

moning the jury, the hearing was necessarily deferred.

The President regrets this occurrence: as he has a desire for a speedy disposition of the subject. The counsel for Mr. Leod have requested authentic evidence of the avowal by the British Government of the attack on, and destruction of the *Caroline*, as acts done under its authority, and such evidence will be furnished to them by this Department.

It is understood that the indictment has been removed into the Supreme Court of the State by the proper proceeding for that purpose, and that it is now competent for Mr. Leod, by the ordinary process of habeas corpus, to bring his case for hearing before that tribunal.

The undersigned hardly needs to assure Mr. Fox that a tribunal so eminently distinguished for ability and learning as the Supreme Court of the State of New York may be safely relied upon for the just and impartial administration of the law in this as well as in other cases; and the undersigned repeats the expression of the desire of this government that no delay may be suffered to take place in these proceedings which can be avoided. Of this desire Mr. Fox will see evidence in the instructions above referred to.

The undersigned has now to signify to Mr. Fox that the Government of the United States has not changed the opinion which it has heretofore expressed to Her Majesty's Government of the character of the act of destroying the *Caroline*.

It does not think that the transaction can be justified by any reasonable application or construction of the right of self defence, under the laws of nations. It is admitted that a just right of self defence attaches always to nations, as well as to individuals, and is equally necessary for the preservation of both. But the extent of this right is a question to be judged of by the circumstances of each particular case; and when its alleged exercise has led to the commission of hostile acts within the territory of a Power at peace, nothing less than a clear and absolute necessity can afford ground for justification. Not having, up to this time, been made acquainted with the views and reasons, at length, which have led Her Majesty's Government to think the destruction of the *Caroline* justifiable as an act of self defence, the undersigned, earnestly renewing the remonstrance of this Government against the transaction, abstains, for the present, from any extended discussion of the question. But it is deemed proper nevertheless, not to omit to take some notice of the general grounds of justification stated by Her Majesty's Government in their instruction to Mr. Fox.

Her Majesty's Government have instructed Mr. Fox to say that they are of opinion that the transaction which terminated in the destruction of the *Caroline* as a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been 'permitted' to arm and organise themselves within the territory of the United States, had actually invaded a portion of the territory of Her Majesty.

The President cannot suppose that her Majesty's Government, by the use of these terms, meant to be understood, as intimating that those acts, violating the laws of the United States, and disturbing the peace of the British territories, were done under any degree of countenance from this Government, or were regarded by with indifference; or that, under the circumstances of the case, they could have been produced by the ordinary course of proceeding. Although he regrets that by using the term 'permitted,' a possible inference of that kind might be raised, yet such an inference the President is willing to believe, would be quite unjust to the intentions of the British Government.

That on a line of frontier such as separates the United States from Her Britannic Majesty's North American Provinces—a line long enough to divide the whole of Europe into halves—irregularities, violences, and conflicts should sometimes occur, equally against the will of both governments, is certainly easily to be supposed. This may be more possible, perhaps, in regard to the United States, without any reproach to their government, since their institutions entirely discourage the keeping up of large standing armies in time of peace, and their situation happily exempts them from the necessity of maintaining such expensive and dangerous establishments. All that can be expected from either government in these cases is good faith, a sincere desire to preserve peace and do justice, the use of all proper means of prevention, and that, if offences cannot, nevertheless, be always prevented, the offenders shall still be justly punished. In all these respects, this government acknowledges no delinquency in the performance of its duties.

Her Majesty's Government, are pleased also, to speak of those American citizens who took part with persons in Canada, engaged in an insurrection against the British Government, as 'American pirates.' The undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out or were engaged in fitting out, a military expedition from the United States intended to act against the British Government in Canada, they were clearly violating the laws of their country, and exposing themselves to the just consequences which might be inflicted on them if taken within the British dominions. But, notwithstanding this, they were,

certainly, not pirates, nor does the undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denigrate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all that is alleged against them to be true, they were taking a part in what they regarded as a civil war, and they were taking a part on the side of the rebels. Surely, England herself has not regarded persons thus engaged as deserving the appellation which Her Majesty's Government bestows on these citizens of the United States.

[To be concluded next week.]

European News.

BY THE COLUMBIA.

From English Papers to the 3rd June.

London Standard, June 3.

CHINA.

BOMBAY, April 21.—It appears that Keshen, the Imperial Commissioner, though apparently invested with full powers to treat with us, delayed the execution of the treaty which he had concluded with Captain Elliot, till he could obtain the Emperor's confirmation of it. The Imperial Cabinet, imperfectly acquainted with the emergency of circumstances, has rejected the treaty and determined on war. Four Imperial edicts have been received, breathing hostility and defiance to the English, ordering that since 'rebellious disposition of the foreigners have thus become manifest nothing is left but to exterminate them.' Instead of yielding an inch, by paying down the price of the opium, or granting them a landing place, the Emperor describes the English 'as having rebelled against Heaven and opposed reason.' 'They are,' says he 'like dogs and sheep in their disposition. It is difficult for Heaven and earth any longer to bear with the English, and both gods and men are indignant at their conduct.' 'I have heard,' says the Emperor, 'that for months past they have debauched men's wives and daughters; made captives, carried away property, built forts, opened water courses, and set up a counterfeit public officer, who issues proclamations, ordering the people to pay the duties. In sleeping or eating I find no quiet.'

