

THE GLEANER.

And Northumberland, Kent, Gloucester, and Restigouche Schediasma.

Volume XII.]

Nec araneorum sane textus ideo melior, quia ex se fila gignunt, nec noster vilior quia ex alienis libamus ut apes.

Number 42.

Miramichi, Tuesday Morning, June 29, 1841.

P. DONNELLY,

Begs to inform his friends and the public, that he has opened the House in which he now resides, in Richibucto, for the accommodation of TRAVELLERS, and hopes, by strict attention to their comfort, to merit a share of public patronage.

Richibucto, May 15, 1841.

NOTICE.—All persons having any legal demands against the Estate of Robert Marsterton, Surgeon, late of Richibucto, deceased, are requested to present the same duly attested to William Girvan, Merchant, within three Months from this date—and all persons indebted to the said Estate will please make immediate payment to the said William Girvan, who is authorized to receive the same, and whose receipt will be valid.

MARY MARSTERTON,
Richibucto, June 7, 1841. Administratrix.

NOTICE.—All persons having claims against the Estate of Harriet Mary Layton, late of Chatham, in the County of Northumberland, deceased, will please render the same duly attested at the office of Street & Kerr, within three months from this date; and all persons indebted to the said Estate, will please make immediate payment to the same place.

JOHN M. JOHNSON, Sole Executor.
Chatham, 1st June, 1841.

NOTICE.—All persons having any just demands against the Estate of WILLIAM DELANY, late of Dalhousie, in the County of Restigouche, Innkeeper, deceased, are requested to render the same duly attested, within Three Months from the date hereof, to Theophilus Des Brisay, Jun. Esq. Solicitor for said Estate—and all persons indebted to the said Estate are requested to make immediate payment to him or to the Subscriber.

MARY DELANY, Administratrix.
Dalhousie, 5th May, 1841.

CHEAP STORE.

NEW AND FASHIONABLE GOODS.

Just received by the Queen from London, Importer from Liverpool, and John Kerr from Greenock, and now ready for inspection at the Subscriber's Establishment, his Spring Supply of

British Dry Goods:

Also, HARDWARE, CUTLERY, & IRONMONGERY, Earthen and China WARE, &c.

The whole of which comprise an elegant assortment. The Stock having been selected by himself while in Britain, on the most reasonable Terms, enable him to sell at unprecedented low prices, either for cash or approved credit.

HENRY C. D. CARMAN
Chatham, June 1, 1841.

Just Received,

—Per schooner Daniance, from Halifax—
100 Kegs WHITE LEAD,
Green, Black, and White PAINTS,
28 lbs prime No 1 HERRING,
Also, per Schr Dove, from P E Island—
200 bushels OATS,
12 lbs prime PORK,
10 cwt OAT MEAL.

The above will be sold low for CASH.
HENRY C. D. CARMAN
Chatham, May 17, 1841.

CONSIGNMENT.

On Consignment, and now offered for Sale by the Subscriber:

20 bolts No 1 PATENT CANVAES,
1 Ton Liverpool SOAP, in boxes of 30 & 60 lbs
May 17, 1841. H. C. D. CARMAN.

Just Received—

By the Subscriber, per Schooner Waterloo from Halifax:
4 hds prime Cuba Molasses
50 lbs No 1 Herring
Corn Brooms
Olive Oil.

H. C. D. CARMAN.
1st June 1841.

Flour, Butter and Bread.

Just received, by the Subscriber, from Quebec:

20 bbls Fine FLOUR,
20 kegs BUTTER,
10 bags SHIP BREAD.
HENRY C. D. CARMAN.
June 4 1841

Custom House, Treasury, Magistrates, and other Blanks, for sale at the Gleaner Office.

THE GLEANER.

United States.

DOCUMENTS.
ACCOMPANYING THE PRESIDENT'S MESSAGE TO CONGRESS.

Mr. Webster to Mr. Fox.

Department of State,

Washington, April 24, 1841.

It is quite notorious that, for the greatest part of the last two centuries, subjects of the British Crown have been permitted to engage in Foreign wars, both national and civil, and in the latter, in every stage of their progress; and yet it has not been imagined that England has at any time allowed her subjects to turn pirates. Indeed, in our own times, not only have individual subjects of that crown gone abroad to engage in civil wars, but we have seen whole regiments openly recruited, embodied, armed, and disciplined in England, with the avowed purpose of aiding a rebellion against a nation with which England was at peace; although it is true that, subsequently, an act of Parliament was passed to prevent transactions so nearly approaching to public war, without license from the Crown.

