



MEXICO—TEXAS—CANADA.

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

*Transmitting the information required by a resolution of the House of Representatives of the 5th of January instant, &c.*

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JANUARY 8, 1838.

Referred to the Committee on Foreign Affairs.

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*To the House of Representatives of the United States :*

I herewith transmit to the House of Representatives a report and accompanying documents from the Secretary of State, in compliance with a resolution of that body dated the 5th instant.

M. VAN BUREN.

WASHINGTON, *January 8, 1838.*

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DEPARTMENT OF STATE,

*Washington, January 8, 1838.*

*To the President of the United States :*

The Secretary of State, to whom have been referred certain resolutions of the House of Representatives, dated the 5th instant, the second of which requests the President of the United States to communicate to that body "copies of all instructions to the officers of the Government of the United States, and all correspondence with them, with the Governors of any of the States, and with the Governments and officers of Mexico and of Great Britain, concerning the preservation of the neutrality of the United States in the civil wars and insurrections in Mexico and in any of the British Provinces north of the United States, since the year 1829; and particularly of a letter from the late President of the United States to the Secretary of the Territory of Arkansas, dated on or about the 10th of December, 1830," has the honor to report to the President the accompanying papers, embracing all the instructions and correspondence requested by the reso-

Thomas Allen, print.

lution above cited, not already published,\* with the exception of the letter from the late President of the United States to the Secretary of the Territory of Arkansas, said to be dated about the 10th of December, 1830. The files of this Department have been carefully examined, but no letter has been found from the late President to the Secretary of Arkansas.

Respectfully submitted.

JOHN FORSYTH.

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\* See document No. 256, 24th Congress, 1st session.

Document No. 105, 24th Congress, 2d session, and document No. 2, accompanying the message of the President at the opening of the 2d session of the 24th Congress.

Document No. 139, 24th Congress, 2d session.

*Mr. Carleton to Mr. Forsyth.*

NEW ORLEANS, *October 21, 1835.*

SIR: I have the honor herewith to forward to you several of the newspapers of this city, from which the President will be fully apprized of the nature of the excitement felt here at the present situation of Texas, and the part which some of our citizens seem disposed to take in the struggle about to arise between that Province and the parent State. There can be no doubt that certain persons intend to proceed thither, to act in concert with the Texans, should an occasion present itself. Yet, when the matter is more narrowly investigated, it is difficult to apply to them the provisions of the second or sixth sections of the act of the 20th April, 1818; for it does not appear that any regular *enlisting or entering as soldiers* has taken place within the meaning of the statute, or that any definite or tangible *military expedition or enterprise* has been set on foot or begun.

I have just had an interview upon this subject with the Mexican consul, to whom I expressed a willingness to prosecute, under that law, for any offence committed against his Government, whenever himself or any one else would indicate the testimony upon which proceedings could be properly based. He seemed to think his agency would be unavailing, and said he could do nothing more than communicate the facts, as they occurred, to the officers of his Government.

I have the honor to be,

Very respectfully,

Your obedient servant,

HENRY CARLETON.

HON. JOHN FORSYTH,  
*Secretary of State, Washington City.*

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*Mr. Forsyth to Governor White.*

DEPARTMENT OF STATE,

*Washington, October 27, 1835.*

SIR: The contest which is apparently beginning in a territory adjoining the United States, between parties of the Mexican empire, and recent publications in the public journals of New Orleans, lead to an apprehension that attempts may be made to violate the laws of the United States, passed to preserve the relations of amity with foreign Powers, and to fulfil the obligations of our treaties with them. By the directions of the President, I have the honor to request the attention of your excellency to any movements of that character that may be contemplated in Louisiana, and your prompt interference, and that of the officers of the United States, to arrest the parties concerned, if any preparations are made of a hostile nature against any foreign Power in amity with the United States.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

His Excellency EDWARD D. WHITE,  
*Governor of the State of Louisiana.*

*Mr. Forsyth to Mr. Carleton.*

DEPARTMENT OF STATE,

*Washington, October 27, 1835.*

SIR: I am directed by the President to call your attention to the recent publications in the extra New Orleans True American of the 13th instant. In the too probable event of a contest between the different portions of the Mexican empire, in the quarter adjoining the United States, some of our citizens may, from their connexion with the settlers there, and from their love of enterprise and desire of change, be induced to forget their duty to their own Government and its obligations to foreign Powers. It is the fixed determination of the Executive faithfully to discharge, so far as his power extends, all the obligations of the Government, and that obligation especially that requires that we shall abstain, under every temptation, from intermeddling with the domestic disputes of other nations: you are therefore earnestly enjoined to be attentive to all movements of a hostile character, contemplated or attempted, within your district, and to prosecute without discrimination all violators of those laws of the United States, which have been enacted to preserve peace with foreign Powers, and to fulfil the obligations of our treaties with them.

I am, sir, your obedient servant,

JOHN FORSYTH.

TO HENRY CARLETON, Esq.

*Attorney of the U. S. for the East. Dist. of Louisiana.*

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*Mr. Price to Mr. Forsyth.*

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

*New York, November 9, 1835.*

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, calling my "attention to the probable event of a contest between certain portions of the Mexican empire, in those parts thereof which adjoin the United States."

I have this day communicated with the collector of this port upon the subject, and especially requested him to report to me forthwith, for prosecution, any violation of the act of the 20th April, 1818, entitled "An act in addition to an act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned." I will, in all respects, bestow the utmost attention on "all movements in this district which may in anywise tend to sustain the obligations of the Government, and more especially of that which requires that we should abstain, under every temptation, from intermeddling with the domestic dissensions of other nations."

I have the honor to be, sir, very respectfully,

Your obedient servant,

WILLIAM M. PRICE,

*U. S. District Attorney.*

TO THE HON. JOHN FORSYTH,

*Secretary of State, Washington.*

*Mr. Price to Mr. Forsyth.*

U. S. DISTRICT ATTORNEY'S OFFICE,

*New York, November 13, 1835.*

SIR : In pursuance of the instructions in your letter of the 4th instant, I have the honor to report the proceedings I have taken in furtherance of its object.

As the provisions of the 10th and 11th sections of the act of April 20, 1818, peculiarly address themselves to collectors, on the 6th instant I communicated a copy of your instructions to the collector of this port, accompanied with a letter, of which I enclose a copy, No. 1. On the same day I addressed a letter to the Mexican consul residing in this city, from whom, on the following day, I received a reply, of which I furnish you with a copy, and also with a copy of my letter to him, Nos. 2 and 3. One of the deputy marshals attended at the meeting referred to in the letter of the consul; and on reporting to me substantially its proceedings, the resolutions did not designate the use to which the money proposed to be contributed was to be applied. I, nevertheless, considered it to be my duty to present the case to the attention of the grand jury, now sitting. A doubt arising whether the provisions of the sixth section (for there was clearly no evidence applicable to any other provisions of the act) had been violated, the grand jury formally propounded a question to the court. Judges Thompson and Betts concurred in a written opinion in reply : a copy of which I herewith transmit, together with the copy of the question proposed by the grand jury, No. 4.

The section referred to does certainly admit of the literal construction given to it by the court, and would be well amended by striking out the words in the fourth line, to wit : " to be carried on from thence ;" and it would be well also to make it penal to " combine, confederate, or agree, directly or indirectly, to promote, aid, or assist such expedition or enterprise."

I have this day received from the Mexican consul resident here, a letter, a copy of which I enclose, calling my attention to an advertisement in the " Times," giving the proceedings of a meeting held last evening at Tammany Hall, with regard to the American territory of Texas. I will forthwith endeavor to obtain evidence of the establishment of the recruiting office referred to by the consul, such acts being unquestionably in violation of the statute referred to. No. 5.

I have the honor to be, very respectfully, sir,

Your most obedient servant,

WILLIAM M. PRICE,

*U. S. District Attorney.*

To the Hon. JOHN FORSYTH,

*Secretary of State, Washington.*

No. 1.

*Mr. Price to Mr. Swartwout.*

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

*New York, November 6, 1835.*

SIR : I have the honor to communicate to you a copy of a letter this day received by me from the honorable the Secretary of State, dated the 4th instant, and refer you for your government in the premises generally to the provisions of the act of the 20th of April, 1818, entitled " An act in addition to an act for the punishment of certain crimes against the United States," and to repeal the acts therein mentioned, and especially to the 10th and 11th sections of the act, 6th volume Laws of the U. S., p. 320.

With very great respect,

Your most obedient servant,

WILLIAM M. PRICE,

*United States District Attorney.*

To SAMUEL SWARTWOUT, Esq.

*Collector of the port of New York.*

No. 2.

*Mr. Price to Mr. Gonzalez.*

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

*New York, November 6, 1835.*

SIR : I have the honor to advise you that I have this day received instructions from the honorable the Secretary of State of the United States, zealously to exert myself, as the prosecuting officer of the Government, to prevent all persons in this district from directly or indirectly taking part in a contest which may possibly occur between the different portions of the Mexican empire adjacent to the United States, and to prosecute indiscriminately all violations of the laws of the United States which have been enacted for the preservation of the public peace and the fulfilment of the obligations of treaties with foreign nations.

Permit me, sir, to refer you to an act of Congress of the United States, passed on the 20th of April, 1818, entitled " An act in addition to an act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," 6th volume United States Laws, page 320; and to request you to advise me of any violation of its provisions within this district which may come to your knowledge, that I may pursue such legal measures as occasion may require to bring the offenders to justice.

I am, sir, with great respect,

Your most obedient servant,

WILLIAM M. PRICE,

*United States District Attorney.*

To SENOR P. GONZALEZ,

*Consul of Mexico to the United States.*

No. 3.

*Mr. Gonzalez to Mr. Price.*

NEW YORK, November 10, 1835.

SIR: I have the honor to acknowledge the receipt of your official letter of yesterday, by which you inform me that instructions have been directed to you from the honorable the Secretary of State of the United States to ~~zealously~~ exert yourself, as the prosecuting officer of the Government, to prevent all persons in this district from directly or indirectly taking part "in a contest that may possibly occur between the different portions of the Mexican empire adjacent to the United States, and to prosecute indiscriminately all violations of the laws of the United States which have been enacted for the preservation of the public peace and the fulfilment of the obligations of treaties with foreign nations."