The blood of the Tartar rule is excited by their enormities. Keshen is ordered to be delivered over to the Board of Punishment; still, however, retaining his command; and the Admiral Kevan, (though descended from the god of war is to lose his button. Troops have been ordered to proceed with all speed to Canton. Flying orders have been sent to the provinces of Honan, Aghezen and Kwoi-Chow, to proceed immediately to Canton; also flying despatches to Kean-Se, to forward the 2000 troops, already stationed to Kan-Chow for Canton; and it is calculated that in the second moon of the year all the troops may arrive at Canton.' Keshen is ordered to export and stimulate the soldiers to advance with valorous daring, and to be the foremost in battle, for it is absolutely necessary 'that the rebellious foreigners must give up their heads, which, and the prisoners, are to be sent to Pekin in cages to undergo the last penalty.' The fate of Anstruther and his unfortunate companions appears to be sealed.

Captain Elliot, finding that the negotiations had thus been broken off, seems to have roused himself from his lethargy. On the 25th the Bogue forts were attacked, and taken without the loss of a single man killed or wounded on our side. The casualties amongst the Chinese, though not ascertained, are believed to have been great. A thousand prisoners were taken, who were immediately liberated.

According to the last accounts which reached us to the 1st March, Captain Elliot intended to proceed to Canton, and, it is said, that Keshen had invited the foreign consuls to mediate between him and the English. Thus fell to the ground all the flattering assurances of Captain Elliot, that the negotiations were proceeding most auspiciously. Thus are annihilated at one blow, all the flattering promises held out by the ministerial organs at home of a speedy and satisfactory adjustment of all differences.

Of all the wars in which we have been engaged in the East, this is likely to be the most troublesome.

The circumstances which have transpired cannot therefore fail to produce a radical change throughout the whole empire—that the Emperor quietly acceded to the treaty, which after all, we fear more disgraceful to us than to him. The lofty pretensions of the Tartar dynasty, and the exclusiveness of the Cabinet, might have appeared in the

eyes of his subject to be still inviolate. But the feeling of hostility which he has manifested will necessarily force us to more extended operations: We must make up our minds either to give up China and its trade altogether, or force the Emperor into concessions at the cannon's mouth.

The Bombay Gazette concludes by severely condemning the government at home for its want of foresight and bad management of the Chinese question. It is of opinion that nothing effective can be done in the campaign which is about to open.

Letters from Singapore, of the 19th March, received by the ships John Adams and David Malcolm, state that, on the 25th of February, the island of Chusan was given up to the Chinese. These ships bring to Calcutta the Bengal volunteers, Captain Elliot, in his wisdom, having ordered their return when he was flattering himself Keshen was behaving honestly. The other transport with the European troops on board went fortunately to Hong Kong where they will be required, whether the volunteers, are to go or return to Macao was not yet decided.

Chinese goods have risen considerably in price, and junk teas are up to 6 1-2 Spanish dollars to 8 1-2 and 9.

An American gentleman, lately from Canton, tells us that the city is doomed to the flames if we spare it. He says there are 200,000 Chinese starving in the neighborhood for want of employment, who are as ready to sink the place as our sailors are.

Bombay Overland Courier, May 1.

The intelligence received from China during the last month is of a highly interesting and important nature. Our latest news from Macao is to the 31st March. Keshen's continued procrastination having at length exhausted Captain Elliot's patience, the Nemesis Steamer was despatched from Macao on the 14th of February with the draft of a treaty for the approval and ratification of the Imperial High Commissioner. The Commander of the Steamer was ordered to wait at the Bogue for a reply until the 18th, and in the event of his not receiving one by that date to return immediately to Macao. This he accordingly did on the 19th Keshen not having made his appearance. A circular was then published, stating that the squadron were moving towards the Bocca Tigris. On the following day Capt. Elliot received a message from Keshen in which the latter stated his willingness to sign the treaty, and excused his delay in not coming to the Bogue when the Steamer was there, by alleging that he had been detained by some piratical boats. This appears to have been a mere ruse to gain time. On the 24th of February a notification of the renewal of hostilities was issued to Her Britannic Majesty's subjects.

