to those who conducted the arrangements that the first intimation the force received that their services would be required was by the General Order of December 19th, and that the three battalions are now at their respective stations; some of the companies of which they are composed having had to travel a distance of nearly 700 miles in order to reach their destinations.

If it had not been that I wished to allow the men to spend the Christmas-day with their families, the operation would have been performed in even a shorter time.

I have not heard of a single case of misconduct amongst the men in the course of their journey, and I am informed that everything was conducted with as much order and regularity as could have been expected had the battalions been composed of regular troops.

I have had offers of service from numerous corps all over the province, and I should have no difficulty were it desirable in raising a large force.

I have the honour to transmit a copy of the "Gazette," containing a General Order

completing the embodiment of the force, and also one placing it under the military command of the Lieutenant-General Commanding in British North America.

I have, &c.  
(Signed) MONCK.

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Inclosure in No. 55.

*Extract from the "Canada Gazette" of December 31, 1864.*

VOLUNTEER MILITIA.

*General Order.*

*Head-Quarters, December 30, 1864.*

1. WITH reference to the General Order of the 23rd instant, his Excellency the Commander-in-chief is pleased to call out for actual service the following Companies of the Volunteer Force.

2. These Companies will be added to the three Administrative Battalions named in the said General Order, as follows, viz. :—

*First (or Western) Administrative Battalion.*

One Company from 1st or "Prince of Wales" Battalion Volunteer Militia Rifles, Montreal, Captain Frank Bond.

One Company from 20th Battalion Volunteer Militia Infantry, St. Catharines, Captain W. Hamilton.

One Company from 5th Battalion (Royal) Light Infantry, Montreal, Captain Walter Scott.

The Dunnville Rifle Company, Major Amsden.

The head-quarters of this Battalion will be at Windsor until further orders.

The Captain commanding the Company from Victoria Volunteer Rifles, Montreal, gazetted to this Battalion by the General Order of the 23rd instant, should have been "Captain W. T. McGrath," and not "Captain J. Bacon," as therein stated.

*Second (or Central) Administrative Battalion.*

The Simcoe Rifle Company, Captain Tisdale.

The Barrie Rifle Company, Captain McKenzie.

The Whitby Rifle Company, Major Wallace.

The Scarborough Rifle Company, Captain Norris.

The Lacolle Infantry Company, Captain Force.

The Hemmingford Infantry Company, Captain McNaughton.

To be Major :—Lieutenant-Colonel Alex. R. Stephen, from Collingwood Rifle Company.

To be Adjutant, with rank of Lieutenant :—Ensign Fred. E. Dixon, from Queen's Own Rifles, Toronto.

To be Paymaster :—Maxwell William Strange, Esquire (Lieutenant-Colonel Sedentary Militia unattached), with the honorary rank of Captain in the Volunteer Militia Force.

To be Captains :—Lieutenant John Brown, vice Macdonald, resigned; Lieutenant George Moberly, from Collingwood Rifle Company.

The head-quarters of this Battalion will be at Niagara until further orders.

*Third (or Eastern) Administrative Battalion.*

One Company from Montreal Light Infantry, Captain James W. Taylor.

One Company from "Chasseurs Canadiens," Montreal, Captain Ludger Labelle.

One Company from "Hochelaga Light Infantry," Montreal, Captain Robert Wall.

The Megantic Rifle Company, Major Barwis.

One Company from Richelieu Light Infantry, St. Johns, Captain René Horace Porlier.

To be Major :—Major Hugh Richardson, of the Oxford Rifles.

To be Adjutant, with the rank of Ensign :—Alexander Becher, Gentleman.

To be Lieutenant :—A. G. Irvine, Gentleman.

To be Ensign :—Ensign William Cross.

The head-quarters of this Battalion will be at Laprairie until further orders.

3. His Excellency the Governor-General and Commander-in-chief is pleased to place the first, second and third Administrative Battalions of Volunteers now on actual service, under the command of his Excellency Lieutenant-General Sir W. F. Williams, Baronet, K.C.B., commanding Her Majesty's Forces in British North America.

4. Officers commanding the several Battalions will therefore receive their orders from the Lieutenant-General commanding, and will report direct to such officers as the Lieutenant-General shall appoint.

5. All requisitions and returns of the Paymasters of the several Battalions will be made directly to the Adjutant-General of Militia.

By command of his Excellency the Right Honourable the Governor-General and Commander-in-chief,

(Signed) A. DE SALABERRY, *Lieutenant-Colonel, Deputy Adjutant-General of Militia, Lower Canada.*  
WALKER POWELL, *Lieutenant-Colonel, Deputy Adjutant-General of Militia, Upper Canada.*

No. 56.

*Viscount Monck to Mr. Cardwell.—(Received January 17, 1865.)*

Sir, *Government House, Quebec, December 31, 1864.*  
REFERRING to my despatch of December 20, I have the honour to transmit for your information copies of a despatch and of its inclosure which I have this day received from Her Majesty's Chargé d'Affaires.

I have, &c.  
(Signed) MONCK.

Inclosure 1 in No. 56.

*Mr. Burnley to Viscount Monck.*

My Lord, *Washington, December 26, 1864.*  
I HAVE to acknowledge the receipt of your Excellency's despatch of the 20th instant, informing me of the measures which your Excellency had taken to prevent apprehended attempts of persons hostile to the United States from Canada.

On receipt of your Excellency's despatch, I saw Mr. Seward and communicated to him verbally the information thus conveyed, and at his request sent him afterwards a Memorandum on the subject, copy of which I have the honour to inclose.

Mr. Seward begged me to thank your Excellency, and to state how highly he appreciated the efforts made to induce a good understanding between the two Governments.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure 2 in No. 56.

*Memorandum.*

RELATIVE to the apprehended attempt of persons hostile to the United States from Canada, Viscount Monck informs me that he has taken measures for the prevention of such acts by the establishment of a detective police force under special stipendiary magistrates along the border between Canada and the territory of the United States.

Viscount Monck has also called out for permanent duty a strong force of the Volunteer Militia, who are to be stationed on the frontier line.

These measures Viscount Monck hopes will effectually prevent any such attempts as those alluded to.

*British Legation, Washington, December 26, 1864.*

## No. 57.

*Mr. Burnley to Earl Russell.*—(Received January 17.)

My Lord,

Washington, January 2, 1865.

WITH reference to my despatches of the 13th and 16th of December last, on the subject of an alleged military organization in Canada of fugitives from the United States, I have the honour to forward to your Lordship a copy of a despatch from Viscount Monck, together with a copy of a letter from the Attorney-General of Canada, stating that upon the strictest inquiry no traces of such an organization could be discovered.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 57.

*Viscount Monck to Mr. Burnley.*

Sir,

Government House, Quebec, December 26, 1864.

WITH reference to your despatch of 30th November, on the subject of an alleged military organization in Canada of fugitives from the United States, I have the honour to transmit to you, for the information of the Government of the United States, a copy of a letter from Mr. Attorney-General Macdonald, in which he states the steps that were taken for investigating the matter. You will observe that upon the strictest inquiry no traces of such an organization could be discovered.

I have, &c.  
(Signed) MONCK

Inclosure 2 in No. 57.

*Mr. Macdonald to Mr. Godley.*

Department of Attorney-General for Upper Canada,  
December 24, 1864.

Sir,

WITH reference to your letter of the 6th instant, transmitting a copy of a despatch from Lord Lyons, with its inclosures, and of the reply of his Excellency the Governor-General, relative to the alleged organization and drilling in the county of Prince Edward, of fugitives from the United States, I have the honour to inform you, for the information of his Excellency the Governor-General, that immediately on receipt of your letter, a telegraphic despatch was transmitted by me to the County Crown Attorney of the county of Prince Edward, desiring his immediate attention to the matter.

I have further to state that that officer immediately proceeded to make inquiries into the allegations made, and that he has since reported that though such inquiries were made in different quarters, he can discover no traces of any such organization, and that he feels confident that the Prince Edward is free from any such illegal combinations, and that others with whom he has communicated on the subject concur in that opinion.

I have, &c.  
(Signed) JOHN A. MACDONALD.

No. 58.

*Mr. Cardwell to Mr. Gordon.\**

Sir,

Downing Street, January 21, 1865.

ADVERTING to the recent events which have occurred on the Canadian frontier, deem it advisable to place you in possession of a correspondence between myself and Lord Monck, relative to the additional legal powers with which Her Majesty's Government consider it advisable that he should be armed to enable him to deal effectually and promptly with any acts tending to compromise Her Majesty's neutrality.

\* A similar despatch was addressed to the Lieutenant-Governor of Nova Scotia.

Her Majesty's Government are very desirous that the duties attaching to a neutral Power should be punctually performed throughout Her Majesty's dominions; and they wish you to bring under the notice of your advisers the measures proposed in Canada, in order that you may consider with them the propriety of proposing similar measures for New Brunswick.

I have, &c.  
(Signed) EDWARD CARDWELL,

No. 59.

*Mr. Cardwell to Viscount Monck.*

My Lord,

*Downing Street, January 23, 1865.*

I HAVE the honour to acknowledge your despatches of the 20th, 24th and 29th ultimo, acquainting me with the various steps which you are taking with the advice of your Council in order to secure the observance of a strict neutrality on the frontier of the United States and Canada.

Her Majesty's Government entirely approve of all the measures which you have reported to me; and I have particular pleasure in noticing the excellent spirit and orderly conduct of the Canadian Volunteers. I hope you will take some fitting opportunity of informing them that the promptitude with which they have answered your appeal is appreciated by Her Majesty's Government.

I have, &c.  
(Signed) EDWARD CARDWELL.

No. 60.

*Mr. Burnley to Earl Russell.—(Received January 31.)*

My Lord,

*Washington, January 16, 1865.*

I HAVE the honour to inclose copies of correspondence between Mr. Seward, the Lieutenant-Governor of New Brunswick, and myself, relative to the action of the Provincial Legislature in cases of extradition as bearing upon a recent requisition of Mr. Seward for the surrender of the St. Albans raiders should they be found within the limits of that province.