You further refer me to the act of Congress of the United States passed on the 20th of April, 1818, entitled "An act in addition to an act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," requesting that I advise you of any violation of its provisions within this district which may come to my knowledge.

Allow me, therefore, sir, to call your attention to a resolution adopted on Saturday, the 7th instant, in a public meeting held at the Shakspeare hotel, "in favor of aiding the cause of Texas, or the Texonians, in their struggle for freedom." This resolution, published in most of the papers of this city, is the appointment of "a committee of citizens to solicit and receive subscriptions for the benefit of the Texonians." Although the resolution, in itself, does not purport any hostile or warlike measure, taking into consideration the object of the meeting, there can be no doubt but that it is the first of further steps that are to be taken towards a direct interference, on the part of a great number of citizens of these United States, with the political disturbances which actually exist between a portion of the Mexican republic adjacent to the United States, as the territories of Texas are. I suggest to you this observation in the discharge of my duty as consular agent of the United Mexican States, and to comply with the request contained in your note that you will pursue the measures which the law has intrusted to you.

With great respect,

Your obedient servant,

P. GONZALEZ,

*Mexican Vice Consul for New York.*

TO WILLIAM M. PRICE, Esq.

*United States Attorney**for the Southern district of New York.*

No. 4.

The grand jurors of the United States for the southern district of New York, in the second circuit, respectfully submit to the honorable circuit court of the United States the following inquiry, in relation to a matter at present under their consideration :



Is it, or not, a violation of the 6th section of the act of Congress, passed on the 20th of April, 1818, entitled "An act in addition to an act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," that meetings should be held in this district, and committees appointed to provide means and make collections for the purpose of enabling the inhabitants of Texas to engage in a civil war with the sovereignty of Mexico, now at peace with the United States?

GIDEON TUCKER.

To which proposition the court replied as follows:

In answering the foregoing inquiry, the court will confine itself to the facts stated, and the section of the law referred to. The inquiry is, whether meetings held in this district, (or State,) and committees appointed to provide means and make collections *for the purpose of enabling the inhabitants of Texas to engage in a civil war with the sovereignty of Mexico*, is a violation of the section of the law referred to?

That section of the act is as follows: "And be it further enacted, That if any person shall, *within* the territory or jurisdiction of the United States, begin to set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on *from thence* against the territory or dominions of any foreign prince or State, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years."

This section applies only to military expeditions and enterprises to be carried on *from the United States* against any foreign Power with which we are at peace. No person shall begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on *from thence*; that is, from the United States, or the territory within their jurisdiction. Donations in money, or any thing else, to the inhabitants of Texas, to enable them to engage in a civil war with the sovereignty of Mexico, is in no sense beginning, or setting on foot, or providing the means for, a military expedition *from the United States* or their territory. The answer, therefore, to the question put by the grand jury, is, That the facts stated do not amount to any offence, under the 6th section of the act referred to.

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No. 5.

*Mr. Gonzalez to Mr Price.*

NEW YORK, November 13, 1835.

SIR: I have the honor to enclose a number of the "New York Times," of this day, in which you will find reported the proceedings of a meeting held last evening at Tammany Hall, with regard to the American territories of Texas adjacent to the United States. By these proceedings, it is plainly ascertained that there exists in this district an organized body

of American citizens, with the avowed purpose of aiding the people of Texas in their revolutionary movements against the Government and laws of the United Mexican States. It was resolved, as you will perceive in the report, to appoint an executive committee to manage the collections that may be made for the support of the Texonians; and moneys have already been raised to that end. It was, besides, announced in the said meeting, that a recruiting-office is open in No. 62, Front street, to those who will enlist themselves to take up arms on the side of the revolted Texonians.

In my communication of the 10th instant, in answer to your note of the 6th, I mentioned that the resolution adopted in the meeting held at the Shakspeare hotel, on Saturday, the 7th, in favor of Texas, ought to be considered as the first of further steps that were to be taken towards a direct interference on the part of a great number of American citizens in the political affairs of Mexico. It is now certain, sir, that this interference is undertaken by a body of citizens, in violation of the law of nations, and of the laws of the United States enacted to enforce it.

I therefore denounce to you these proceedings, as well as the measures that are to be their consequence, and which are to set on foot, prepare, and provide the means for a military expedition to be carried on from thence against the Mexican territory; and solemnly protest against them as a violation of the law of nations and of the laws of the United States enacted for the preservation of the public peace, and the fulfilment of the obligations of treaties with a friendly Power, with which the United States are at peace.

With great respect,

Your obedient servant,

P. GONZALEZ,

*Mexican Vice Consul for New York.*

WILLIAM M. PRICE, Esq.,

*U. S. District Attorney for the Southern District of New York.*

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*Mr. Blache to Mr. Forsyth.*

DEPARTMENT OF STATE,

*New Orleans, November 16, 1835.*

SIR: I am directed by the Governor to acknowledge the receipt of your communication of the 27th ultimo, touching certain demonstrations in New Orleans on the subject of the Mexican affairs.

No official information of attempts of the kind alluded to having been given at this office, and such offences being cognizable by the tribunals of the United States, the authorities of the General Government could probably exert a more efficient action in repressing them.

With the view, however, of co-operating in the maintenance of the laws, the Governor has issued a proclamation, inserted in the "Bee," of which a number is herewith forwarded to the Department.

I have the honor to be, with great respect,

Your obedient servant,

MARTIN BLACHE,

*Secretary of State.*

The Hon. JOHN FORSYTH,  
*Secretary of State.*

## PROCLAMATION

*By Edward D. White, Governor of the State of Louisiana.*

Whereas the United States are now at peace with the neighboring States of Mexico, in which some hostile movements have occurred between the existing Government there and a portion of their people, in which contest there has been in the State of Louisiana some manifestation of interest, which might lead not only to an infraction of our laws, but to a breach of national faith and honor; the citizens of the State, and others within its jurisdiction, are reminded of the provisions of the 2d section of the act of Congress of April 20th, 1818, which is in these words:

“ If any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years.” This act does not “ extend to the subject or citizen of any foreign prince, state, colony, district, or people, who shall transiently be within the United States, and shall on board of any vessel of war, letter of marque or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district or people.”

Now, therefore, I, Edward D. White, Governor of the State of Louisiana, issue this my proclamation, calling upon all magistrates and other officers of justice, and upon all good citizens, to assist in preventing the violation of this law, and in bringing to punishment those who may offend against it.

Given under my hand, and the seal of the State, at New Orleans, this 13th day of November, 1835, and of the independence of the United States the sixtieth.

By the Governor :

E. D. WHITE.

MARTIN BLACHE,  
*Secretary of State.*

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*Mr. J. Forsyth, Jun. to Mr. Forsyth.*

DISTRICT ATTORNEY'S OFFICE,

*Mobile, Alabama, November 18, 1835.*

SIR : I have the honor to acknowledge the receipt of your communication of the 4th instant, upon the subject of the interference of American citizens, within this district, in the “ domestic dissensions” of Cen-

tral America. There is no question in my mind but that the 6th section of the act of Congress approved April 20, 1818, entitled "An act in addition to the act for the punishment of certain crimes against the United States," &c. has been grossly violated, both in its letter and spirit, by many of the most respectable and influential citizens of this State and city. During my absence from the State in October last, several public meetings were held in this city for the avowed purpose of raising men and money to succor the insurgents of Texas; and a company of 30 men was actually equipped and despatched from this city, and are now in arms in Texas against the Government "de facto." I am at a loss to determine whether your instructions should be applied to the cases that have passed; whether they should be retrospectively obeyed; or whether this last proposition is not negatived by the concluding paragraph of your letter, which reads thus: "You are therefore earnestly enjoined, *should this contest begin*, to be attentive to all movements of a hostile character against either party, &c.; and to prosecute, without discrimination, all violations of those laws of the United States which have been enacted for the preservation of peace," &c. In this state of doubt, I respectfully request further instructions in regard to the past offences against the law, and submit whether it would not be expedient to give notice within this district that offenders under this law would be prosecuted for the same.

It is hardly necessary to add, that if any new case should arise under the law and treaty in question, the offenders shall be promptly prosecuted, and every effort made upon my part to bring them to justice and a sense of their obligations and duties to the Government.

I have the honor to be,

With great respect,

Your obedient servant,

JOHN FORSYTH, Jun.

HON. JOHN FORSYTH,

*Secretary of State.*

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*Mr. Carleton to Mr. Forsyth.*

NEW ORLEANS, *January 21, 1836.*

SIR: There have been so many contradictory newspaper accounts concerning certain expeditions and armaments said to have been fitted out at this city in aid of the Texans, in their struggle with Mexico, that I have thought it incumbent on me to place the subject, through you, in its proper light before the President.

On the 26th ultimo I received the communication, a printed copy of which is annexed, and marked A. Some of the signers are officers of insurance companies in this city, and the others members of the principal commercial houses engaged in the Mexican trade. My reply is contained in the paper marked B.

On the 31st ultimo, the piece marked C appeared in the *Union*, an obscure paper printed in this place. Upon an interview with the collector, it was thought best to institute proceedings against the schooner

Brutus, mentioned in document A. Accordingly, on the 4th instant, I caused nearly all the signers of the document, as also the editor of the Union and author of the paper C, to be summoned before Mr. Justice Preval; whereupon twenty witnesses were examined, without obtaining a syllable of information touching the matters alleged. Every thing stated by them resolved itself into hearsay or common report. The examination took a wide range, and continued two days, referring to other armaments said to have been fitted out, as well as that under consideration.

Since these proceedings, nothing further has been said on the subject of such armaments, either in the papers or among the citizens.

Enclosed are copies of the depositions of the witnesses; from which it will appear that the examination was thorough and rigid, and that information was sought especially from those who were most interested in obtaining it.

The paper D contains a notice of the issue of the examination.

I have the honor to be,

Very respectfully,

Your obedient servant,

HENRY CARLETON.

Hon. JOHN FORSYTH,

*Secretary of State, Washington City.*

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A.