Towards the morning of the 25th February three howitzers and a party of Sepoys were landed at South Wantong from the Nemesis and the boats of the Squadron. The Chinese kept up a desultory fire while the darkness lasted. Before the dawn of day a battery had been erected with sandbags, and the guns got into position. From these soon as it was sufficiently light the British returned the fire of the Chinese. At 11 a. m. the tide served and the signal was made for the Squadron to weigh. Her Majesty's Ship *Calliope* bearing the broad pendant of the Commodore led the attack against the North Wantong, followed by the *Samarang*, *Druid*, *Wellesley*, *Sulphur*, and *Modeste*. The *Blenheim* and *Melville* with the Queen Steamer opened their fire on the Fort of Anunghoy. By noon the action had become general and the firing constant and heavy on all sides. In the mean time the *Modeste* and *Madagascar*, Steamers, with numerous boats in tow, ran in close to north Wantong, and landed the troops under the command of Major Pratt. Shortly afterwards the whole of the forts were in possession of the British Forces. Official notifications were issued in the course of the day: one by the Plenipotentiary, intimating the capture of the Forts; the other, by the Commodore, authorising Merchant Vessels to proceed to the Bogue.

The number of prisoners taken at Wantong is estimated at 1,000, and the killed and wounded on the side of the Chinese are said to be very numerous.

It is evident that an attack on the Bogue Forts should have been resorted to at the outset. The great loss of time and expenditure of public money which has occurred since the first arrival of the Squadron off Macao, would have been avoided, as also the mortality which has dreadfully thinned the ranks of the un-

fortunate Regiments that were quartered at Chusan.

That Island has been evacuated and delivered up to the Chinese. Orders to that effect has been transmitted by Capt. Elliott when he was laboring under the happy delusion that the Chinese were inclined to fulfil their promises of indemnity. The British who were detained prisoners at Ningpoo were released as soon as the evacuation of Chusan was completed. Capt. Anstruther, Lieut. Douglas, R. N., Mrs. Noble, and their companions in captivity, are now in safety under the British Flag.

The whole of the European Troops on leaving Chusan proceeded to Hong Kong, and consequently have been available in the hostile operations that have been carried on since the date of the action at the Bogue. But no greater proof need be adduced of the wretched management of Captain Elliott, and his utter incapacity to fulfill the responsible duties of the station which he holds, than the fact that three Transports with several hundreds of the Bengal Volunteers were ordered to proceed direct from Chusan to Calcutta. On their arrival at Singapore they heard of the renewal of hostilities and were detained at that port awaiting further instructions. The Troops were so diminished in numbers by death and sickness during their sojourn at Chusan, that the Bengal Volunteers may be considered as forming one third part of the effective land forces attached to the expedition. Yet at a time when the presence of every man is so important the volunteers are several hundred miles from the scene of action. The entire blame of which rests with Captain Elliott, whose reliance on Chinese good faith, in opposition to the opinions of all well informed persons on the spot, appears to have been caused by something bordering on insanity.

We have extracted various items of Chinese intelligence from the Calcutta Papers of the 30th April. On the morning of that day the Queen steamer from Macao the 31st March, arrived at Calcutta with Commodore Sir James Gordon Bremer. His excellency is said to have come to Indian for the purpose of consulting the Governor General and obtaining reinforcements. The British Troops have possession of the factory at Canton, but it would appear there is a provisional Chinese Government in the City. Official accounts may be expected in a few hours. The Calcutta Courier states that the forcing the passage between the Bogue and Canton was gallantly effected. The Chinese lost four hundred men. The British had only six wounded.

We have been favoured with private letters from Singapore to the 10th ult., Macao to the 28th, and Canton to the 26th March. From these we learn that Canton was almost deserted. The Hong Merchants remained on the spot, but said that the people were afraid to trade whilst the men of war remained by the river. The Chinese at Canton now believe that no traffic of importance can be carried on until the whole question is definitely settled.

No despatches had been received in Canton since the Emperor's reply to the announcement of the capture of the Bogue forts. The imperial chop breathed nothing but vengeance and defiance to the English. This induced the Commodore to start immediately for Calcutta. He at the same time ordered Her Majesty's troop ship *Jupiter* to proceed to Cannamora for the 94th regiment. A report was prevalent among the Chinese that the Emperor's nephew had arrived in Canton, and ordered all the chops about the opening of the trade to be cancelled.

Three Englishmen, two of them officers of the *Blenheim*, were carried off from a passage boat near Macao on the 26th March, and have not since been heard of. It is supposed they were captured by order of the mandarins.

The Commodore's principle object in coming to Canton is said to be the expediting the despatch of reinforcements, his Excellency being of opinion that matters cannot be satisfactorily arranged without another visit to the Gulf of Petchell.

Proclamations of the Chief Superintendent.

In the first proclamation dated 6th March, 1841, Captain Elliot says—

"People of Canton.—Your city is spared, because the Gracious Sovereign of Great Britain has commanded the High English Officer to remember, that the good and peaceful people must be tenderly considered.

But if the High Officers of the Celestial Court offer the least obstructions to the British forces in their present station then it will become necessary to answer