The same course has been followed with New Brunswick as is usually followed with the Canadian provinces, but their mode of proceeding would appear to be different.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 60.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, December 19, 1864.*

CREDIBLE information having been received at this Department that some of the parties recently improperly discharged from custody at Montreal where they were held under arrest upon the charges of murder, robbery, and assault with intent to commit murder, at St. Albans, Vermont, are now fugitives from the justice of the United States in the Province of New Brunswick, I have the honour to request through you, Sir, that upon the apprehension and commitment of the said fugitives, or any of them, within the Province of New Brunswick, or elsewhere within the jurisdiction of Her Britannic Majesty's Government, the Lieutenant-Governor of that province will, in virtue of the provisions of the Xth Article of the Treaty of Washington, be pleased to issue the necessary warrant for their delivery to any person duly authorized to receive them and bring them back to the United States for trial.

The names of these fugitives are as follows:—Samuel Eugene Lackey, Squire Turner Teavis, Charles Mofe Swager, George Scott, Bennett H. Young, Caleb Mc Dowall Wallace, James Alexander Doty, Joseph Mc Grorty, Samuel Simpson Gregg, Dudley Moore, Thomas Bronsdon Collins, Marcus Spurr, Alexander Pope Bruce, and William H. Hutchinson.

I have the honour to refer you to the papers which accompanied my note of the 21st ultimo in regard to these criminals, and to be, &c.

(Signed) W. H. SEWARD.

Inclosure 2 in No. 60.

*Mr. Burnley to Lieutenant-Governor Gordon.*

Sir, Washington, December 20, 1864.

I HAVE the honour to transmit to your Excellency a copy of a note which I have received from the Secretary of the United States with reference to certain of the St. Albans raiders who are supposed to be in the Province of New Brunswick.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure 3 in No. 60.

*Lieutenant-Governor Gordon to Mr. Burnley.*

(Extract.)

*Fredericton, December 29, 1864.*

I HAVE had the honour this morning to receive your despatch of the 20th instant, inclosing a copy of a note from the Secretary of State of the United States, requesting the extradition of certain parties therein named.

Requisitions under the provisions of the Ashburton Treaty for the surrender of criminals who have taken refuge in this province have hitherto been invariably made directly to the Lieutenant-Governor of the province through the United States' Consul at St. John, or the Governor of the State in which the offence was committed, and with a view to securing the object desired, I should venture to recommend that the precedents in this respect should be adhered to, as it is far from impossible that the note of the Secretary of State might be considered in our Courts of Law as not a formal requisition under the Treaty. I do not myself share this opinion, and should be ready to issue my warrant on the notification received from you; but, in such cases, it is well to take no steps by which, if taken, the subsequent proceedings may incur a risk of being vitiated.

I must, however, point out the entire inutility of my issuing my warrant, or of attempting to arrest the parties (if in New Brunswick) until I have been placed in possession of evidence to adduce against them. At the present moment any magistrate before whom they might be brought must inevitably order their discharge. He would call on whatever Counsel may be entrusted with the prosecution of the case for evidence such as would be required to enable him to commit for trial, had the offence been committed within his own jurisdiction. But none such could be offered, as except the statement in the copy of Mr. Seward's note, not even any *prima facie* evidence is adduced as to the connection of the parties named with the offence committed, and they would necessarily be at once set at liberty.

It is provided that copies of the depositions originally taken may, in such cases, be received as evidence, and if I learn that such documents have been forwarded, or are on the point of being forwarded, I will at once take whatever steps are in my power for bringing the alleged criminals to justice.

I may remark, however, that I have received no information which leads me to believe that the parties named are in this province, but I have to request that you will inform Mr. Seward that I have given stringent directions to the police to ascertain whether such is the case, and in the event of the discovery of any of these individuals, to maintain a careful watch upon them, until I am in a position to proceed against them with more probability of effecting their extradition than is now the case.

Inclosure 4 in No. 60.

*Mr. Burnley to Mr. Seward.*

Sir, Washington, January 7, 1865.

WITH reference to your note of 16th ultimo, which you did me the honour to address to me respecting the extradition of the St. Albans raiders with a view to its being

communicated to his Excellency the Lieutenant-Governor of New Brunswick, I would beg leave to lay before you copy of a despatch which I have received in reply from his Excellency as to the necessity of some more convincing evidence being brought forward than what your simple note of requisition contained before the parties can be fairly brought to trial, should they be within the Lieutenant-Governor's jurisdiction, which appears not to be the case at present.

In view of the re-arrest of most, if not all of the raiders, I would leave it to you to decide whether it is necessary to act upon the suggestions of his Excellency, and avail myself, &c.

(Signed) J. HUME BURNLEY.

Inclosure 5 in No. 60.

*Mr. Seward to Mr. Burnley.*

Sir, *Department of State, Washington, January 12, 1865.*

I HAVE the honour to acknowledge the receipt of your note of the 7th instant, together with a copy of a despatch from the Lieutenant-Governor of New Brunswick, in reply to my communication of the 16th ultimo to you respecting the extradition of the St. Albans raiders, a copy of which you were pleased to submit to his Excellency. In reply, I have the honour to state that the requisition under the Treaty for fugitives from the United States in the British Provinces is always in the form of a note from this Department to Her Majesty's Legation.

The object and effect of this are merely a notice to the Executive Authorities of the Provinces, that when the fugitives claimed shall have been judicially prosecuted under either the Act of the Imperial Parliament or under any Provincial Act for carrying the Treaty into effect, and the proper magistrate shall certify to the Executive Authority that there is sufficient cause for the surrender of the fugitive, the surrender may be made accordingly. Nothing more has been expected in the cases of the St. Albans raiders, who are supposed to be skulking in the Province of New Brunswick.

It is the duty of this Government to apply to the proper authorities there for their arrest and examination, and to furnish proof that they are subject to extradition according to the Treaty.

I have, &c.  
(Signed) W. H. SEWARD.

Inclosure 6 in No. 60.

*Mr. Burnley to Lieutenant-Governor Gordon.*

Sir, *Washington, January 14, 1865.*

ON receipt of your despatch of the 29th ultimo relative to the extradition question of the St. Albans raiders, I put myself in communication with the Secretary of State of the United States and communicated to him a copy of your above-mentioned despatch.

I have the honour now to inclose a copy of his answer.

I have, &c.  
(Signed) J. HUME BURNLEY.

No. 61.

*Mr. Burnley to Earl Russell — (Received January 31.)*

My Lord, *Washington, January 16, 1865.*

WITH reference to your Lordship's despatch of the 17th December, inclosing copies of instructions which had been addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department, on the subject of the recent attack on St. Albans, Vermont, I have the honour to inclose copy of a note which I communicated to Mr. Seward, in obedience to the instructions contained in the above-mentioned despatch.

I have, &c.  
(Signed) J. HUME BURNLEY.

Inclosure in No. 61.

*Mr. Burnley to Mr. Seward.*

Sir,

*Washington, January 3, 1865.*

HER Majesty's Government have taken into their most serious consideration the various occurrences which have taken place in connection with the recent attack on St. Albans, Vermont; and I am now commanded to communicate to you the general tenor of the instructions addressed to the Governor-General of Canada by Her Majesty's Secretary of State for the Colonial Department, as laid down in a despatch forwarded to his Excellency on the 3rd ultimo, and which I do myself the honour of inclosing.

With regard to the depositions taken in the case of the late attack, and referred to the Law Officers of the Crown, Viscount Monck has been instructed, under date of the 9th and 16th ultimo, to be guided by the decision of the proper legal authorities in Canada, whether the persons in custody ought or ought not to be delivered up under the Treaty of Extradition. If that decision shall have been that they ought, Her Majesty's Government would entirely approve of Viscount Monck's acting upon this decision. But, if on the contrary, the decision shall have been that they ought not, Her Majesty's Government consider that the opinion of Viscount Monck's legal advisers should be taken, whether, upon the evidence and other information in the possession of the Canadian Government, these persons may not properly be put upon their trial on a charge of misprision and violation of the Royal prerogative, by levying war from Her Majesty's dominions against a friendly Power.

Unless the Canadian Law Officers should see reason to the contrary, Her Majesty's Government direct that Viscount Monck should, in the case supposed, retain the prisoners in custody, and bring them to trial for that offence. Her Majesty's Government further consider that such a decision of the Legal Authorities of Canada would furnish a strong argument for the expediency of arming the Canadian Government as promptly as possible, with such additional legal powers as are referred to in the despatch of the 3rd ultimo.

Throughout the whole of these unfortunate occurrences Viscount Monck's conduct has been entirely approved of, and Her Majesty's Government rely with confidence on his having used and continuing to use all the powers at his disposal to prevent the successful execution of whatever schemes may be planned against the neighbouring friendly soil of the United States.

I am, &c.  
(Signed) J. HUME BURNLEY.

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## APPENDIX (A).

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### Correspondence respecting the Capture of the United States' ship "Roanoke."

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No. 1.

*Lieutenant-Governor Hamley to Mr. Cardwell. (Received November 22, 1864.)*

(Extract.)

*Bermuda, October 28, 1864.*

ABOUT the 6th instant, rumours were in circulation of an American ship of war, then said to belong to the United States, hovering about our coasts. On that day the Consul for the United States of America informed me that the ship said to be in the offing belonged to the Confederate States, that there was an intention to coal and man her by stealth from Bermuda, and that an enlistment for a warlike purpose had taken place in these islands.