NEW ORLEANS, *December 26, 1835.*

To HENRY CARLETON, Esq.,

*United States District Attorney.*

Being informed that the schooner Brutus has been purchased, and is now fitting out, armed with six cannon, and one large one on a pivot, for the purpose of capturing Mexican vessels, which, with their cargoes, are principally insured by the underwriters of this city; and as our country is at peace with Mexico; we, the undersigned, request that immediate measures may be taken to prevent said vessel from leaving this port.

John A. Mirle & Co.

Messrs. Cuculla, Lapeyre & Co.

Chalaron.

S. T. Hobson & Co.

Western Marine and Fire Insurance Co., by L. Matthews, president.

Atlantic Insurance Company, by G. W. White Lee.

Godfrey, Blossom, & Co.

J. K. West, president of Louisiana State Marine and Fire Insurance Company.

Thomas Urquhart, president New Orleans Insurance Company.

Merchants' Insurance Company, by M. Morgan, president.

M. de Legardi & Co.

F. Gillit & Co.

Kohn, Daron, & Co.

Harrison, Brown, & Co.  
 J. W. Zacharie & Co.  
 Herman & Co.  
 Gasquet, Parish & Co.  
 G. Vance and R. Gamble.  
 A. & R. Dennistoun & Co.  
 J. Pratt & Son.  
 A. M. Miranda & Co.  
 J. M. Caballero.  
 Francisco Tio.  
 John Crosby.  
 R. & J. Curell.

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B.

*The Courier, New Orleans, Tuesday evening, December 29, 1835.*

NEW ORLEANS, December 28, 1835.

GENTLEMEN: This acknowledges the receipt of your communication of the 26th instant, in which you state that you are informed the schooner Brutus is now fitting out, and armed with cannon, for the purpose of capturing Mexican vessels, and request that immediate measures may be taken to prevent her departure from this port.

I regret, gentlemen, that you had not at the same time furnished me with proper affidavits, or the names of witnesses, who could set out specifically the facts upon which judicial proceedings might be based.

Mr. Curell, who delivered your letter, informed me that efforts were then making to procure such affidavits, and that the result would be made known to me. In the mean while I have had an interview with the collector, who will promptly act, as far as he is warranted, upon the information imparted to him.

The law wisely and justly forbids any outfit of vessels in our ports, with intent to commit hostilities upon any people at peace with the United States; and though my duty requires that I should prosecute for violations of that law, yet it does not require me to institute proceedings upon the testimony of mere common report. Notwithstanding it is currently said that such armaments have been fitted out at New Orleans, and soldiers enlisted, with intent to commit hostilities upon the Mexicans, nevertheless no person can be found in this entire population to make an affidavit of the facts, or indicate a single witness who can establish them. Allow me, therefore, gentlemen, to state distinctly to yourselves, and all those who may conceive that the officers of the Government are remiss in their duty, that these are the only legitimate grounds upon which prosecution can be instituted and maintained, and to assure you that, whenever they are furnished to me, my efforts shall not be wanting to enforce the penalties of the law.

I have the honor to be, gentlemen,

Very respectfully, your obedient servant,

HENRY CARLETON.

To Messrs. CUCULLA, LAPEYRE & Co., CHALARON, S. T. HOBSON & Co., and others.

D.

We understand that an inquiry has been made before Mr. Justice Preval, at the request of the collector of this port, by the district attorney of the United States, into a charge against Mr. Allen, of having armed and fitted out the American schooner Brutus, with the intention to commit hostilities upon Mexican commerce. A large number of witnesses were examined. Among them were the gentlemen who addressed a communication to Mr. Carleton, published in the papers of this city a few days ago; the editor of the Union; and several other persons, who, it was said, could give information on the subject.

No evidence, however, was elicited sufficient to justify any process against Mr. Allen. The testimony of his agent, and others, left no doubt that it was the intention of Mr. Allen to employ the Brutus as a regular trader between this city and Texas, and that all charges of an illegal intention on his part were unfounded, and to be traced only to general rumor. The judge, after a careful examination of all the witnesses, unhesitatingly refused to issue any criminal process against Mr. Allen.

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*Mr. Justice Preval, associate justice of the city court.*

THE UNITED STATES, }  
*versus*  
 A. C. ALLEN. }

Information having been communicated to me by the collector of this port, that a certain American schooner, called the Brutus, has been fitted out in New Orleans, where she now is, and armed with intent to commit hostilities and cruise against Mexican vessels, will you have the goodness to issue subpœnas for the following witnesses, who have been indicated to me as having a knowledge of the necessary facts upon which proceedings can be had against Mr. Allen.

Very respectfully,

HENRY CARLETON.

M. S. Cuculla, being duly sworn, deposes and says that he knows nothing about the schooner Brutus, except what he has seen in the public papers of this city, having been absent since the 24th of December last, on a voyage to Mobile and Pensacola.

M. S. CUCULLA.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

James Ramage, being duly sworn, deposes and says that it is to his knowledge that the schooner Brutus has been under repairs on the right side of the Mississippi; that she is now on this side of the river, and is armed; that she has on board a pivot gun; and, further, she has port-

holes and two other guns: last time witness saw those guns was Saturday last, the 2d of January instant.

JAMES RAMAGE.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

James Curell, being duly sworn, deposes and says that he knows nothing from his own personal knowledge relative to the schooner Brutus; that what he knows about this matter, he knows it by information from other persons.

JAMES CURELL.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

Augustus S. Martin, being duly sworn, deposes and says that he knows nothing about the schooner Brutus, and Mr. Allen, except what he has learned by a letter of Mr. Allen, published in the newspapers of this city; which letter is now annexed to his declaration.

AUGUSTUS S. MARTIN.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

John F. Carter, being duly sworn, deposes and says that he knows nothing about the American schooner Brutus, except what he has heard from public report; that he is the editor of the *Union*, (a newspaper published in this city.) Witness being asked for the sources of his information upon which he wrote and published a piece in the "*Union*," of the 31st of December last, he refused to give the sources of information upon which he made the said publication. Witness says that there are no details mentioned in his publication; the said piece is an editorial one; he knows the facts mentioned in the said piece, both by himself and public report. Being asked whether the fitting out and armaments, in sight of the custom-house, is a fact which has come to his personal knowledge, or from report, he says he cannot call to mind which way, nor can he state the name of any particular vessel; but he is under the impression that it was either the *Columbus* or the vessel that General Mehia went in. He thinks that it is possible that he saw the vessel, but cannot state which vessel it was. He does not recollect of having seen any arms on board, nor where the vessel was lying at the time, nor how long ago it was. Witness knows nothing about Mr. Allen. Being asked what are the names of the many respectable citizens (alluded to in his publication) who might give information relative to the armaments of vessels in this port, he answers that he cannot now state their names, but will give a list of them to Mr. Carleton, the district attorney of the United States. The collector of the port, Mr. Breedlove, wrote a letter, addressed to witness, asking information about the said publication, and an answer has been returned to the collector.

JOHN F. CARTER.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*



Thomas Urquhart, being duly sworn, deposes and says that he knows nothing from his own personal knowledge about the American schooner *Brutus* being fitted out to go and cruise against Mexican vessels; he knows it only from public report; he knows of no fact which could lead to the discovery of the matter, nor does he know the name of any witness. Witness is the president of the New Orleans Insurance Company: he says that the paper attached to his deposition is the copy of the original, which he signed himself, and which was sent to the district attorney of the United States.

THOMAS URQUHART.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

John Martial Lapeyre, being duly sworn, says that he is one of the subscribers to the petition or letter (of which the foregoing is a copy) addressed to Henry Carleton, Esq. as district attorney of the United States. He knows nothing about the facts contained in it; but having seen it signed by many respectable citizens, and having reason to believe that they knew the facts alleged in the petition, and, further, having a direct interest in the matter, these considerations induced him to sign the said petition or letter.

J. M. LAPEYRE.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

John Garnier, being duly sworn, says that he knows nothing from his personal knowledge of the schooner *Brutus*, nor of Mr. Allen. He knows only by public report that the said schooner *Brutus* was fitting out in this port to go and cruise against Mexican vessels.

JOHN GARNIER.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

John A. Merle, being duly sworn, deposes and says that he knows nothing from his personal knowledge of the schooner *Brutus*, nor of Mr. Allen; but having heard by public report that that vessel was arming and fitting out in this port with the purpose of cruising against Mexican vessels, and being much interested in the commercial trade on the coast of Mexico, he thought proper to sign an address to the district attorney of the United States, to recommend him to take some measures on that subject. He does not know of any person who can attest the facts by personal knowledge.

JOHN A. MERLE.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 4, 1836.*

William Christy, being duly sworn, deposes and says that he knows nothing about Mr. Allen, except this: that about two weeks ago Mr.

Allen came to his office, with some other gentlemen, and proposed to witness to sell him two tracts of land in Texas. That he, witness, and five or six other persons, bought the said tracts of land from Mr. Allen, in the sum of ten thousand dollars, for which sum they furnished their notes; that Mr. Allen put his price low for said land, because he wished, as he stated at the time, to purchase a vessel. He knows nothing about the schooner *Brutus* being armed, or having been purchased by Mr. Allen.

WM. CHRISTY.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge*.

NEW ORLEANS, *January 4, 1836.*

John K. West, on his affirmation, declares and says that he knows nothing about the schooner, nor about Mr. Allen; that he is president of the State Insurance Company; that he was informed by Mr. Stockton, the inspector of said company, that said schooner was fitting out and arming on the other side of the river. He stated that the current rumor was, that she was arming for the purpose of cruising against Mexican vessels; that he wrote, himself, the letter or petition addressed to the district attorney of the United States, to recommend him to take the necessary steps to stop the armament in question. Witness requested the inspector of the State Insurance Company to try to find out some persons who could make an affidavit on that subject, but he could not find any witness. Knew that the district attorney could not act without an affidavit, and told so to several merchants with whom he conversed on that subject. Mr. Pechier, the partner of John A. Merle and Co., stated to witness that he knew of some persons who could give information; that Mr. Pechier told witness afterwards that he had asked the person in question to come out and make his affidavit, but that he declined doing it.

JOHN K. WEST.

Affirmed and subscribed before me,

GALLIEN PREVAL, *Judge*.