It may be said that there is a difference between the case of a civil war, arising from a disputed succession, or a protracted revolt of a colony against the mother country, and the case of a fresh outbreak, at the commencement of a rebellion. The undersigned does not deny that such distinctions may for certain purposes, be deemed well founded. He admits that a Government, called upon to consider its own rights, interests and duties, when civil wars break out in other countries, may decide on all the circumstances of the particular case, upon its own existing stipulations on probable results, on which its own security requires; and on many other considerations. It may be already bound to assist one party, or it may become bound, if it so chooses, to assist the other, and to meet the consequence of such assistance.

But whether the revolt be recent or long continued, they who join these concerned in it, whatever may be their offence against their own country, or however they may be treated, if taken with arms in their hands, in the territory of the Government against which the standard of revolt is raised, cannot be denominated pirates, without departing from all ordinary use of language in the definition of offices. A case which has so foul an origin as piracy cannot in its progress, or by its success, obtain a claim to any degree of respectability, or tolerance, among nations; and civil wars, therefore, are not understood to have such a commencement.

It is well known to Mr Fox, that authorities of the highest eminence in England, living and dead, have maintained, that the general law of nations does not forbid the citizens or subjects of one Government from taking part in the civil commotions of another. There is some reason, indeed, to think that such may be the opinion of Her Majesty's Government at the present moment.

The undersigned has made these remarks, from the conviction that it is important to regard established distinctions, and to view the acts and offences of individuals in the exactly proper light. But it is not to be inferred that there is, on the part of this government, any purpose of extenuating, in the slightest degree, the crimes of these persons, citizens of the United States, who have joined in military expeditions against the British Government in Canada. On the contrary, the President directs the undersigned to say that it is his fixed resolution that all such disturbers of the national peace and violators of the law of the country shall be brought to exemplary punishment. Nor will the fact that they are instigated and led on to these excesses by British subjects refugees from the Provinces, be deemed any excuse or palliation; although it is well worthy of being remembered that the prime movers of these disturbances on the borders are subjects of the Queen, who come within the territories of the United States, seeking to enlist the sympathies of their citizens, by all the motives which they are able to address to them, on account of grievances, real or imaginary. There is no reason to believe that the design of any hostile movement from the United States against Canada, has commenced with citizens of the United States. The true origin of such purposes and such enterprises is on the other side of the line. But the President's resolution to prevent these transgressions of the laws, is not, on that account, the less strong. It is taken, not only in conformity to his duty under the provisions of existing laws, but is

full consonance with the established principle and practice of this government.

The Government of the United States has not, from the first, fallen into the doubts elsewhere entertained, of the true extent of the duties of neutrality. It has held that, however it may have been in less enlightened ages, the just interpretation of the modern law of nations is, that neutral States are bound to be strictly neutral; and that it is a manifest and gross impropriety for individuals to engage in civil conflicts of other States, and thus to be at war, while their government is at peace. War and peace are high national relations, which can properly be established or changed only by nations themselves.

The United States have thought, also, that the salutary doctrine of non-intervention by one nation with the affairs of others is liable to be essentially impaired, if, while Government refrains from interference, interference is still allowed to its subjects; individually or in masses. It may happen, indeed, that persons choose to leave their country, emigrate to other regions, and settle themselves on uncultivated lands, in territories belonging to other States. This cannot be prevented by governments which allow the emigration of their subjects and citizens; and such persons, having voluntarily abandoned their own country, have no longer claim to its protection, nor is it longer responsible for their heads. Such cases, therefore, if they occur, show no abandonment of the duties of neutrality.

The Government of the United States has not considered sufficient to confine the duties of neutrality and noninterference to the case of Governments whose territories lie adjacent to each other. The application of the principle may be more necessary in such cases, but the principle itself they regard as being the same, if those territories be divided by half the globe. The rule is founded in the impropriety and danger of allowing individuals to make war on their own authority, or, by mingling themselves in the belligerent operations of other nations, to run the hazard of counteracting the policy, or embroiling the relations of their own Government. And the United States have been the first among civilized nations to enforce the observance of this just rule of neutrality and peace, by special adequate legal enactments. In the infancy of this Government, on the breaking out of the European wars which had their origin in the French Revolution, Congress passed laws with severe penalties, for preventing the citizens of the United States from taking part in those hostilities.