This information was unsupported by such testimony as would have warranted the interference of the Executive Government, and was moreover vague and obscure. So many rumours, however, of clandestine proceedings seemed at any rate to call for vigilance, and I accordingly notified to the Police Magistrate and Revenue Officer at St. George's that I had reason to suspect that a breach of the Foreign Enlistment Act had taken place, or was intended. I desired the former officer to enjoin on the police the utmost vigilance to prevent a breach of the law, and the latter to take measures for preventing any steamer from leaving St. George's Harbour on the night between the 6th and 7th, without being searched. I also warned a military party to be in readiness to support the Civil power if necessary.

I continued in correspondence with the United States' Consul, and with the Police Magistrate and Revenue Officer, up to the 8th instant, but received no evidence sufficient to justify the application of the power of the law.

At midnight between the 8th and 9th instant I was informed by express of the brigantine "Mathilde" having returned to the port of St. George's, forcibly laden with the crew, passengers, baggage, &c., of the United States' mail-steamer "Roanoke," which had been captured at sea by persons who had gone on board her as passengers, but who afterwards turned out to be in the service of the Confederate States. The story as it first reached me was unsupported by legal proof, but early on the morning of the 9th, the United States' Consul arrived at Government House bearing a protest made before a notary by the Chief Mate and the Purser of the United States' steamer "Roanoke," against the seizure of that ship by one Brain and others on the high seas.

While the Consul was with me, I was informed by telegram that the "Roanoke" had been set on fire, and that her officers and crew had landed.

Immediately after dismissing the United States' Consul, I consulted the Attorney-General. I then decided to go forthwith to St. George's, accompanied by that officer.

While on my way thither, I was informed by express that certain persons who had landed from the burning ship had been taken into custody by the police on suspicion, and in obedience to my general instructions of the 6th instant; also that a quantity of cigars had been seized.

About midday of the 9th I arrived at St. George's, accompanied by the Attorney-General. This brings the account down to the term at which the Attorney-General's Report takes it up.

It remains to be told in connection with the proceedings that on the 12th instant the United States' Consul addressed to me a letter complaining that he had, on the 10th

instant, made a request to the police magistrate that the persons implicated in the above affair should be arrested, and dealt with in accordance with the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; and that he has inclosed an affidavit setting forth his belief in a charge of piracy against them, but that he was not aware that any action had been taken in the matter, and that the parties were still at large. In reply I informed the Consul that having referred his letter and also an explanatory one from the police magistrate to the Attorney-General, I was advised that the course pursued by him was not such as would warrant me in taking a proceeding under the Treaty referred to. I also informed him of the investigation which had taken place, the effect of which had been to show that even if he had in every respect complied with the requisites to an effectual application, and if I had, after the recent decision in England on a similar question, felt justified in issuing my warrant to the magistrates, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by him with piracy.

Another fact of which you should be made aware is, that before I proceeded with the Attorney-General to St. George's on the 9th instant, as above-stated, I wrote to the senior naval officer requesting him if possible to send a steamer of war to St. George's. I did this under the impression that it might be desirable to prevent the escape of persons implicated in an illegal transaction, or whose evidence would be essential. No steamer came thither until evening, but in the evening Her Majesty's steamer "Steady" came into Bermuda, and on her arrival at the dockyard was immediately sent back to St. George's and remained in Murray's Anchorage all night. No detention of any ship or person took place. She did not proceed to her destination (Halifax) until the senior naval officer had ascertained from me that I no longer saw reason to detain her.

Considering that the capture of the "Roanoke" may form the subject of communication from the American Secretary of State to Lord Lyons, I have thought it right to furnish his Lordship with a correct account of the transaction, and with copies of some correspondence which passed between the Consul for the United States of America and myself.

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Inclosure in No. 1.

*The Attorney General, Bermuda, to Lieutenant-Governor Hamley.*

(Extract.)

*Hamilton, Bermuda, October 24, 1864.*

I HAVE the honour to report to your Excellency the proceedings connected with the case of the "Roanoke" from the time when it came officially into my hands.

On Sunday the 9th instant your Excellency judged it expedient to go to St. George's, in order that you might obtain prompt and accurate information on the spot about a case not only involving many novel and complicated questions, but assuming every hour some new feature of difficulty, and at your Excellency's suggestion I accompanied you.

On arriving we found that the police had in custody twenty-two men, thirteen of whom had been arrested during the preceding night on landing from the "Roanoke," then in the offing, and nine others on Sunday morning as they were coming on shore from the same vessel, which was then seen to be on fire.

It became necessary to determine at once what was to be done with the prisoners, and not being prepared at the moment to take the important step of advising their immediate release, I requested Mr. Hyland, the Police Magistrate and Justice of the Peace, to detain them on a charge of piracy until a hearing could take place.

The next day, Monday, I again went to St. George's, and the prisoners were brought before Mr. Hyland and another Justice of the Peace, and though they made at once an objection to the jurisdiction through their Counsel, relying on their public character as commissioned officers of the Confederate States, the case was proceeded with so far as to obtain an outline of the capture from the chief officer and purser of the "Roanoke," and of the arrest of the prisoners from the chief police constable.

The circumstances appeared to be as follows:—

The United States mail steamer "Roanoke," with a crew of fifty men, all told, about thirty-five passengers, mails and a small cargo, left the Havana for New York at 5 P.M. on the 29th September, 1864. She had been out five hours and was about twelve miles from the coast of Cuba when, it being the chief officer's watch on deck, two or three passengers quitted a group near the pilot-house, went up to the chief officer and presented revolvers, demanded his surrender to the Confederate States, and threatened to shoot him if he resisted.

He surrendered, was put in irons and conveyed into the saloon, and in about fifteen or twenty minutes all the other ship's officers having in a similar manner been surprised in their berths, were brought handcuffed into the saloon.

No resistance was offered, and no attempt was made to recapture the vessel.

The ship's officers were paroled, and their irons were removed every day and replaced every night on all except the captain and purser.

The original crew continued under persuasion or compulsion to work the vessel under Mr. Brain, the leader of the capturing party.

Brain himself, Mr. Little, and Mr. Parr, were the chief captors, and they had gone on board as passengers while the "Roanoke" was under weigh in the harbour at the Havana, only one of them, Mr. Brain, being furnished with the ticket required from passengers by the regulations to obtain which a passport is necessary.

They were received on board by the purser, to whom Brain handed his ticket, and who deposed that Brain had been a schoolfellow of his some eighteen years ago in Brooklyn, that from that time until he came on board he had never seen Brain, and that he recognized his features on seeing him again.

The only person on board the "Roanoke" who showed any disposition to resist seems to have been the carpenter, and he was shot down and thrown overboard.

Immediately after the capture Mr. Brain made for Bermuda with his prize, and arrived off the Islands on the afternoon of the 4th instant, took a pilot, and after dark that evening came to anchor in Five-Fathom Hole.

Brain then went ashore to St. George's, but returning to the "Roanoke" before daylight, got under weigh, and proceeding to sea hove-to out of sight from the land all that day.

At daylight on Thursday the "Roanoke" again ran out to sea, and she hovered round the islands all that day, but stood in towards the land at night. She then fell in with a brig called the "Village Girl," from which she received provisions and about twenty or thirty men, who had been engaged at St. George's a day or two previously for service on board a Confederate vessel. The thirteen men first arrested by the police were of this party.

During the next day, Friday the 7th, the "Roanoke" hovered round these islands in company with the "Village Girl," and endeavoured to take coal on board by means of the steamer's boats. She received ten or fifteen tons.

At night she again ran in towards land, and by a preconcerted signal fell in with the Danish brigantine "Mathilda," Pieper master, which had just left St. George's, ostensibly for Halifax, and to her were transferred the passengers, officers, and crew of the "Roanoke," with their baggage.

The "Mathilda" came to anchor in Five-Fathom Hole, and sent these people ashore, and then proceeded to Halifax, having on board, it is supposed, the specie captured in the "Roanoke," amounting to some 20,000 dollars.

The agent or consignee of this vessel, the "Mathilda," who also was the charterer for the voyage to Halifax, was the Mr. Johnson above-mentioned as being one of the persons who visited the "Roanoke" in company with Major or Mr. Black. Johnson went from this to Halifax in the "Mathilda."

On Saturday the captors resolved to burn their prize, and that night they sent ashore the men who had been engaged at St. George's to work her, and on Sunday morning they set fire to the ship, and abandoning her, landed at St. George's.

Their reasons for this are said to have been the impossibility of getting on board at sea sufficient coal to run her into Wilmington, and the intelligence they received here of the increased severity of the blockade.

This brings us down to the time of their arrest. The men who landed during Saturday night were known to have been engaged at St. George's for service, and those who came on shore on Sunday morning were in general heavily armed, one man having three six-barrelled revolvers concealed about him, another carrying two similar weapons, and the rest one each. Some of these fire-arms were loaded and capped; but those carried by Mr. Brain's own party had by his orders been discharged before they reached the shore.

All the people belonging to the "Roanoke," except the carpenter, appear to have been well treated by their captors.

The cigars, which formed a chief part of the cargo, were brought on shore in large quantities by the men who landed, and, not being duly entered, were seized by the revenue officers, some in the possession of Brain and his companions, others concealed on board a blockade-running steamer in harbour consigned to Mr. Black, and others again in obscure nooks and cellars, and in empty tents, in and about St. George's.

The proceedings before the magistrates lasted three days. On the second and third of these days I was represented, with your Excellency's sanction, by Mr. Richard Darrell, a barrister here, it being impossible for me to attend personally, and the Solicitor-General having been retained for the prisoners.

On the third day of the inquiry, the warrant or commission and the instructions on which Mr. Brain and his comrades relied as giving to their capture a warlike in lieu of a piratical character, were satisfactorily proved to be genuine; and all the prisoners were thereupon at once discharged.

Before leaving the Court, Mr. Brain expressed to Mr. Darrell his gratification at the respect which had been shown to the commission which he, Mr. Brain, carried.

It is sufficiently plain, that under these circumstances, the charge of piracy could not be sustained.

But it seems to be equally clear that a systematic violation of the Foreign Enlistment Act has been carried on in these islands, though as yet I have not obtained sufficient legal testimony to support the charge.