NEW ORLEANS, *January 4, 1836.*

R. M. Carter, being duly sworn, deposes and says that he has no positive information of the fitting out of the *Brutus*, except what is hereafter stated. That, in common with others, he believed that expeditions have been fitting out at this port of a hostile character to Mexico; that he believed, after reading the advertisement by certain merchants of New Orleans in regard to the object of the *Brutus*, that she was to be engaged in such an expedition; more especially believing that the expedition of General Mehia was openly fitted out at the levee; that Mr. T. Toby informed deponent that vessels of war were fitting out at this port against Mexico; that, after hearing of the *Brutus*, he considered that she was one of the armed vessels alluded to by Mr. Toby; that having inquired what persons may give some positive information on this subject, deponent answers that he thinks that H. Lockett, A. Hodge, junior, and T. Toby, may be able to give some positive testimony; that the conversation alluded to with Mr. Toby took place on the morning of the commencement of the trial of Captain Thompson, in the United States district court. Mr. Carter being asked what warlike preparations were making in sight of the custom-house, he says that he always thought that

the arcade, and the vessel that General Mehia went away in, were in the sight of the custom-house; but he considers that this question has nothing to do with this case, and that if the *Brutus* was fitted out with hostile intent against Mexico, it was in the sight of the custom-house. Witness has no positive personal knowledge that the *Brutus* has been fitted out and armed against Mexico. Witness does not know of what warlike preparations are spoken of in the *Union* of the 31st December last, under the editorial head. Witness does not know of any respectable persons, except those already mentioned, who can give information about the *Brutus*.

RICHARD M. CARTER.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge*.

NEW ORLEANS, *January 4, 1836.*

Edward Hall, being duly sworn, deposes and says that he knows that the American schooner *Brutus* is now in this port, and is armed. She was advertised to go to Texas. In consequence of her being armed, witness shipped some goods on board. Witness does not know that Mr. Allen has any commission as captain of an armed vessel. Witness put on board of said vessel some provisions and arms as cargo, the arms consisting of four guns of six-pounder. He does not know that Mr. Allen has any intention to cruise against Mexican vessels, nor that he has on board any marine or soldier in his service other than his crew. That he has seen the instructions given to Captain Hurd, who commands the said schooner, to proceed on his voyage quietly to Texas, as any merchant vessel. Witness has no knowledge how that vessel was employed heretofore. She was bought in this port by Mr. Allen. The passengers who are about to depart on board of her told witness that they are going on board of that vessel on account of her being armed and able to protect them. Witness says that some three weeks ago there was a rumor that that vessel was to be fitted out to go to sea to cruise against Mexican vessels.

*Cross-examination by Mr. Hunt.*

The general opinion among the merchants of this city is, that vessels going to Texas may experience some depredations on their passage, and it is on that account that vessels going to that place have taken arms on board.

EDWARD HALL.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge*.

NEW ORLEANS, *January 5, 1836.*

Thomas Toby, on his affirmation, deposes and says that he knows nothing about the schooner *Brutus* being fitted out and armed in this port, nor of any vessel. He recollects the conversation which he had with Mr. Carter, in the district court of the United States, in which he spoke of armed vessels; but he did not at the time allude to any vessels of this port, nor to the *Brutus*—he meant a vessel fitted out at Baltimore, with the intent of going on the coast of Mexico to protect commerce.

THOMAS TOBY.

Affirmed and signed before me,

GALLIEN PREVAL, *Judge*.

NEW ORLEANS, *January 5, 1836.*

Charles Bishop, being duly sworn, deposes and says, that about two or three weeks ago he had a conversation with R. M. Carter, Esq., at his office, relative to a vessel which was fitting out in this port at that time. He does not know the name of that vessel; he did not know that the vessel was intended to cruise against Mexican vessels, or only to protect herself in her trade to Texas. The vessel he spoke of was the vessel now owned by Mr. Allen. At the time that he had the said conversation with Mr. Carter, he communicated to him what he had heard from public report. He knew nothing, by himself, of the armament of said vessel.

CHARLES BISHOP.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

Henry Lockett, being duly sworn, deposes and says that he has no knowledge of any vessel fitting out in this port with the intent of cruising against Mexican vessels. He never heard of the Brutus until he saw the communication addressed to Mr. Carleton, and signed by many merchants of this city. He knows nothing about said vessel, except what he has heard from public report. He never spoke to Mr. Carter in his life about the Brutus, to the best of his recollection.

H. LOCKETT.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

William Bryan, being duly sworn, deposes and says that he knows nothing about the schooner Brutus being fitted out in this port to cruise against Mexican vessels. He knows, on the contrary, as the agent of Mr. Allen, and from the instructions he received from him respecting the said vessel, that she was bought by Mr. Allen with the intention of sending her on a regular trade from here to Texas; that she was advertised accordingly in the newspapers. The instructions which he received remain annexed to his declaration.

WILLIAM BRYAN.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

James W. Breedlove, the collector of this port, being duly sworn, deposes and says that this examination of witnesses has taken place at his request: that having been informed that the schooner Brutus was arrived, he first thought that he would clear her, in taking bond, as the law directs, for the double of the amount of her cargo. But having seen, in the public papers of this city, that vessels were fitting out and arming in the sight of the custom-house, with an intent to cruise and commit hostilities against Mexican vessels, he refused to clear out the said schooner Brutus, until some steps should be taken to ascertain whether there was any just ground to justify the publication which appeared in the newspapers; and he then wrote a letter to Henry Carleton, Esq., district attorney of the United States, requesting him to have certain witnesses summoned to testify on the matter, before some magistrate of the city, (the publication alluded to,

which was printed in the Union on the 31st of December, 1835, remaining annexed to his deposition;) and witness requested Mr. Carleton to summon Mr. John F. Carter, the editor of that paper, supposing that he would not have published the fact contained in said publication without some foundation. Witness states that he has taken the bond of the owner of the Brutus, with four securities, in the sum of twenty thousand dollars, under the 56th section of the act of Congress approved on the 20th of April, 1818; and whether he shall clear that vessel or not, without further investigation, depends upon the decision of this court; that is, whether this court will discharge Mr. Allen or not. That Mr. Allen exhibited to witness the bill of sale to him of the schooner Brutus, and thereupon obtained an American register, surrendering, at the same time, the old one; also, the list of his crew, with American protections to the same, and the manifest of his cargo.

J. W. BREEDLOVE, *Collector.*

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

Andrew Hodge, being duly sworn, deposes and says that he knows nothing about the schooner Brutus, except what Mr. Allen told him, and what he saw in the newspapers; that since the purchase, Mr. Allen told him that the Brutus will be a regular trader from New Orleans to Texas; that he has no recollection of having exchanged a word with Mr. Carter respecting the schooner Brutus, until he spoke to him and told him that he had reported his name to Mr. Carleton as a person who could give some information on the subject, as being engaged in the Mexican trade. Witness was surprised at it, having given up business about five years ago.

A. HODGE.

Sworn to and subscribed before me,

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

*Extract from my records.*

On this day, the fourth day of January, 1836, Henry Carleton, Esq., district attorney of the United States, applied to me, by a letter on file in this case, to have subpœnas issued for several witnesses, to examine them about a certain report which had been made to him by the collector of the port of New Orleans; that the American schooner Brutus, owned by the defendant, A. C. Allen, was fitting out and arming to go to sea, for the purpose of committing hostilities against the Mexican vessels; whereupon I caused the following witnesses to be summoned before me, to wit, M. S. Cuculla, James Ramage, J. Curell, Augustus S. Martin, J. F. Carter, Thomas Urquhart, J. M. Lapeyre, John Garnier, J. A. Merle, William Christy, J. K. West, R. M. Carter, Ed. Hall, Thomas Toby, Chs. Bishop, H. Lockett, Wm. Bryan, J. W. Breedlove, and Andrew Hodge. After receiving their declarations, and due examination of all the facts contained therein, I am of opinion that there are not sufficient grounds for the issuing of any criminal process against the defendant.

GALLIEN PREVAL, *Judge.*

NEW ORLEANS, *January 5, 1836.*

I do hereby certify that the foregoing is a true and faithful copy of all the proceedings had in this case.

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*Associate judge of the city court of New Orleans.*  
 NEW ORLEANS, January 12, 1836.

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*Mr. Carleton to Mr. Forsyth.*

NEW ORLEANS, March 7, 1836.

SIR: On the receipt of your communication of the 5th ultimo, I called on Mr. William Christy, and exhibited to him the letter of J. W. Cramp, printed in the Oswego Palladium, of the 20th January last. He expressed a willingness to appear before some judge, and respond to any proceedings that might be instituted against him. This mode I accordingly adopted, as the most effectual to elicit the truth. Though many witnesses were examined, nothing was proved upon the accused that could warrant further prosecution.

In the course of the investigation before Judge Rawle, which continued five days, disclosures were made directly implicating General Mexia (Mehia) for beginning, setting on foot, and preparing the means for a military expedition against the republic of Mexico, which terminated in an attack upon Tampico, as is known to you. Having ascertained that he was somewhere in this city, I caused him to be arrested, as also Captain Allen, one of his officers, and to be bound over for trial at the next term of the court.

Enclosed is the opinion of the judge, discharging Mr. Christy, as also a printed account of the case from a city newspaper.

I have the honor to be,

Very respectfully,

Your obedient servant,

HENRY CARLETON.

HON. JOHN FORSYTH,

*Secretary of State, Washington city.*

\_\_\_\_\_  
*Examination before E. Rawle, associate judge of the city court.*

The UNITED STATES, }  
                   *versus* }  
 WILLIAM CHRISTY. }

At the request of the district judge of the United States, a notice was sent to the defendant to attend at the hour named, to answer to an accusation "of having, in the fall of 1835, been engaged, with other persons, at New Orleans, in unlawfully setting on foot, and in providing and preparing the means for, a military expedition and enterprise, to be carried on from thence, under the command of General Mexia, against the territory and dominions of the Mexican republic, being a foreign state with whom the United States are at peace."



The defendant appeared and denied the truth of the charge, and stated that he was ready for an examination. Many witnesses were examined, and all on the part of the prosecution.