By these laws, it prescribed to the citizens of the United States what it understood to be their duty, as neutrals, by the law of nations, and the duty, also, which they owed to the interest and honour of their own country.

At a subsequent period, when the American colonies of an European Power took up arms against their sovereign, Congress, not divested from the established system of the Government by any temporary consideration, nor swayed from its sense of justice and of duty by any sympathies which it might naturally feel for one of the parties, did not hesitate, also, to pass acts applicable to the case of colonial insurrection and civil war. And these provisions of law have been continued, revised, amended, and are in full force at the present moment. Nor have they been a dead letter, as it is well known that exemplary punishments have been inflicted on those who have transgressed them. It is known, indeed, that heavy penalties have fallen on individuals, citizens of the United States, engaged in this very disturbance in Canada, with which the destruction of the Caroline was connected. And it is in Mr. Fox's knowledge, also, that the act of Congress, of March 10th 1838, was passed for the precise purpose of more effectually restraining military enterprises from the United States into the British Provinces, by authorising the use of the most sure and decisive preventive means. The undersigned may add, that it stands on the admission of very high British authority, that during the recent Canadian troubles, although bodies of adventurers appeared on the border, making it necessary for the People of Canada to keep themselves in a state prepared for self defence, yet that these adventurers were acting by no means in accordance with the feeling of the great mass of the American People, or of the Government of the United States.

The Government, therefore, not only holds itself above reproach in every thing respecting the preservation of neutrality, the observance of non-intervention, and the strictest conformity in these respects, to the rules of international law, but it doubts not that the world will do it the justice to acknowledge that it has set an example not unfit to be followed by others, and that, by its steady legislation on this most

important subject, it has done something to promote peace and good neighbourhood among nations, and to advance the civilization of mankind.

The undersigned trust that, when Her Britannic Majesty's Government shall present the grounds at length, on which they justify the local authorities of Canada in attacking and destroying the 'Caroline,' they will consider that the laws of the United States are such as the undersigned has now represented them, and that the Government of the United States has always manifested a sincere disposition to see those laws effectually and impartially administered. If there have been cases in which individuals, justly obnoxious to punishment, have escaped, this is no more than happens in regard to other laws.

Under these circumstances, and under those immediately connected with the transactions itself, it will be for Her Majesty's Government to show upon what state of facts and what rules of national law the destruction of the 'Caroline' is to be defended. It will be for that Government to show a necessity of self defence, instant, overwhelming, leaving no choice of means and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive; since the act, justified by the necessity of self defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the Caroline was impracticable, or would have been unavailing; it must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this the government of the United States cannot believe to have existed.

All will see that if such things be allowed to occur, they might lead to bloody and exasperated war; and when an individual comes into the United States from Canada, and to the very place on which this drama was performed, and there chooses to make public and vain glorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise.

This republic does not wish to disturb the tranquillity of the world. Its object is peace, its policy peace. It seeks no aggrandisement by foreign conquest, because it knows that no foreign acquisition could augment its power and importance so rapidly as they are already advancing by its own natural growth under the propitious circumstances of its situation. But it cannot admit that its government has not both the will and the power to preserve its own neutrality, and to force the observance of its own laws upon its own citizens. It is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and the determination of this government fully and at all times fully to maintain; while it will, at the same time, as scrupulously refrain from infringing on the rights of others.

The President instructs the undersigned to say, in conclusion, that he confidently trusts that this and all other questions of difference between the two governments will be treated by both in the full exercise of such a spirit of candour, justice, and mutual respect as shall give assurance of the long continuance of peace between the two countries.

The undersigned avails himself of this opportunity to assure Mr Fox of his high consideration.

DANIEL WEBSTER.

HENRY S. FOX, Esq. &c. &c. &c.

THE BRITISH JOURNALS.

From the London John Bull.

WHY AND BECAUSE.

Why do we oppose the ministerial design to weaken the agricultural and strengthen the manufacturing interests of the country.

Because—We have carefully and dispassionately observed the working of our manufacturing system; have personally inspected the social condition, and are well acquainted with the