Independently, however, of any breach of the letter of that Act, which may or may not be brought home to any individual, there are points in and connected with this enterprise to which your Excellency will no doubt think it right to call the special attention of Her Majesty's Government.

Mr. Brain's warrant as acting master in the Confederate States' Navy, and his orders to capture the "Roanoke," were dated at Richmond, where he seems to have been then, the 26th May, 1864. Very soon after that he was in Bermuda, and there is strong reason to believe that it was here that he organised the plan which was consummated on the 29th September.

The capture having been effected, it was to Bermuda that he repaired with his prize, and here he communicated personally with people on shore on the night of the 11th October, and for three succeeding days and nights he hovered on our coasts, sometimes under cover of darkness availing himself of our anchorages, and receiving provisions and men from these islands by means of the "Village Girl."

It was to our shores he sent his prisoners, and when from adverse circumstances compelled to abandon his prize, it was here that he and his companions in arms sought an asylum for themselves, and a depository or hiding place for their booty.

Lastly, if rumour may be credited, on being discharged from custody they celebrated their escape with wine and noisy conviviality, openly boasting to their guests that very soon their exploit would be repeated.

No. 2.

*Lord Lyons to Earl Russell.—(Received November 27.)*

My Lord,

*Washington, November 15, 1864.*

I HAVE the honour to inclose copy of a despatch and its inclosures which I have received from the Lieutenant-Governor of Bermuda, relative to the recent capture of the United States' mail steam-ship "Roanoke," on her recent voyage from Havana to New-York, whilst ten or twelve miles from the former place, by a party of Secessionists, and which bears close analogy to the capture in the same way of the "Chesapeake." Possibly some communication may be made to your Lordship through Mr. Adams in London, as none has been received at this Legation.

The Attorney-General of the Colony gave it as his opinion that the parties implicated could not be given up under the Treaty of 1842, which Mr. Allen, the United States' Consul, had invoked, grounding it on a previous decision in a similar case given in England.

The Lieutenant-Governor states that they were accordingly dismissed after a hearing, and on producing a commission from the Confederate States' authorities, as it was made clearly to appear that the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

## Inclosure 1 in No. 2.

*Lieutenant-Governor Hamley to Lord Lyons.*

My Lord,

*Bermuda, October 29, 1864.*

IT has been represented to me while tracing for the Secretary of State for the Colonies an account of the incidents connected with the recent burning of the steamer "Roanoke" in these waters, that your Lordship would probably receive communications on this subject from the Government of the United States of America, and that it is desirable that you should be correctly informed concerning it.

I have the honour therefore to transmit herewith an extract from the "Bermuda Gazette" of the 25th instant, containing a sketch of the affair which is not far from the truth.

Your Lordship will note the extreme ease with which the capture of the "Roanoke" was effected by some very few persons against a crew and passengers numbering eighty-five.

I append to this communication copy of a correspondence between the Consul at Bermuda for the United States of America and myself, that gentleman having wished to put in force the Treaty between Her Majesty's Government and the United States of America, dated 9th August, 1842, with regard to the captors of the "Roanoke."

The Consul, Mr. Allen, has more than once represented to me the difficulties which lie in his way when investigating here any transactions by or belonging to the belligerents in America. I must state my full belief in these difficulties, for the sympathy of a very large portion of our population with the Southern States is not concealed, and I have not failed to observe how, in spite of unfriendly feeling, Mr. Allen has laboured almost single-handed in the interests of his Government.

I have, &c.  
(Signed) W. G. HAMLEY.

## Inclosure 2 in No. 2.

*Mr. Allen to the Lieutenant-Governor of Bermuda.*

Sir,

*United States' Consulate, Bermuda, October 12, 1864.*

ON the 10th instant I made a request to W. C. J. Hyland, Esq., Police Magistrate of the town of St. George's, that certain persons connected and implicated in what I believed to be an act of piracy, committed on board the United States' steamer "Roanoke," of New York, said persons then being in the town of St. George's, within the jurisdiction of the said Magistrate, that they be arrested and dealt with in accordance with the tenth section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; with the said request I inclosed an affidavit setting forth the belief that such an act had been committed by the parties therein named.

I beg to inform your Excellency that I am not aware any action has yet been taken upon the matter, and that the parties alluded to are now at large within the jurisdiction of the said magistrate.

I have, &c.  
(Signed) C. M. ALLEN.

## Inclosure 3 in No. 2.

*Lieutenant-Governor Hamley to Mr. Allen.*

Sir,

*Mount Langton, October 16, 1864.*

I HAVE the honour to acknowledge the receipt of your letter of 12th instant, in which you inform me that you had requested Mr. Hyland, the Police Magistrate at St. George's, to cause to be arrested certain persons connected with and implicated in what you believe to be an act of piracy, and that these persons should be dealt with according to the tenth section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; in which you also inform me that with your request to Mr. Hyland you had inclosed an affidavit

setting forth your belief of the matters stated, and in which you conclude by saying that you are not aware that any action has yet been taken in the matter, and that the suspected persons are still at large.

Having referred to the Attorney-General your letter, and one from Mr. Hyland of the same date on the same subject, covering your letter to him of the 10th with the accompanying affidavit, I am advised that the course adopted by you is not such as would warrant me in taking any proceeding under the Treaty referred to.

It may, however, afford you some satisfaction to be informed that an investigation has been held by two Magistrates (of which you are probably not altogether ignorant), the effect of which has been to show that even if you had in every respect complied with the requisites to an effectual application, and if I had, after the recent decision in England on a similar question, felt justified in issuing my warrant to the Magistrate, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by you with piracy.

These persons were, after a hearing, and the production of a commission from the Confederate States' authorities, dismissed on the 12th instant, as it was made clearly to appear that, whatever opinion might be entertained of the propriety of their conduct, the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.  
(Signed) W. G. HAMLEY.

No. 3.

*Lord Lyons to Earl Russell.—(Received December 1.)*

My Lord,

Washington, November 18, 1864.

WITH reference to my despatch of the 15th instant, inclosing to your Lordship copies of a correspondence received from his Excellency the Lieutenant Governor of Bermuda, relative to the capture of the "Roanoke" by a party of Secessionists, I have the honour to inclose an extract taken from the "Daily Morning Chronicle" of this city, giving a summary of the proceeding before the Law Courts at Bermuda, and the wording of the commission of Captain Brain, signed by the Confederate Secretary of the Navy.

I have, &c.  
(For Lord Lyons),  
(Signed) J. HUME BURNLEY.

Inclosure in No. 3.

*Extract from "Daily Morning Chronicle" of November 17, 1864.*

THE CAPTURE OF THE "ROANOKE"—EXAMINATION OF THE PIRATES.—The Bermuda "Advocate" of the 12th of October contains a synopsis of the proceedings of the Court of Bermuda, in the case of Acting Master John C. Brain, Confederate States' Navy, on the charge of the burning of the Federal steamer "Roanoke," and his discharge, together with the discharge of his associates. The case, divested of all belligerent bias, appears to have been simply this:—

The "Roanoke," a Federal steamer plying between Havana and New York, left the former port on the 29th of September, and when at sea was suddenly captured by a number of her passengers, who turned out to be officers and men of the Confederate States, their commander being Captain Brain, well known in the case of the "Chesapeake."

The original intention was to carry the prize into Wilmington; but wanting provisions, coals, and men, she was brought to the neighbourhood of our islands in order to obtain all three. Here the attempt to carry her into Wilmington, being considered hopeless, she was set on fire Sunday morning at 4 o'clock, and her passengers and crew landed here, taxing the exertions of the United States' Consul rather heavily to provide for the wants of such of them as were subjects of his Government. The captors also landed here, and were not a little surprised to find themselves immediately handed over to the hospitalities of our jail, whither they were committed *en masse*, on a charge of piracy, and, as it was at first alleged, of murder too—it being stated that one of the officers had been

shot, but, on examination, it turned out that the charge was not included in the warrant.

This capture took place on Sunday morning, and the captive captors being refused bail, became inmates of the jail up to Wednesday, being brought out daily for so many hours as it might suit official convenience to spare for the examination of officers and gentlemen charged with the same sort of offence as was in the habit of being committed in old days by Nelson and Collingwood, and Hood and Howe, and other officers whose names have, somehow or other, come to be handed down to us with some sort of historic fame, rather more to their credit than being pounced upon in an out-of-the-way colony, where illegal acts may be committed with very slow chances of visitation and made, Sampson-like, the sport of local beadleism.

The proceedings before the magistrates were practically confined to taking the evidence of five witnesses. The first two were the officer and purser of the ship, who deposed to her capture in the way we have indicated. The third was the Inspector of Police, merely called to prove the capture of the Confederates, and the other two proved the handwriting of the Secretary of the Confederate States' Navy to commissions and letters of instruction directed to Captain Brain.

The Attorney-General appeared on the first day, but deputed Mr. Richard Darrell to represent him on the succeeding ones.

The commissions and letters of instruction having been duly verified, Mr. Darrell withdrew the charge, Captain Brain and his officers and men having spent three nights in a British jail, on a charge admitted to be untenable, and bail-refused.

Captain Brain's commission was produced, and his letter of instructions from the Secretary of the Confederate States' Navy. The signatures of Mr. Mallory were proved by Mr. Fry.

The letter of instruction was as follows:—

*“ Confederate States of America, Navy Department,  
“ Richmond, May 26, 1864.*

“ Acting Master John C. Brain, U.S.N., Richmond, Va.

“ Sir,

“ You will herewith receive an appointment of Acting Master in the navy, and will proceed to Wilmington and there make the necessary arrangements to capture upon the high seas the Federal steamer ‘Roanoke,’ or the steamers ‘Morning’ or ‘Evening Star,’ all of which vessels are on a line running between New York and Havana.

“ In case you succeed in capturing either of the above steamers, you will bring her and the prisoners of war to a Confederate port.