The crime of which the defendant is accused, is found described in the act of Congress of April 20, 1818. The sixth section provides, that if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony or district or people with whom the United States are at peace, any person so offending shall be deemed guilty of a high misdemeanor, &c.

A vessel sailed from New Orleans in the afternoon of last year, having aboard a large number of men and cannon, arms and stores; and sufficient evidence has made it appear that it was an expedition intended by its leader, General Mexia, both before and after its leaving New Orleans, to be employed against some part of Mexico. Its character was not fully developed previous to sailing; but from what we learn as to the events of that time, and from what took place on the voyage, and after the arrival at Tampico, the belief must be, that the object from first to last was military operation.

Of its nature and destination, some persons besides Mexia, perhaps, knew; and the inquiry now is, whether Mr. Christy was engaged in beginning or setting on foot, or providing or preparing, the means for this expedition or enterprise.

Mr. Christy, it appears, was chairman of what was called the Texian committee, and was frequently called upon by persons wishing to emigrate. Among those who visited him at his office, was General Mexia, who avowed that he wished to do something for the cause of Texas, and that he intended to strike a blow somewhere. The conversations between him and the defendant were heard by the witness; and he states that Christy always declined giving any assistance, or aid of any description; and that in all that took place at the office, whether with Mexia or others, the language of the defendant was to dissuade persons from any enterprise to Texas, and from joining Mexia's expedition.

There is no evidence on the side of the prosecution which leads to suspicion that Christy had any thing to do with the expedition, or that he provided or prepared any means, pecuniary or other, for it.

The circumstance of an address to the men of Mexia, when they were about to embark, requires notice. Why it was delivered, and whether it comes within the act of Congress, as beginning or setting on foot the expedition, should be considered. From the address, as it has been described to us by the witnesses, we are to infer that Mr. Christy knew at the time that Mexia, with his men, was to go to some point beyond Texas; and they embarked shortly after.

The language of the defendant was not to persuade them to go, and it does not appear that any joined the expedition afterward. The witness, Allen, states that "they had all volunteered previous to that time."

Taking the speech of Mr. Christy by itself, we must decide that it is not such an act as the law of Congress notices; and we may say further, that it is not shown that it contributed in any way to promote the enterprise, by further supplies of either men, money, or means.

As regards, therefore, a connexion with Mexia's expedition, or the vio-

lation of the law by the defendant, (and penal enactments must be construed strictly,) there is not sufficient evidence to cause him to be held to bail. In a great degree the testimony goes to establish the negative.

There is no evidence of the setting on foot any warlike enterprise or military expedition, excepting that of Mexia, which has been noticed.

The defendant, William Christy, is discharged.

EDWARD RAWLE.

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*Mr. Sanders to Mr. Forsyth.*

FRANKFORT, KY., April 22, 1836.

SIR: Your communication of the 9th instant, suggesting that "it appeared from an article in one of the Western journals, containing what purports to be an extract of a letter of Felix Huston, Esq., of Natchez, that he is in the act of raising and equipping a volunteer company for military service in Texas," and directing to "satisfy myself by proper inquiries: and that should I find that either he or any other person has, in regard to the transaction alluded to, violated the laws within the Kentucky district, that I should institute such proceedings as may be necessary to bring the offender to punishment; and to see the laws enforced with respect to any similar violation of the neutral relations of the United States," has been received, and will be promptly attended to.

I am not, at this time, apprized of any individuals so deporting themselves as to come within the provisions of the act of Congress, within the district of Kentucky.

As it is matter of great interest to our section of the Union to preserve the amicable relations existing between the United States and those of the Mexican republic, and fears exist that the latter entertain jealous apprehensions that the former give countenance to the succors received by Texas from them, allow me the suggestion, that a proclamation emanating from the seat of Government would have the double effect of quieting those fears, and of apprizing the citizens of the consequences of a violation of the laws.

I am, sir, your obedient servant,

L. SANDERS, U. S. D. A. K. D.

HON. JOHN FORSYTH,  
*Secretary of State.*

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*Mr. Gaines to Mr. Forsyth.*

NATCHEZ, May 1, 1836.

SIR: Yours of the 9th ultimo was received by the last mail, and I immediately made such inquiries as the nature of the case permitted. I have no doubt that preparations of some description are making for the assistance of Texas, but I have been, as yet, unable to obtain any legal evidence of a violation of the laws, on which to base a prosecution.



I have requested the marshal if he knows or can obtain such information on the subject as will justify legal proceedings, to communicate it to me without delay.

I am, respectfully,

Your obedient servant,

R. M. GAINES,

*U. S. Attorney Miss. District.*

The Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Mr. Fox to Mr. Forsyth.*

WASHINGTON, November 28, 1837.

SIR: I am informed by Major General Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, that her Majesty's 43d regiment of light infantry is under orders to proceed from that Province to the Province of Lower Canada; and that, marching by the route of the Grand Falls and the Madawaska settlement, the regiment will cross a part of the territory in dispute between the two countries.

Sir John Harvey has requested me to explain to the Government of the United States, and he is desirous that the same explanation should be given, through the proper channel, to the Government of the State of Maine, that this movement of troops, which will probably take place in the first week of January, is in no way whatever connected with any recent occurrences in the disputed territory; but that it is undertaken, in pursuance of superior orders, for the sole purpose of reinforcing the British military station in Lower Canada.

The route by the Grand Falls and the Madawaska settlement has all along been made use of for the transmission of the post, and for other ordinary communications between the two Provinces.

I have the honor to be, sir,

With great respect, your obedient servant,

H. S. FOX.

Hon. JOHN FORSYTH, &c.

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*Mr. Forsyth to Mr. Fox.*

DEPARTMENT OF STATE,

Washington, December 2, 1837.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, apprizing me that you had been informed by Major General Sir John Harvey, Lieutenant Governor of New Brunswick, that her Majesty's 43d regiment had been ordered to proceed to Lower Canada, and would cross a part of the territory in dispute between the two countries about the first week in January; and that you had been requested by Sir John Harvey to explain to this Government, and, through the proper channel, to the State of Maine, that this movement is in no way what-

ever connected with any recent occurrences in the disputed territory ; but that it is undertaken, in pursuance of superior orders, for the sole purpose of reinforcing the British military station in Lower Canada.

I avail myself of this occasion to renew to you the assurance of my high consideration.

JOHN FORSYTH.

H. S. Fox, Esq. &c.

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*Mr. Forsyth to Governor Dunlap.*

DEPARTMENT OF STATE,

Washington, December 5, 1837.

SIR: I transmit, herewith, for the information of your excellency, the copy of a note addressed to the Department on the 28th ultimo, by the British minister at Washington, with the view of explaining to the Government of the United States, and through it to that of the State of Maine, an intended movement of his Majesty's 43d regiment of light infantry from the Province of New Brunswick to the Province of Lower Canada, which will probably take place in January next, through that part of the disputed territory on our Northeastern frontier over which the British mail passes. This explanation, as you will perceive, is made to the Federal Government, by the request of Major General Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, in order to guard against any apprehension, in any quarter, of the movement referred to of British troops ; and it is now communicated to you, in accordance with his wish. Although the necessity of explaining a circumstance so little likely to be misapprehended by the Government or people of the United States, or of individual States, is not apparent, the motive of that explanation should be duly appreciated.

A printed copy of the President's annual message to Congress, delivered to-day at 12, M., is also enclosed.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

His Excellency ROBERT P. DUNLAP,  
*Governor of the State of Maine.*

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*Mr. Fox to Mr. Forsyth.*

WASHINGTON, January 4, 1838.

SIR: I have the honor to enclose to you an official despatch, dated the 23d ultimo, which I have received from Sir Francis Head, Lieutenant Governor of Upper Canada.

It appears from the statement contained in this despatch—and I lament to say that the same facts are fully and notoriously confirmed by information which has reached me through various other channels—that a part of the British territory of Upper Canada is, at this moment, actually invaded, the peace and safety of the inhabitants disturbed, and the existence

of the Provincial Government threatened by a formidable body of armed men, proceeding from the United States, furnished with artillery and ammunition, and fully equipped for war. These piratical invaders, who are now established at a point called "Navy island," on the Canadian side of the river Niagara, consist, in part, of outlaws who had fled from Upper Canada after the suppression of the late partial insurrection; in part also of American citizens, and of men of other nations, who have been recruited for the present felonious attempt within the confines of the United States. They are commanded by a native American, of the name of Van Rensselaer; they continue, openly and publicly, to procure, from a number of American towns near to the Canadian frontier, provisions, arms, ammunition, and all other things necessary to sustain their criminal enterprise. Their strength and numbers, and means of violence, are daily increasing, by recruits and contributions raised within the United States, in defiance of the known laws of the republic; in defiance, also, of the recorded wishes and feelings of all respectable classes of the American people, and to the scandal of public order and good neighborhood between peaceful nations.

I well know that the President and the Government of the United States do, equally with myself, deplore and condemn these strange and unlawful proceedings, which threaten no less a calamity than the waging of an unprovoked war, by a portion of the American people, against a neighboring portion of her Majesty's subjects, at a time when the two people in general, and their Governments, are not only united in peace, but are studying to enlarge the sphere of a happy and beneficial intercourse, and to strengthen the bonds of national affection and friendship. I feel, therefore, that I am doing no unfriendly act in pointing out to the Government of the United States the facts which have been brought officially to my knowledge, showing how the laws of the republic are transgressed, and the wishes of its best citizens defied, to the detriment of a friendly and kindred people; and I solemnly appeal to the supreme Government of the republic promptly to interpose its sovereign authority for arresting these disorders, before they shall have produced a train of disasters and of national resentments which it is equally the devout wish of both Governments to avert.

I have the honor to be, sir, with high respect and consideration, your most obedient and humble servant,

H. S. FOX.

Hon. JOHN FORSYTH, &c.

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*Lieutenant Governor Head to Mr. Fox.*

GOVERNMENT HOUSE,

*Toronto, Upper Canada, December 23; 1837.*

SIR: It is my duty to lose no time in apprizing your excellency that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy island, in the Niagara river, and within the territory of Upper Canada.