“ The strictest regard for the rights of neutrals and neutral property must be observed, and discipline and subordination preserved among officers and men under your command, as a matter of security and success.

“ You are authorized to appoint three acting master's mates, and three acting third assistant engineers, reporting their names to the Department as early as practicable, and you will also report your proceedings under this order.

“ I am, &c.

(Signed) “ S. R. MALLORY, *Secretary of the Navy.*”

“ If the prisoners cannot be sent into the Confederacy you will parole them, taking their parole in writing, embracing the rank, grade, name and age, and taking their pledge not to serve against the Confederate States during the war, unless regularly exchanged.

“ S. R. MALLORY, *Secretary.*”

Mr. Richard Darrell, on the part of the Attorney-General, then withdrew the charge, and the accused were released.

No. 4.

*Earl Russell to Lord Lyons.*

My Lord,

*Foreign Office, December 17, 1864.*

HER Majesty's Government have had under their consideration, in communication with the proper Law Advisers of the Crown, your Lordship's despatches of the 15th and 18th ultimo, together with other papers which have been received from the Acting

Governor of Bermuda, on the subject of the application made by the United States' Consul at that island for the extradition of certain persons who, having captured the United States' mail-steamer "Roanoke," on which they had embarked as passengers, burnt that vessel and came ashore there.

I have now to state to your Lordship that Her Majesty's Government are of opinion that subject to the question which seems to have existed as to the magistrate's jurisdiction, Captain Brain and the men under his orders were not improperly arrested upon the charge of piracy, but that the Attorney-General of Bermuda properly withdrew the charge on the production of the commission to Captain Brain from the Government of the so-styled Confederate States.

Her Majesty's Government also consider that these persons could not have been delivered up under the Extradition Treaty to the Consul of the United States, even if his application had been made in proper form.

I am, &c.  
(Signed) RUSSELL.

No. 5.

*Mr. Adams to Earl Russell.—(Received December 21.)*

My Lord, *Legation of the United States, London, December 21, 1864.*

I HAVE the honour to submit to your consideration copies of a correspondence which has taken place between Mr. Allen, Consul of the United States at Bermuda, and the authorities of that island, relative to the case of the steamer "Roanoke."

I am instructed by my Government to enter a protest against the proceedings therein described so far as they relate to the enlistment of men and the discharge of the parties concerned in the outrage. I am directed to specify most particularly the man Braine, already well known to the British authorities as having been engaged in a similar affair against the steamer "Chesapeake," in another portion of Her Majesty's dominions, from the proper consequences of which he was suffered to escape. It would appear from the evidence that in the last case, as in the former one, he had accomplices among the inhabitants of the place.

I have, &c.  
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 5.

*Mr. Allen to Mr. Seward.*

*Consulate of the United States of America, Bermuda,  
October 28, 1864.*

Sir,

I HAVE the honour to inclose herewith copies of all the correspondence between myself and the authorities of these islands in relation to the "Roanoke" affair, with copies of the inclosures they contained annexed.

It will, I trust, be obvious from this correspondence that all I could do under the circumstances was done to bring these men to justice. The real facts of the case, though no doubt known from the first to many in this town, were studiously concealed from me, and even after the arrest was made no official intimation was conveyed to me of the nature of the charge on which they had been arrested, nor was I requested to attend the examination. I was thus left to get at the matter as best I could, and under many disadvantages. It is, however, equally obvious that had I been in full possession of all the facts from the first and been able to make my application at an earlier stage of the proceedings, or to make any other kind or form of application, the result must have been precisely the same, as the decision come to by the authorities here was based, not on any deficiency or error in the steps taken by me, but simply on the isolated ground that the act proved did not, in the opinion of the Law Officers of the Crown, amount to enough to establish the charge made, and consequently could not come within the provisions of the Treaty of August 9, 1842.

This is evident from the fact that the accused were liberated not on a decision of the magistrates, but on the withdrawal of the complaint by the Attorney-General.

I am, &c.  
(Signed) C M. ALLEN.

## Inclosure 2 in No. 5.

*Mr. Allen to Lieutenant-Governor Hamley.**Consulate of the United States of America, Bermuda,  
October 6, 1864.*

Sir

I HAVE the honour to inclose herewith the affidavit of one Robert Devine. Believing the fact therein set forth to be in contravention of the Foreign Enlistment Act, I would respectfully request your Excellency to take such immediate action as to prevent all persons being enlisted in these islands for such belligerent purposes.

I have, &c.  
(Signed) C. M. ALLEN.

## Inclosure 3 in No. 5.

*Declaration of Robert Devine.*

I HEREBY declare that I have this day been shipped by and before Mr. Black to join some Confederate vessel now in the offing to proceed to Wilmington. I signed articles, but the name of the vessel was not filled in. Some eighty or ninety other persons have also shipped for the same vessel. I was told by Mr. Black that he wanted no man who could not fight, or who was afraid of gunpowder, as they would have to fight their way to Wilmington.

(Signed) ROBERT DEVINE.

Declared before me, this 6th of October, 1864.  
(Signed) W. C. J. HYLAND, J. P.

## Inclosure 4 in No. 5.

*Lieutenant-Governor Hamley to Mr. Allen.*

Sir,

*Mount Langton, October 6, 1864.*

IN reference to the letter and inclosure which you placed in my hands this afternoon, I beg to inform you that after giving the matter all the consideration of which the time has admitted, I do not find sufficient evidence of any fact on which I can exercise executive authority or interposition, although there is enough to excite that vigilance which I will take care to exercise with regard to it.

As I cannot in a case like this act without convincing written testimony, and as I must of course rely principally on your activity to obtain the required evidence, I must request you to furnish me in writing with as early and authentic information on this point as you can possibly obtain.

Although I thus claim your energetic assistance, be assured of my using every means in my own power to prevent a breach of the Foreign Enlistment Act, or of the neutrality prescribed by Her Majesty's Government.

I have, &c.  
(Signed) W. G. HAMLEY

## Inclosure 5 in No. 5.

*Mr. Allen to Lieutenant-Governor Hamley.*

Sir,

*United States' Consulate, Bermuda, October 7, 1864.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated the 6th instant in which you inform me that you do not consider the evidence I produced sufficient to enable you to exercise executive authority.

I labour under the disadvantage of not having access to any copy of the Foreign Enlistment Act, and to some extent therefore write under obscurity; but if the fact of one or more Confederate war vessels being in the immediate neighbourhood of these islands, of one or both making nightly visits to Five-Fathom Hole, and there visited by a person acting as Confederate agent, of coal and other supplies being sent out there to them by a

well-known firm of this town, of men being entered for them by the so-called Confederate agent, and when reported of communicating with myself, being stripped in the presence of that agent by his direction and being searched for a protection or some other paper,—if these circumstances or any of them, notorious now in the town, constitute a breach of the Act in question, I have to submit that such a breach has been palpably made. I shall persevere in my endeavours to obtain such further evidence as may enable your Excellency to feel yourself justified in taking action; but I need hardly point out that situated as I am here, with the general policy of the community adverse to the cause, I have the honour to represent in these islands, every difficulty will be thrown in the way of my obtaining it, and I can hardly hope for any but circumstantial evidence.

I have, &c.  
(Signed) C. M. ALLEN.

Inclosure 6 in No. 5.

*Mr. Allen to Lieutenant-Governor Hamley.*

*Consulate of the United States of America, Bermuda,  
October 8, 1864.*

Sir,

I HAVE the honour to inclose herewith evidence which in my opinion is conclusive to the extent of showing that an act of piracy has been committed on board an American vessel now in the immediate vicinity of these islands. Should your Excellency deem the evidence inclosed sufficient to enable you to take action in the matter, I beg to request that the steam-ship in question may be brought into port here at the earliest possible opportunity and a proper examination instituted.

I have, &c.  
(Signed) C. M. ALLEN.

Inclosure in No. 5.

*Protest of Officers of the "Roanoke."*

*Bermuda alias Somer I-lands.*

By William Christopher John Hyland, Notary Public for the Islands of Bermuda and all other Her Majesty's Foreign Dominions and Territories, duly commissioned and sworn.

To all to whom this present writing or instrument of Protest shall come, Greeting:—

Know ye that on the day of the date hereof personally appeared before me Edward Dingle Nickols, late chief officer of the steam-ship "Roanoke," of the city of New York, in the United States of America, and Frank Edward Hawley, late Purser of said ship, who on oath say, that on the 29th of September last they left the city of Havana, in Cuba, laden with an assorted cargo and about forty passengers; that on the same day of the month, when they had been at sea about five hours, a man named Braine, *alias* Johnson, lately implicated in the seizure of the steam-ship "Chesapeake," of New York, assisted actively by about nine other persons, violently and by force of arms, when Captain Drew and most of the other officers were asleep in their state-rooms, seized the steam-ship "Roanoke," and placed the said Captain Drew, with the whole of the ship's company (the firemen excepted) in irons; that while so engaged they killed the carpenter of said steam-ship by shooting, and also wounded the third engineer; that they then proceeded, and made the Island of Bermuda on the 4th day of October instant, and took a pilot-boat on the evening of that day; that they proceeded to the eastward of these islands, and anchored in or near to Five-fathom Hole about 8 p.m. of that day, and there remained until about half-past 3 o'clock of the morning following; that about 9 o'clock, just after anchoring, the said Braine left the ship in the pilot-boat, and proceeded on shore in the direction of the town of St. George's; that at about 3 o'clock on the following morning the said Braine again returned to the said steam-ship, accompanied by four or five other persons from the shore; that they soon after weighed anchor and proceeded seaward; that on the night of the 5th instant the vessel was again brought and anchored in Five-fathom Hole or its vicinity; that about 11 o'clock on the same night five or six persons again came on board from the shore; that one of the said parties was recognized by a passenger, B. B. Blydenburgh, as Joseph Johnson, a merchant of the town of St. George's;

that they heard one of these parties, whom they have every reason to believe is named Black, tell the present purser of the said ship, one Jashoop, that the brig would not be out with coal and provision until the following day; that they shortly left the ship, and she again proceeded seaward, but again returned towards the land as night closed in; that at about 8 o'clock P.M. of the 6th October they made a brig, with a light at her foremast head, and they spoke her about eight or ten miles from the land, off the lighthouse, and she was ordered to heave-to until daylight; that a boat was sent on board of her from the said steam-ship, and she returned soon after with sundry provisions; that on the night and following morning about forty men were sent on board the steamer from the said brig, and which proved to be the "Village Girl," of Whitehaven; that all day of the 7th October was employed transporting coals and provisions on board the said steam-ship from the said brig "Village Girl;" that the said Braine, and other officers, informed them on that day that a brig with a black ball in her fore-topsail would come and take off the passengers of the "Roanoke," and proceed to Halifax with them; that they kept a look-out all that day, expecting said brig to appear. That at about 5 or 6 o'clock of the same evening a sail was made to the westward, when they stopped coaling and immediately made for it; on getting near her they hailed her, and ordered her to heave-to, and, at the same time, asked her name, and if she had a black ball in her fore-topsail. On finding it was not the vessel expected, the brig was told to proceed on her voyage, and the said steam-ship again returned to the "Village Girl," and took in further coal. That on or about 8 o'clock P.M. of that day they made another vessel, upon which they bore down to her: she also had a light at her foremast-head. That at about 10 o'clock P.M. of said night they commenced putting the baggage of the passengers on board the said brig, and at 11 o'clock the same night the passengers and all of the crew of said steam-ship, with the exception of three who were in irons, were placed on board the said brig, which proved to be the Danish brig "Mathilde," with a black-painted ball in her fore-topsail, and at about 4 o'clock A.M. of the 8th October the brig proceeded eastward, and at 7 o'clock P.M. of the same day they anchored in or near Five-fathom Hole. They further say, that the said steam-ship had not over ten tons of coal on board on the evening of this day. And these said appearers, upon their oaths aforesaid, do further declare, that during the said voyage, they, together with others of the said ship's company, did all they could to preserve the said steam-ship from seizure.

Wherefore the said Edward Dingle Nickols and Frank Edward Hawley have protested, and I, the Notary aforesaid, at their special instance and request, do publicly and solemnly protest against all and every person whom it doth or may concern, and especially against the seizure of the said steam-ship "Roanoke," by the aforesaid Braine and others; and against all losses, damages, costs, charges, and expenses, which have occurred, or may hereafter occur, by reason of the foregoing premises.

This done and protested in the town of St. George's, the 8th of October, 1864.

In testimony whereof these appearers have subscribed their names, and I, the Notary aforesaid, have hereunto affixed my Notarial seal.

(Signed)

E. D. NICKOLS.

J. E. HAWLEY.

Inclosure 8 in No. 5.

*Mr. Allen to Mr. Hyland.*

*Consulate of the United States of America, Bermuda,  
October 10, 1864.*

Sir,

I HEREWITH inclose affidavit having reference to certain acts of piracy and murder committed by persons now in the town of St. George's, Bermuda, and have respectfully to request the course of proceedings authorized by Article X of the Treaty of August 9, 1842, between the Government I have to represent and Her Majesty's Government, may be at once adopted.

I have, &c.

(Signed)

C. M. ALLEN.

## Inclosure 9 in No. 5.

*Affidavit of Charles M. Allen.*

I, CHARLES M. ALLEN, Consul of the United States for Bermuda, do solemnly and truly swear that I have good reason to believe, and do believe, that an act or acts of piracy and murder has or have been committed on board the United States' steam-vessel "Roanoke," at sea on or about the 29th day of September last, by one Braine, alias Johnson, assisted by one Dr. Parr, alias Anderson, and several other persons to this deponent unknown, and that the said persons have sought an asylum in the town of St. George's, in Bermuda, aforesaid.

(Signed) C. M. ALLEN.

Sworn before me this 10th day of October, 1864.

(Signed) JAMES H. THIES, Mayor.

## Inclosure 10 in No. 5.

*Mr. Allen to Lieutenant-Governor Hamley.*

Consulate of the United States of America, Bermuda,  
October 12, 1864.

Sir,  
ON the 10th instant I made a request to W. C. J. Hyland, Esq., Police Magistrate of the town of St. George's, that certain persons connected with and implicated in what I believed to be an act of piracy, committed on board the United States' steamer "Roanoke" of New York, said persons then being in the town of St. George's, within the jurisdiction of the said Magistrate, be arrested and dealt with in accordance with the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America; with the said request I inclosed an affidavit setting forth the belief that such an act had been committed by the parties therein named.

I beg to inform your Excellency that I am not aware any action has yet been taken upon the matter, and that the parties alluded to are now at large within the jurisdiction of the said magistrate.

I have, &c.  
(Signed) C. M. ALLEN.

## Inclosure 11 in No. 5.

*Lieutenant-Governor Hamley to Mr. Allen.*

Sir, Mount Langton, October 16, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you had requested Mr. Hyland, the Police Magistrate in St. George's, to cause to be arrested certain persons connected with an implication in what you believe to be an act of piracy, and that these persons should be dealt with according to the 10th Section of the Treaty made August 9, 1842, between Her Majesty's Government and the Government of the United States of America, in which you also inform me that with your request to Mr. Hyland you had inclosed an affidavit setting forth your belief of the matters stated, and in which you conclude by saying that you are not aware that any action has yet been taken in the matter, and that the suspected persons are still at large.

Having referred to the Attorney-General your letter and one from Mr. Hyland of the same date on the same subject covering your letter to him of the 10th, with the accompanying affidavit, I am advised that the course adopted by you is not such as would warrant me in taking any proceeding under the Treaty referred to.

It may, however, afford you some satisfaction to be informed that an investigation has been held by two magistrates (of which you are probably not altogether ignorant), the effect of which has been to show that even if you had in every respect complied with the requisites to an effectual application, and if I had after the recent decision in England on a similar question felt justified in issuing my warrant to the Magistrates, the result must have been, after perhaps a more protracted inquiry, the liberation of the persons charged by you with piracy.

These persons were, after a hearing and a production of a commission from the Confederate States' authorities, dismissed on the 12th instant, as it was made clearly to appear that whatever opinion might be entertained of the propriety of their conduct, the commission and instructions relieved them from personal responsibility to neutral nations.

I have, &c.  
(Signed) W. G. HAMLEY.

## No. 6.

*Mr. Cardwell to Acting Governor Hamley.*

Sir,

*Downing Street, January 16, 1865.*

I HAVE to acknowledge your despatch of the 28th October, relating to the arrest and release of Captain Brain and other persons concerned in the capture of the United States' vessel "Roanoke."

I am of opinion that (subject to the question which appears to have existed as to the magistrate's jurisdiction) Captain Brain and the men under his orders were properly arrested upon the charge of piracy, but I also think that the Attorney General properly withdrew the charge upon the production of the commission to Captain Brain from the Confederate Government, as I am advised that these persons could not have been delivered up under the Extradition Treaty to the Consul of the United States, even if his application had been made in proper form.

You appear to be fully alive to the necessity of enforcing the provisions of the Foreign Enlistment Act, and it is therefore unnecessary for me to observe on the evasions and infringements of that Act, which in spite of the efforts of your Government appear to be practised in Bermuda.

The circumstances of this case require that I should again impress upon you the duty of enforcing stringently Her Majesty's orders against the entrance of prizes taken by either belligerent within the territorial waters of Her Majesty.

I have, &c.  
(Signed) EDWARD CARDWELL.

## No. 7.

*Earl Russell to Mr. Adams.*

Sir,

*Foreign Office, January 21, 1865.*

I HAVE had the honour to receive your letter of the 21st ultimo, protesting against the proceedings of Her Majesty's Colonial authorities at Bermuda in the case of the steamer "Roanoke," and inclosing copies of various documents relating thereto.

These papers refer to two different complaints. The one complaint is, that persons were enlisted at Bermuda with a view to make war on a State in amity with Her Majesty. The other complaint is, that certain passengers proceeding from Havana in the United States' vessel "Roanoke," when five hours from Havana on their voyage, rose on the captain made themselves masters of the vessel, destroyed her, and were afterwards permitted to land on the Island of Bermuda. The answer to the first complaint is, that sufficient evidence to convict the persons accused was not produced, and consequently they could not be convicted. The answer to the second complaint is, that the persons arrested for a supposed piratical act produced a commission authorizing that act as an operation of war, from the Government of the so-called Confederate States, which are acknowledged by Her Majesty's Government to possess belligerent rights.

I am, &c.  
(Signed) RUSSELL.



## APPENDIX (B).

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### Correspondence respecting Gun-boats on the North American Lakes.

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No. 1.

*Mr. Burnley to Earl Russell.—(Received October 14.)*

(Extract.)

*Washington, September 30, 1864.*

A SHORT time ago Mr. Seward informed me at the State Department that he had just received telegraphic news of the seizure of two American steamers, the "Philoparsons" and "Island Queen," on Lake Erie by rebels from the Canadian shores, and requested me to inform Viscount Monk, who replied that he would do all he could to arrest the men and prevent the recurrence of such proceedings for the future.

It appears, however, from the note which I have received from Mr. Seward, and of which I beg to inclose a copy, that these occurrences have determined the United States' Government to increase the observing force on the American Lakes.

I have ventured to state to Mr. Seward in my reply, copy of which I beg also to inclose, that Her Majesty's Government will be better able to judge how far such a measure, even if temporary, can be warranted by Treaty stipulations.

I have thought it at the same time advisable to recall to Mr. Seward's recollection the note which Lord Lyons presented to him under instructions from your Lordship at the time when the United States' Government were discussing in Congress the question of abrogating the Treaty of 1817.