Your excellency has no doubt learned from the public papers, that, in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt, as rash and hopeless as it was wicked, was lately made by three or four hundred persons in this vicinity to involve this Province in the miseries of civil war. In concert with this movement, an endeavor was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this Province, unaided by any military force. Most of the deluded persons who were engaged in this rash and criminal enterprise have surrendered themselves, or been taken ; but the principal leader, William Lyon McKenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York.

It was soon reported to me that, at Buffalo, to which place these traitors fled, strong symptoms were shown by numbers of American citizens to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this Province.

That the public authorities in Buffalo, and the more respectable portion of the inhabitants, would discountenance such proceedings, I had no doubt ; and their conduct since has justified that expectation. But, as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States hold the strictest relations of amity and peace, I immediately addressed a letter to his excellency Governor Marcy, at Albany, of which a copy is herewith sent.

No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, McKenzie has been joined by some hundreds of American citizens from Buffalo and the adjacent villages, and they have established themselves on Navy island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible means to repel invasion and insult ; and I believe that, in a few days, a considerable military force will be at hand, to sustain our gallant militia in this extraordinary and unlooked-for conflict.

I need not remark to your excellency how unfair and unjust it is, that a rebellion which, within this Province, was so insignificant that it was instantly crushed by the civil inhabitants of the country, should be renewed and rendered formidable by the direct and active encouragement of the American people ; and that, during the existence, not merely of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary.

They are conscious, also, that they deserve kinder offices at the hands

of the American people ; and I appeal to you, in their name, and as the representative of their sovereign, to urge upon the Government of the United States the immediate exertion of military force, to suppress a movement of their people, so insulting and injurious to a neighboring nation, and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a national war, in which any wrongs committed against the people of this colony will, under the protection of a just Providence, be amply redressed.

I beg your excellency will not fail to assure the American Government of my sincere conviction that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have the honor to be, sir, your excellency's most obedient, humble servant,

F. B. HEAD, *Lieut. Governor.*

His Excellency HENRY S. FOX,  
*British Minister at Washington.*

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*Mr. Forsyth to Mr. Fox.*

DEPARTMENT OF STATE,

*Washington, January 5, 1838.*

SIR: I have had the honor to receive your communication of the 4th instant, with the official despatch of the 23d ultimo from the Lieutenant Governor of Upper Canada. The President, to whom they were immediately submitted, has directed me to reply that he perceives, with great satisfaction, that you are duly sensible, not only of the wishes and feelings of this Government in relation to the unfortunate state of things on the frontiers of the United States, but of the general disposition of the people and authorities of this country to cultivate and extend that beneficial intercourse with Great Britain so well adapted to strengthen the existing bonds of national affection and friendship between the two nations.

You have already seen, in the public journals, the efforts that have been made, and are now making, both by the General and State Governments, to prevent any of our misguided citizens from interfering in the disturbances of the neighboring territory of the Canadas. I have had the honor, also, to make you acquainted with other measures which are in progress to the same effect, founded upon the information received from the officers of the United States who were sent to the frontiers to prevent violations of our laws ; and I now repeat to you, formally, for the satisfaction of your Government, and to relieve the anxieties of the authorities of Upper Canada, that all the constitutional power vested in the Executive will be exerted to maintain the supremacy of those laws which were passed to fulfil the obligations of the United States to all friendly nations who may be unfortunately engaged in foreign or domestic war.

Assurances to that effect to the authorities of Upper Canada may be given in the strongest terms ; and the President does not doubt that this object, so desirable in the present crisis to both Governments, will be accomplished, if insurmountable obstacles are not thrown in the way by the rashness of persons within the dominions of her Britannic Majesty, who, in their resentment or apprehensions, may think themselves author-

ized to make aggressions upon the United States for injuries committed by individuals who are violators of our laws, and who escape prosecution and punishment under a temporary excitement produced by the events on the frontier; and by the menaces directed against our own people by some of her Majesty's imprudent subjects.

With great respect and consideration, I have the honor to be your obedient servant,

JOHN FORSYTH.

H. S. Fox, Esq., &c.

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*Mr. Forsyth to Mr. Kellogg.*

DEPARTMENT OF STATE,

*Washington, December 7, 1837.*

SIR: In the course of the contest which has commenced in a portion of the territory of Great Britain, between portions of the population and the Government, some of our citizens may, from their connexion with the settlers, and from their love of enterprise and desire of change, be induced to forget their duty to their own Government, and its obligations to foreign Powers. It is the fixed determination of the President faithfully to discharge, so far as his power extends, all the obligations of this Government, and that obligation especially which requires that we shall abstain, under every temptation, from intermeddling with the domestic disputes of other nations. You are, therefore, earnestly enjoined to be attentive to all movements of a hostile character, contemplated or attempted within your district, and to prosecute, without discrimination, all violators of those laws of the United States which have been enacted to preserve peace with foreign Powers, and to fulfil all the obligations of our treaties with them.

I am, sir, your obedient servant,

JOHN FORSYTH.

DANIEL KELLOGG, Esq.

*United States Attorney, Rockingham, Vermont.*

[The same to the District Attorneys for the northern district of New York and Michigan district.]

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*Mr. Forsyth to Governor Marcy.*

DEPARTMENT OF STATE,

*Washington, December 7, 1837.*

SIR: A contest having commenced in a territory of Great Britain adjoining the United States, between portions of the population and Government, during which attempts may be made to violate the laws of the United States passed to preserve the relations of amity with foreign Powers, and to fulfil the obligations of our treaties with them, by the directions of the President I have the honor to request the attention of your excellency to any movements of that character that may be contem-

plated in the State of New York, and your prompt interference to arrest the parties concerned, if any preparations are made of a hostile nature against any foreign Power in amity with the United States.

I have the honor to be, sir,

Your obedient servant,

JOHN FORSYTH.

His Excellency WILLIAM L. MARCY,  
*Governor of the State of New York.*

[The same to the Governors of Vermont and Michigan.]

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*Mr. Trowbridge to Mr Fillmore.*

BUFFALO, *December 12, 1837.*

MY DEAR SIR: You will no doubt have seen by the papers that there has been an outbreak among the Canadians at Toronto. The *patriots* or *rebels* imbodyed to the number of three or four hundred and made an attack on the city, but were defeated by the loyalists. I cannot learn that the patriots are assembled in force at any one point at this time. The loyalists are under arms along the lines, and the several ferries guarded. McKenzie and Dr. Rolfe, the leaders of the patriots, are in this city, and I understand their object is to solicit aid in some shape; either men, munitions of war, or both. They are to have a meeting to-night in the theatre. There have already been held three popular meetings in favor of the patriots, very numerous attended. There is a strong feeling in our place in their favor. I am apprehensive that this feeling will lead to the organization of a force for the purpose of aiding them. I feel as though our situation is somewhat critical, and that the imprudent and ardent zeal of some individuals among us may urge the populace into measures which may commit the country, and disturb the good understanding which exists between this Government and that of Great Britain.

You are at liberty to submit this letter to the President or the Secretary of War, if you deem it proper to do so.

I am, sir, with great respect, yours,

J. TROWBRIDGE.

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*Mr. Trowbridge to the President.*

BUFFALO CITY, MAYOR'S OFFICE,

*December 14, 1837.*

YOUR EXCELLENCY: Recent occurrences in this city, and upon this frontier, appear to me to require that the attention of the Executive of the General Government should be called to them, or we shall be seriously compromised with the English Government.

A short time since a meeting was called in this city by some young men, from mere sport, and without any serious intentions. It appears, however, that a greater excitement existed than they had anticipated;

and meeting after meeting has been held, each more numerous than the other, until the evening of the 12th instant, when there was collected the largest assemblage ever known in this city. W. L. McKenzie, a Canadian reformer, was present and addressed the meeting, and avowed that he wished to obtain arms, ammunition, and volunteers, to assist the reformers in Canada.

Yesterday (13th) men were actively engaged in collecting arms and ammunition, and enrolling names, for the openly-expressed purpose of invading Canada. A handbill was posted up towards evening, calling upon the volunteers for Canada to meet in front of the theatre, for the purpose of taking up their line of march. A number met, armed and equipped. A large assemblage soon after gathered around the Eagle tavern, which had been the *depot* for arms through the day. A general was duly appointed to take command of the invading army. About nine o'clock the people generally dispersed. The volunteers, with their friends and abettors, marched, with their arms and colors, out of the city, as was supposed for the night; about one o'clock this morning a portion of them returned and entered the court-house, and forcibly took from the sheriff two hundred stand of arms belonging to the State arsenal at Batavia. They also took from the gun houses two field-pieces, and then marched to Black Rock, where they are now quartered.

These proceedings create great excitement on the other side of the river, and the Government is at great expense to guard their frontier: two hundred provincial militia are in arms at Fort Erie and Waterloo.

The civil authorities have no adequate force to control these men, and, unless the General Government should interfere, there is no way to prevent serious disturbances; and I have considered these transactions of too much importance to pass without apprizing you of the facts.

Trusting that your excellency will cause such measures to be taken as will put a speedy end to these outrages, and ensure the punishment of the leaders,

I have the honor to be,

Your excellency's obedient servant,

J. TROWBRIDGE, *Mayor*.

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*Governor Jenison to Mr. Forsyth.*

EXECUTIVE OFFICE,

*Shoreham, Vermont, December 16, 1837.*

SIR: I yesterday received a communication from the Department of State of the United States, stating, "that during the contest at present existing in the neighboring Province of Lower Canada, attempts might be made to violate the laws of the United States, &c.; and requesting the attention of the authorities of this State to any movements of that character, and a prompt interference to arrest the parties concerned, if any preparations of a hostile nature are made against any foreign Power in amity with the United States."

From representations made to me, I had felt that the emergency of the case called for the interference of the public authorities, and had, two



days before receiving your communication, by proclamation called the attention of my fellow-citizens to the subject.

On the 14th instant, a deputation from a committee raised at public meetings of the inhabitants of Swanton and St. Alban's, called upon me with a request that I would cause arms and munitions of war to be distributed among the frontier inhabitants of this State. There are none at the disposition of the Executive of this State. I enclose a paper containing the proceedings of those meetings, which will show the feelings existing in that neighborhood.

The General Government must judge of the propriety and expediency of placing a detachment of troops in that neighborhood, to allay the fears of the inhabitants.