I beg likewise to inclose copy of a despatch addressed to Viscount Monck, informing him of the intention of the United States' Government.

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• Inclosure 1 in No. 1.

*Mr. F. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, September 26, 1864.*

I HAVE the honour to inform you, with a view to Her Majesty's Government being made acquainted with the facts, that owing to the recent hostile and piratical proceedings on the Lakes lying between the United States and Her Majesty's possessions, it has been deemed necessary for the present to increase the observing force of the United States on those Lakes; that the arrangement is temporary, and will be discontinued as soon as circumstances permit; and that the vessels to be employed on this service are to be under instructions to respect British rights in all cases.

I have, &c.

(Signed) F. W. SEWARD, *Acting Secretary.*

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Inclosure 2 in No. 1.

*Mr. Burnley to Viscount Monck.*

My Lord,

*Washington, September 28, 1864.*

I HAVE the honour to inclose copy of a note which I have received from Mr. Seward, informing me of the intention of the United States' Government to increase the observing force of the United States on the American Lakes, owing to the late hostile proceedings on Lake Erie.

I have, &c.

(Signed) J. HUME BURNLEY.

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## Inclosure 3 in No. 1.

*Mr. Burnley to Mr. Seward.*

Sir,

*Washington, September 28, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 26th instant, informing me that owing to recent piratical proceedings on Lake Erie, it had been found necessary to increase the observing force of the United States on the American Lakes lying between the United States and Her Majesty's possessions.

I beg to state, in reply, that I shall forward a copy of that note to Her Majesty's Government.

Without wishing to prejudice the question, I must leave it to Her Majesty's Government to decide as to whether such a measure, although only temporary in its effect, can be warranted by Treaty stipulations.

I would, however, simply here recall to your recollection a note of Lord Lyons, addressed to you on the 4th ultimo,\* which set forth the views of Her Majesty's Government when the question of abrogating the Treaty limiting the naval force to be maintained upon the American Lakes was brought before Congress.

I have, &amp;c.

(Signed) J. HUME BURNLEY.

## No. 2.

*Mr. Burnley to Earl Russell.—(Received October 14.)*

(Extract.)

*Washington, September 30, 1864.*

WITH reference to my despatch of to-day's date, informing your Lordship of the intentions of the American Government to increase their observing force on the American Lakes, owing to the recent occurrences on Lake Erie, I have the honour to inclose extract of a despatch from Mr. Consul Donohoe reporting the movements of General Dix.

## Inclosure in No. 2.

*Consul Donohoe to Mr. Burnley.*

(Extract.)

*Buffalo, September 26, 1864.*

I HAVE seen a statement in the newspapers to the effect that General Dix, who passed through this city on Thursday last, has been sent to Detroit and other Western cities on the Lakes for the purpose of obtaining the necessary statements and affidavits to enable the United States' Government to claim the extradition of the men who took part in the seizure of the Lake steamers, and who are said to have taken refuge in Canada.

## No. 3.

*Mr. Burnley to Earl Russell.—(Received October 16.)*

My Lord,

*Washington, October 4, 1864.*

WITH reference to my despatches of the 30th ultimo, I beg to inclose copy of a note and of its inclosures which I have received from Mr. Seward, stating what arrangements have been made to increase the American force on the Canadian Lakes.

Your Lordship will perceive that, although Mr. Seward in his covering note only

\* *Lord Lyons to Mr. Seward.*

Sir,

*Washington, August 4, 1864.*

The attention of Her Majesty's Government has been drawn to the motion which was made in Congress during the recent session, with a view to putting an end to the arrangement between Great Britain and the United States limiting the naval force to be maintained upon the American Lakes.

This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and (which is of infinitely more importance) it has warded off occasions of disagreement and quarrel. Her Majesty's Government would view the abrogation of it with great regret and no little alarm.

I have, &amp;c.

(Signed) LYONS.

alludes to one vessel, the "Hector," in the inclosure from Mr. Fessenden of the Treasury another vessel is given as having been chartered at Buffalo, the "Winslow."

These two, with the revenue cutter reported by Mr. Consul Donohoe to be ready for launching at Buffalo, will form three vessels intended, I presume, for operations on Lake Erie.

I stated in the course of conversation the other day to Mr. Seward, at the State Department, that I doubted whether these proceedings would be agreeable to Her Majesty's Government, for temporary measures were sometimes as difficult to get rid of as permanent ones, but that at the same time they would be better able to judge when the correspondence on the subject was before them.

I have confined myself this time to simply acknowledging receipt of Mr. Seward's despatch, and informing him that a copy of it and of the inclosures would be forwarded to your Lordship.

From the commencement of the occurrences on Lake Erie I have kept Viscount Monck informed of all that has passed, in order that his Lordship may without loss of time be fully cognizant of what is doing by the United States' Government.

I have, &c.

(Signed) J. HUME BURNLEY.

Inclosure 1 in No. 3.

*Mr. Seward to Mr. Burnley.*

Sir, *Department of State, Washington, October 1, 1864.*

WITH reference to the previous correspondence between this Department and Her Britannic Majesty's Legation on the subject, I have the honour to communicate a copy of a letter of yesterday, addressed to this Department by the Secretary of the Treasury, from which it appears that it has been deemed advisable at this juncture to charter the steam-propeller "Hector" for revenue cutter purposes on the Lakes. Any excess, however, which may thus be occasioned in the armament of United States' vessels in that quarter over the limits fixed by the Arrangement of April 1817, will be temporary only, and as it has been made necessary by an emergency probably not then foreseen, may not be regarded as contrary to the spirit of the stipulations of that instrument.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 3.

*Mr. Fessenden to Mr. Seward.*

Sir, *Washington, September 30, 1864.*

I HAVE the honour to acknowledge the receipt of your letter of this date, transmitting telegram from General Hitchcock, and to state that this Department has this day chartered the steam-propeller "Hector" (at Oswego, New York) for revenue cutter purposes. This vessel, together with the "Winslow," chartered at Buffalo a few days since, will be fitted for service with all possible despatch.

The telegram is herewith returned.

I am, &c.

(Signed) W. P. FESSENDEN, *Secretary of the Treasury.*

Inclosure 3 in No. 3.

*Major-General Hitchcock to Mr. Stanton.*

(Telegraphic.)

*Sandusky, Ohio, September 23, 1864.*

I TAKE upon myself to express an opinion that the safety of our commerce on the Lakes, and the security of the cities along the Lake shores, make it of the highest importance; if not an indispensable necessity, that the Government should have several armed vessels fully manned to prevent the rebels who find security in Canada from seizing steamers engaged in commerce and converting them into war vessels, with a few of which

they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is employed in Canada in setting on foot expeditions of the most dangerous character. The recent seizure of two steam-boats in this vicinity has indeed terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our Government to take immediate measures to guard against a repetition of it. It will be but an act of self-defence, and from the disclosures made by Coole, now in arrest at Johnson's Island, earnestly recommended that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the Upper Lakes also.

I suppose we are engaged in war rendering this step justifiable under the Treaty of 1815, but it is my duty to speak only of the justifying necessity of the case.

## No. 4.

*Mr. Burnley to Earl Russell.—(Received October 30.)*

My Lord,

*Washington, October 14, 1864.*

I HAVE the honour to inclose copy of a note of the 10th instant, which has been addressed to me by Mr. Seward in answer to one I wrote to him on the 28th September inclosed in my despatch of the 30th ultimo, informing me that the correspondence on the subject of the increase of force of the United States on the American Lakes will be transmitted to Mr. Adams, the American Minister in London, with a view of giving satisfactory explanations to your Lordship.

I have, &c.  
(Signed) J. HUME BURNLEY.

## Inclosure in No. 4.

*Mr. Seward to Mr. Burnley.*

Sir,

*Department of State, Washington, October 10, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 28th ultimo in relation to the proposed temporary increase of the observing force of the United States on the American Lakes, and in reply to inform you that I have transmitted a copy of the correspondence on the subject to Mr. Adams, the Minister of the United States at London, who has been requested to make explanations to Earl Russell, which it is not doubted will prove satisfactory to Her Majesty's Government.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

## No. 5.

*Mr. Adams to Earl Russell.—(Received November 1.)*

My Lord,

*Legation of the United States, London, October 31, 1864.*

I HAVE received from my Government a copy of a letter addressed by Mr. F. W. Seward, Assistant Secretary of State, to J. Hume Burnley, Esq., Her Majesty's Chargé d'Affaires at Washington, on the subject of certain arrangements temporarily made for the purpose of better securing the unprotected boundaries of the United States on the Lakes adjoining Her Majesty's Possessions in North America against hostile and predatory proceedings threatened by irresponsible conspirators against the peace, acting in defiance of the authority of both nations.

I am directed further to repeat to your Lordship that in these proceedings there is no intention to abrogate the agreement long since made so beneficially to both countries in regard to mutual disarmament on these Lakes; and further, that so soon as the period shall arrive when there will be no longer a reasonable cause for apprehending any repetition of the lawless acts referred to, it will give my Government the greatest satisfaction to seize the earliest moment to dispense with these precautionary exceptional measures.

I pray, &c.  
(Signed) CHARLES FRANCIS ADAMS.

## Inclosure in No. 5.

*Mr. F. Seward to Mr. Burnley.*

Sir, *Department of State, Washington, September 26, 1864.*

I HAVE the honour to inform you, with a view to Her Majesty's Government being made acquainted with the facts, that, owing to the recent hostile and piratical proceedings on the Lakes lying between the United States and Her Majesty's Possessions, it has been deemed necessary for the present to increase the observing force of the United States on those Lakes; that the arrangement is temporary and will be discontinued so soon as circumstances permit; and that the vessels to be employed on this service are to be under instructions to respect British ships in all cases.

I have, &c.  
(Signed) F. W. SEWARD, *Assistant Secretary of State.*

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## No. 6.