Should there be another rising in the Lower Province, such circumstances as that at Swanton and St. Alban's on the 6th will be very likely to occur again.

I am, sir, &c.

S. H. JENISON.

Hon. J. FORSYTH,  
*Secretary of State of the United States.*

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*Mr. Wright to Mr. Forsyth.*

WASHINGTON, *December 16, 1837.*

MY DEAR SIR: The enclosed letter from the collector of the customs for the district of Burlington, in the State of Vermont, came to me this morning, and I consider it to be my duty to transmit it to you. I presume, from a notice I have seen in the public papers of your communications to the Governors of the States bordering upon the Canadas, that any steps which the information might call for from this Government have been anticipated. Still, as I doubt not the letter was written with the intention that it should be laid before the proper Department here, I communicate it. Colonel Hyde is well known to me, and is a faithful, patriotic, and worthy officer, and would communicate nothing of which he was not well informed.

I am, with high respect,

Your obedient servant,

SILAS WRIGHT, JR.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Mr. Hyde to Mr. Wright.*

BURLINGTON, VERMONT, *December 11, 1837.*

DEAR SIR: Since the commencement of hostilities among our neighbors, the Canadians, some things have taken place on this frontier, and on this side of the line, which it may be important to the Government to know, in order that our own citizens may be informed by proclamation, or otherwise, what line of conduct they are to pursue to keep themselves within the laws of Congress and treaty stipulations. Of the propriety of giving it this information, I shall not undertake to judge; I leave that entirely to yourself. All I shall attempt to do is, to give you the facts.

After the battle of St. Charles, many of the patriots, who fled from that and other places in Canada, congregated themselves in Swanton and Highgate, along the line, in the county of Franklin, in this State; there being there, as well as all through this section of country, a very strong feeling in their favor. Our citizens soon furnished them with three pieces of cannon, some small arms, powder, lead, and other munitions of war. Thus furnished, the patriots, on Wednesday last, made a descent from this point into Canada, and had not proceeded far when they were met by a party of loyalists, who routed them and took two pieces of their cannon, killed some of their party, took others, and the remainder returned to Swanton, where they now are. The royalists lost, as it is said, in this affair, but one man, a Captain Moore, killed. As these facts must be as well known at Quebec as here, and, from the excited state of public feeling, others of a like character may take place, out of which collisions may grow which would be deprecated by the Government, I have thought proper to give you this information.

With much respect and esteem,

Your obedient servant,

ARCHD. W. HYDE.

Hon. S. WRIGHT, Jun.,

*U. S. Senate, Washington, D. C.*

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*Mr. Forsyth to Mr. Wright.*

DEPARTMENT OF STATE,

*Washington, December 18, 1837.*

DEAR SIR: Your letter of the 16th instant has been received, enclosing a communication addressed to you by Colonel Hyde, respecting occurrences upon our Northern frontier.

It is the determination of the President that the law which forbids the interference of our citizens in contests between parties with which the United States are at peace, shall be, in every instance, strictly executed; and precautionary measures have been accordingly taken to secure its rigid enforcement in reference to the war now waging in Canada.

I am, dear sir,

Very respectfully, &c.

JOHN FORSYTH.

Hon. SILAS WRIGHT, Jr., *U. S. Senate.*

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*Mr. Benton to Mr. Forsyth.*

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

*Little Falls, December 18, 1837.*

SIR: I have the honor to hand you, for the information of the President of the United States, a copy of a letter which was received by me last evening, from the honorable J. Trowbridge, mayor of the city of Buffalo, and a copy of a letter written by me to the Governor of the State, enclosing a copy of the letter from the mayor; a copy of a letter this day received by me from P. A. Barker, Esq., collector of the port

of Buffalo creek, and also copies of letters this day received from Governor Marcy. From these letters, it will be perceived; that an armed force has been collected within the territory of the United States for the purpose of invading Canada. I have taken all steps within my power to have the offenders arrested, or such of them as can be found. I will proceed to Buffalo in person, if it is deemed advisable to do so; but I would suggest that I should be authorized to employ some discreet and proper person, a resident of the city of Buffalo, to aid me in collecting information, and in detecting and arresting the offenders. I reside about two hundred miles from Buffalo, and the district judge and marshal about one hundred and thirty miles. The State officers and magistrates are not, I apprehend, *bound* to act in aid of the United States officers, although they are, by acts of Congress, authorized to do so.

I am, with great respect,

Your obedient servant,

N. S. BENTON,  
*United States Attorney.*

HON. JOHN FORSYTH,  
*Secretary of State, Washington.*

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*Mr. Trowbridge to Mr. Benton.*

BUFFALO CITY, MAYOR'S OFFICE,

*December 14, 1837.*

SIR: Recent movements in this city and on the frontier render it of the utmost importance that some United States officer should be here forthwith, prepared with the necessary papers to make arrests for a violation of the law in relation to arming, &c., against a foreign Power.

A band of armed men are now at Black Rock, with the avowed intention of invading Canada, and they are constantly collecting arms and ammunition.

It is of the utmost importance to the whole country that you or the marshal, perhaps both, should come here immediately.

I am, sir,

Very respectfully,

Your obedient servant,

J. TROWBRIDGE,

*Mayor.*

N. S. BENTON, Esq.

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*Mr. Benton to Governor Marcy.*

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

*Little Falls, December 18, 1837.*

SIR: I hand you herewith a copy of a letter which I last evening received by mail from the mayor of the city of Buffalo, from which it will be seen that an armed force is collecting within the territory of the United States, and within the jurisdiction of this State, with the avowed intention of committing hostilities against a Power with whom the United States are at peace. The marshal of the district has been requested by

me to repair to the spot and make arrests of all offenders against the laws of the United States; and whether he will be able to do so, without the aid of a military force, may perhaps be questionable; but it is to be hoped no violence will be used against the authority of our laws.

I am, with great respect,

Your obedient servant,

N. S. BENTON,  
*U. S. Attorney.*

His Excellency Wm. L. MARCY,  
*Governor, &c.*

*Mr. Barker to Mr. Benton.*

COLLECTOR'S OFFICE,

*Buffalo, December 15, 1837.*

SIR: Yours of the 12th instant has been received. In answer, I have to observe that there is no doubt the law you refer me to has been violated. It would be difficult for me to give you all the particulars in a letter. I will, however, state that meetings have been held in order to excite the people against the Canadians; men have been raised, say to the number of one hundred or more; arms and ammunition have been furnished them; a committee has been appointed to receive donations for the patriots, such as arms and accoutrements, &c.; arms have been forcibly taken; some of our citizens have been threatened with violence; colors have been raised, and men have been marched through the streets, under the command of a man by the name of Southerland; officers have been appointed to take command; and a force has actually marched from this city. We have been in a great state of alarm and excitement for the last few days. I think, however, the crisis is passed, and we have nothing more to fear. You were addressed yesterday, by order of the common council, of which I am a member. Some gentlemen here think that it is your duty to come here and investigate the whole affair, and prosecute the offenders; others are opposed, thinking that, if any arrest should be made, the feeling here is so strong in favor of the patriots, that it would lead to violence and bloodshed. Your own judgment on this important subject must be your guide. Should you come to Buffalo, every assistance would be afforded you by the good citizens of this place to sustain you, and to furnish all the information in their power. I have ordered a portion of your letter published, in order to deter any further violation of the laws; also to satisfy the inhabitants of Canada that such acts are not countenanced by our Government. I shall be happy to execute any command you may wish to make upon me. I have just learned that McKenzie has left the city with his force of about one hundred men, to join the patriots, who have got possession of an island in the Niagara river, said to be about three hundred strong.

Respectfully, your obedient servant,

PIERRE A. PARKER,

N. S. BENTON, Esq., *U. S. Attorney.*

Collector, BUFFALO

ES.  
PUBLIC

*Governor Marcy to Mr. Benton.*ALBANY, *December 17, 1837.*

The enclosed was received this morning, postmarked at Burlington. I have thought that the proper disposition for me to make of it, was to send it to you. I have no knowledge of Mr. L., and have taken no pains to inquire of the gentleman to whom he has referred me. I have however written to him that I should send his communication to you. I have also written to Wm. F. Waile, at Plattsburg, the first judge of Clinton county, naming the persons at that place charged in the letter with offences against the laws of the United States.

Yours, &amp;c.

WM. L. MARCY.

N. S. BENTON, Esq.,  
*U. S. District Attorney.*

*Mr. Lyman to Governor Marcy.*BURLINGTON, VT., *December 14, 1837.*

In addressing your excellency, the undersigned begs to state that he is a merchant, residing in Montreal. Hearing much said about warlike preparations on the frontier, within the United States, for the alleged purpose of assisting the insurgents of Lower Canada, and having some commercial transactions in this country, the writer was induced to leave Montreal on the 6th instant with a view to satisfy himself regarding any infraction of the laws of neutrality.

He was the more anxious on this subject, having invariably given his opinion (as an American) that a strict neutrality would be practically observed. But, after a residence of two days at Plattsburg, the undersigned is forced to the conclusion that the laws of the United States, so consonant with sound policy, and so specifically inculcated by the first President of these States, and so clearly recognised by the present distinguished incumbent, have been, and are, openly violated.

At Plattsburg a company has been formed, consisting of from 28 to 40 men; arms are prepared, and *private* drilling is the business of each night.