*Earl Russell to Mr. Burnley.*

Sir, *Foreign Office, November 3, 1864.*

WITH reference to your despatches of the 14th ultimo, I inclose, for your information, a copy of a note from Mr. Adams respecting the temporary increase of the United States' naval forces on the American Lakes.\*

I am, &c.  
(Signed) RUSSELL.

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## No. 7.

*Mr. Burnley to Earl Russell.—(Received January 29.)*

My Lord, *Washington, January 13, 1865.*

I HAVE the honour to inclose copy of Mr. Seward's reply to my note of the 17th December last, of which I beg to inclose a copy, communicating to him, under the instruction received from Her Majesty's Government, copy of your Lordship's despatch of the 26th November last.

I have, &c.  
(Signed) J. HUME BURNLEY.

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## Inclosure 1 in No. 7.

*Mr. Burnley to Mr. Seward.*

Sir, *Washington, December 17, 1864.*

I HAVE the honour to communicate to you, under the instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, the inclosed copy of a despatch addressed to Lord Lyons relative to the intention of the United States' Government, in conformity with the Treaty reservation right, to increase their naval armament upon the North American Lakes.

I have, &c.  
(Signed) J. HUME BURNLEY.

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## Inclosure 2 in No. 7.

*Mr. Seward to Mr. Burnley.*

Sir, *Department of State, Washington, January 10, 1865.*

I HAVE the honour to acknowledge the receipt of your note of the 17th ultimo, communicating to me, under the instructions of Her Britannic Majesty's Government, a

copy of a despatch of the 26th of November last, addressed by Earl Russell to Lord Lyons in regard to the notice given by this Government for the termination of the existing conventional arrangement between Great Britain and the United States, limiting the naval force of the respective Governments on the Lakes, and to the reasons which prompted that notice.

The views and suggestions which Earl Russell has thus presented to this Government will receive an attentive consideration.

I have, &c.  
(Signed) WILLIAM H. SEWARD.

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## APPENDIX (C).

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**PROCLAMATION** of the President of the United States, for the prevention of illegal Combinations against the Dominions of Great Britain in Canada.—Washington, November 21, 1838.

By the President of the United States of America.

### A PROCLAMATION.

**WHEREAS** there is too much reason to believe that citizens of the United States, in disregard of the solemn warning heretofore given to them by the Proclamations issued by the Executive of the General Government, and by some of the Governors of the States, have combined to disturb the peace of the dominions of a neighbouring and friendly nation: And whereas information has been given to me, derived from official and other sources, that many citizens in different parts of the United States are associated or associating for the same purpose: And whereas disturbances have actually broken out anew in different parts of the two Canadas: And whereas, a hostile invasion has been made by citizens of the United States, in conjunction with Canadians and others, who, after forcibly seizing upon the property of their peaceful neighbour, for the purpose of effecting their unlawful designs, are now in arms against the authorities of Canada, in perfect disregard of their own obligations as American citizens, and of the obligations of the Government of their country to Foreign Nations:

Now, therefore, I have thought it necessary and proper to issue this Proclamation, calling upon every citizen of the United States neither to give countenance nor encouragement of any kind to those who have thus forfeited their claim to the protection of their country; upon those misguided or deluded persons who are engaged in them to abandon projects dangerous to their own country, fatal to those whom they profess a desire to relieve, impracticable of execution without foreign aid, which they cannot rationally expect to obtain, and giving rise to imputations (however unfounded) upon the honour and good faith of their own Government; upon every officer, civil and military, and upon every citizen;—by the veneration due by all freemen to the laws which they have assisted to enact for their own Government,—by his regard for the honour and reputation of his country,—by his love of order and respect for that sacred code of laws by which national intercourse is regulated,—to use every effort in his power to arrest, for trial and punishment, every offender against the laws providing for the performance of our obligations to the other Powers of the world.

And I hereby warn all those who have engaged in these criminal enterprizes, if persisted in, that, whatever may be the condition to which they may be reduced, they must not expect the interference of this Government, in any form, on their behalf; but will be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that Government whose dominions they have, in defiance of the known wishes and efforts of their own Government, and without the shadow of justification or excuse, nefariously invaded.

Given under my hand, at the city of Washington, the 21st day of November, in the year of our Lord 1838, and the 63rd of the Independence of the United States.

By the President,

M. VAN BUREN.

JOHN FORSYTH, Secretary of State.

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**ACT OF CONGRESS** of The United States, supplementary to an Act entitled "An Act in addition to the Act for the punishment of certain Crimes against The United States, and to repeal the Acts therein mentioned," for the prevention of American Armed Expeditions against certain Foreign Territories (in Canada) conterminous with those of The United States. Approved 20th April, 1818.—March 10, 1838.

**SECTION I.** Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the several Collectors, Naval Officers, Surveyors, Inspectors of Customs, the Marshals, and Deputy Marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively authorized and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State, or of any Colony, district, or people con-

minous with the United States, and with whom they are at peace, contrary to the 6th section of the Act passed on the 20th of April, 1818,\* entitled "An Act in addition to the Act for the punishment of certain crimes against the United States, and to repeal the Acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released as hereinafter directed.

Section II. And be it further enacted, That the several Officers mentioned in the foregoing section shall be, and they are hereby, respectively authorized and required to seize any vessel or vehicle, and all arms and munitions of war, about to pass the frontier of the United States for any place within any foreign State or Colony conterminous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle, arms or munitions of war, are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign Prince or State, or any Colony, district, or people conterminous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same; or until such property shall be discharged by the judgment of a Court of competent jurisdiction: Provided, That nothing in this Act contained be so construed as to extend or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this Act, under the Law of Nations and the provisions of the Act hereby amended.

III. And be it further enacted, that it shall be the duty of the officer making any seizure, under this Act, to make application, with due diligence, to the District Judge of the District Court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this Act; and if said Judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such a seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said Judge shall be satisfied that the seizure was justified under the provisions of this Act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant as hereinafter provided.

IV. And be it further enacted, that the owner or claimant of any property seized under this Act may file his petition in the Circuit or District Court of the United States in the district where such seizure was made, setting forth the facts in the case; and thereupon such Court shall proceed, with all convenient despatch, after causing due notice to be given to the District Attorney and Officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this Act; and the Circuit and District Courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this Act; and all issues in fact arising under it shall be decided by a jury in the manner now provided by law.

V. And be it further enacted, that whenever the officer making any seizure under this Act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the Judge of the Circuit or District Court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign Prince or State, or any Colony, district, or people conterminous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: Provided, that such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this Act.

VI. And be it further enacted, that every person apprehended and committed for trial, for any offence against the Act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the Judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the Act hereby amended.

VII. And be it further enacted; that whenever the President of the United States shall have reason to believe that the provisions of this Act have been, or are likely to be, violated, that offences have been, or are likely to be, committed against the provisions of the Act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the Judge, Marshal, and District Attorney of such district, to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the

\* See State Papers, vol. 9, p. 382

violation of the Act hereby amended; and it shall be the duty of every such Judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

VIII. And be it further enacted, that it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution of this Act, and the Act hereby amended.

IX. And be it further enacted, that this Act shall continue in force for the period of two years, and no longer.

[Approved, March 10th, 1838.]

Proclamation of the President of the United States, for the Prevention of unlawful Interference of American Citizens in the Civil War in Canada.—Washington, January 5, 1838.

WHEREAS information having been received of a dangerous excitement on the northern frontier of the United States, in consequence of the civil war begun in Canada, and instructions having been given to the United States' officers on that frontier, and applications having been made to the Governors of the adjoining States to prevent any unlawful interference on the part of our citizens in the contest unfortunately commenced in the British provinces; additional information has just been received that, notwithstanding the proclamations of the Governors of the States of New York and Vermont, exhorting their citizens to refrain from any unlawful acts within the territory of the United States; and notwithstanding the presence of the civil officers of the United States, who, by my directions, have visited the scenes of commotion with a view of impressing the citizens with a proper sense of their duty, the excitement, instead of being appeased, is every day increasing in degree—that arms and munitions of war, and other supplies, have been procured by the insurgents in the United States—that a military force, consisting in part, at least, of citizens of the United States, had been actually organized, had congregated at Navy Island, and were still in arms under the command of a citizen of the United States, and that they were constantly receiving accessions and aid.

Now, therefore, to the end that the authority of the laws may be maintained, and the faith of Treaties observed, I, Martin Van Buren, do most earnestly exhort all citizens of the United States who have thus violated their duties, to return peaceably to their respective homes; and I hereby warn them, that any persons who shall compromise the neutrality of this Government by interfering in an unlawful manner with the affairs of the neighbouring British provinces, will render themselves liable to arrest and punishment under the laws of the United States, which will be rigidly enforced; and also that they will receive no aid or countenance from their Government into whatever difficulties they may be thrown by the violation of the laws of their country, and the territory of a neighbouring and friendly nation.

Given under my hand at the city of Washington, the 5th day of January, A.D., 1838, and the 62nd of the independence of the United States.

By the President:

(L.S.) M. VAN BUREN.

JOHN FORSYTH, Secretary of State.



## APPENDIX (D).

*Proclamation of the President of the United States, publishing the Arrangement concluded with Great Britain in April, 1817, relative to the Naval Force to be maintained by the two Powers upon the American Lakes.—Washington, April 28, 1818.*

By the President of the United States of America.

## A PROCLAMATION.

WHEREAS an Arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord 1817, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Honourable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty; which Arrangement is in the words following, to wit:

“The naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is:—

“On Lake Ontario, to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon.

“On the Upper Lakes, to two vessels, not exceeding like burden each, and armed with like force.

“On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

“All other armed vessels on these Lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

“If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

“The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party.”

And whereas, the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

Now, therefore, I James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this 28th day of April, in the year of our Lord 1818, and of the Independence of the United States the 42nd.

(Signed) JAMES MONROE.

By the President:  
(Signed) JOHN QUINCY ADAMS, *Secretary of State.*