The first day, the writer heard the subject spoken of publicly, openly, and without the least disguise. And he certainly was shocked to see the apathy exhibited by the more respectable class of the community. These persons say: "'Tis nothing but a parcel of boys." "Persons of no respectability." "They will never go to Canada." But your excellency will perceive that these boys, these irresponsible individuals, are the only persons to be feared. A village barber is openly and constantly (when unemployed at his trade) manufacturing balls; and, without the least reserve, assured the undersigned that these bullets were to kill the tories of Canada; and that one ball would do the business of a man worth £2,000 a year. Your excellency will please excuse this detail, as the object is to afford a clew to facts rather than to give legal testimony. A

Mr. Samborn, a student at law, is the captain of the company ; a Mr. Palmer figures as a subaltern ; the third officer is not recollected. In engaging in this enterprise, the volunteers were required to subscribe to a paper engaging to march to Canada whenever their services might be required ; and the affixing the signature to this paper should have all the mental obligation of an oath : so said an informant who was present, and a man of good character. This appeal to your excellency is entirely prompted by the necessity of the case : the undersigned has no authority from the Government of Canada, nor is he an agent ; and he writes fearing your excellency may not be apprized of facts, and that incorrect information may reach your excellency's ear. For instance, Col. McNeil was lately at St. John's, and was told there by the celebrated Capt. Marryatt, of the royal navy, that a company of 28 men had been formed at Plattsburg ; this the colonel stoutly denied, not having heard of the fact. But to use the colonel's own words : " When I returned, I found it all true, and felt excessively mortified." It is now under discussion to form a camp at Chateaugay, near the lines, to embody all refugees and volunteers. But this will probably drop since the general adhesion of the Lower Canadians to the Government. One thing more should be mentioned. Yesterday a letter was received at this post office, postmarked Oswego, 10th inst., purporting to be in accordance with a meeting held at that place to arrest the Lower Canada patriots ; and at which meeting 150 volunteers came forward, and were ready to march under Capt. John H. Smith. The letter is signed W. H. Eagle and J. B. Wells, committee. This committee inquire if there is a rendezvous at Burlington and any recruiting officer, (as they have been informed,) and if there is any money ? If required, Capt. Smith will march immediately. This letter has all the marks of authenticity, though the address is concealed, for obvious reasons. The same letter also mentions that many men are enlisting at Rochester ; " but these will probably march to Upper Canada." In conclusion, let me assure your excellency that I am somewhat apprehensive that it will require unusual energy to enforce the act of neutrality ; such is the sympathy for the poor deluded Canadians. If, however, the people of this country were fully informed as to the points at issue, their sympathies would be in favor of the entire mass of their countrymen residing in Lower Canada, including that populous district of country called the Eastern Townships. From these hints your excellency may glean something that may serve the cause of justice and humanity. As to the standing and character of the undersigned, your excellency will please to inquire of Mr. Benedict, hardware merchant ; Messrs. Russell, dye and drug dealers ; or the Rev. Mr. Kish, should that gentleman have returned from Europe. Should your excellency require from the undersigned any information, his address will be Montreal ; and begs to subscribe himself

Your excellency's obedient, humble servant,  
WILLIAM LYMAN.

To his Excellency WILLIAM L. MARCY,  
*Governor of the State of New York.*

*Mr. Kelly to Mr. Forsyth.*

BURLINGTON, VERMONT,

December 20, 1837.

SIR: On the 14th I had the honor to receive your letter of the 7th instant, relative to the contest then going on between the Government of Canada and a portion of the people of that territory, and directing me to be attentive to all movements of a hostile character within this district. On the same day I received such information through the Canadian papers, and the papers upon our Northern frontier, as induced the belief that the war in Canada was brought to a close; and not having heard the slightest intimation of any interference on the part of the citizens of this State in that contest, I was not aware that it could be necessary for me to take any measures upon the subject. On the 16th instant I was informed by the public papers that large meetings of the citizens had been holden at St. Alban's and Swanton, in this State, at which resolutions had been passed, indicating a high degree of excitement, and making a call upon the Governor of this State for a supply of arms. At the same time I received the proclamation of the Governor of the State, in which he says, "that it has been represented to him, that, in some few instances, hostile forces have been organized in this State." I then deemed it my duty, without delay, to repair to the frontier, with a view to ascertain, if practicable, whether any thing had been, or was likely to be, done on the part of our citizens, or by others within this State, in violation of the laws of the United States, enacted for the preservation of peace with foreign Powers. I, at the same time, addressed a letter to the Governor, requesting him to communicate to me any evidence in his possession tending to show the organization of hostile forces in this State, an answer to which has not yet been received.

I arrived at St. Alban's on the 18th, and visited Swanton on the 19th. I found a high degree of excitement prevailing among the citizens of those towns, and throughout the country generally, arising partly from sympathy for the suffering Canadians who had fled from their own country and taken refuge among them, and partly from the imprudent conduct of a few persons on each side of the line, thereby causing an apprehension among the inhabitants upon the frontier that they were insecure in their persons and property. But I am *happy* to state that I have been unable to obtain any definite information that any *citizens of the United States* within this State have been guilty of a violation of any of those laws enacted by the United States to preserve peace with foreign Powers. It does, however, appear, that on the 6th instant a party of Frenchmen, to the number of sixty or seventy, came from the Province of Lower Canada into Swanton, and were there supplied with arms, which had been previously procured by their countrymen; that they immediately recrossed the line into Canada, where a slight engagement took place; that they were defeated and driven back into Swanton, when the civil authority of the town, as I am informed, immediately took from them their arms, and they dispersed; some of them returning to their own country, and others going to different parts of this country. I am not apprized of the names of the individuals thus engaged

in the violation of the laws of our country, or where they are to be found.

The intelligence from Canada received yesterday at the lines, induces the belief that the contest there is at an end; the Government troops having defeated and dispersed the patriots in every part of the Province.

The excitement prevailing among our citizens is fast subsiding, and I have every reason to believe that perfect tranquillity will be immediately restored to the inhabitants upon this frontier.

Believing that my longer continuance in this vicinity is entirely unnecessary, I shall immediately return to my residence at Rockingham, where I shall be happy to receive your further commands.

I have the honor to be your obedient servant,

DANIEL KELLOGG,  
*Attorney U. S., Vermont District.*

Hon. J. FORSYTH,  
*Secretary of State, Washington.*

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*Mr. Forsyth to Mr. Kellogg.*

DEPARTMENT OF STATE,  
*Washington, December 20, 1837.*

SIR: Information has been received, from a source which entitles it to attention, that, after the battle of St. Charles, which took place some time since, many of the insurgents, who fled from that and other places in Canada, collected at Swanton and Highgate, in the State of Vermont, and that citizens of the United States furnished them with three pieces of cannon, some small-arms, powder, lead, and other munitions of war; and that, having been thus furnished, the insurgents, on the 6th of the present month, made a descent into Canada, where they were met by a party of loyalists, and routed, with the loss of two pieces of cannon, one of the party being killed and others wounded, and that the remainder returned to Swanton. The President directs that you institute an immediate inquiry into the facts thus stated; and, if they should be found to be correct, and susceptible of proof, that you commence legal proceedings against all such persons as appear to have been concerned in violating the law for the preservation of the neutral relations of the United States.

You are also directed to exercise constant vigilance during the pending contest, and to take all proper steps to prevent the recurrence of acts similar to those into which you are now called upon to examine.

I am, sir, your obedient servant,

JOHN FORSYTH.

DANIEL KELLOGG, Esq.

*United States District Attorney, Rockingham, Vermont.*

P. S. A circular letter, of which a copy is enclosed, has been addressed by the Secretary of the Treasury to each of the collectors of the customs of the United States bordering on the Canadian frontiers, requiring them and their officers to co-operate with the district attorneys and other United States officers in all legal modes for the preservation of the neutrality of the Government and people of this country during the disturbances in Canada.



*Mr. Fillmore to Mr. Poinsett.*

HOUSE OF REPRESENTATIVES,

*December 21, 1837.*

SIR: I have the honor to enclose herewith a letter from Doctor Scott, one of our most respectable citizens, at Buffalo, showing, in addition to the mayor's letter, which I handed you yesterday, the state of feeling there.

I have the honor to be,

Your most obedient servant,

MILLARD FILLMORE.

Hon. JOEL R. POINSETT.

P. S. I have *erased* certain names, as desired by Doctor Scott.

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*Mr. Scott to Mr. Fillmore.*

BUFFALO, *December 13, 1837.*

DEAR SIR: His honor the mayor informed me to-day that he yesterday wrote you on the subject of the excitement which at this time prevails in Buffalo with relation to the Canada war. At his request I add a few lines.

McKenzie and Dr. Rolfe are here, and attended a large meeting of our citizens held last evening at the theatre. Many exciting and inflammatory speeches were made, until the rabble were rife for any thing. After the meeting they patrolled the streets nearly all night, accompanied with shouting, military music, &c. Men are openly and publicly solicited to take part with the liberals, and arms and ammunition publicly procured and deposited at the Eagle tavern. It is said that quite a number of our citizens have agreed to put themselves under McKenzie's command, and march for Canada to-night. The Eagle is now crowded to overflowing, and a multitude around it who cannot get in. You know that our population is composed of excitable materials; and they are generally excited—I mean the rabble. Few of our respectable men have taken any active part. I must however except \* \* \* \*. They have addressed these meetings, and have done much towards producing the present excitement.

I have fears, and am not alone in that respect, that some act may be done to implicate the Government, and eventually lead to a war with England; and am desirous that some step should be taken to prevent the possibility of such an occurrence. I have, therefore, just briefly stated these facts; and if they should be thought of any importance, you are at liberty to lay this communication before the President or Secretary of War, at your discretion. It might, in that case, be proper to erase the names of our neighbors which I have given; as they, perhaps, would not be willing to have quite so much publicity given to their acts.

I am, sir, very respectfully, yours,

W. K. SCOTT.

Hon. M. FILLMORE.

*Mr. Forsyth to Mr. Benton.*

DEPARTMENT OF STATE,

Washington, December 21, 1837.

SIR: Information has been received, from a source entitling it to attention, that McKenzie and Rolfe, leaders of the insurgents in Upper Canada, were in the city of Buffalo on the 12th of the present month, with the object, it was understood, of soliciting aid in the shape of men and munitions of war; that they were that night to have a meeting in the theatre; that three popular meetings, in favor of the insurgents, had already been held, which were numerous attended; and that there was a strong feeling favorable to them in that place, which, it was apprehended, would lead to the organization of a force, for the purpose of rendering them assistance. The President directs that you institute an immediate inquiry into the facts thus stated, and the subsequent movements connected therewith. Should these have been in violation of the law, and susceptible of proof, you will commence legal proceedings against all such persons as appear to have been concerned. You are also directed to exercise constant vigilance during the pending contest, and to take all proper steps to prevent the recurrence of acts similar to those into which you are now called upon to examine.

I am, sir, your obedient servant,

JOHN FORSYTH.

NATHANIEL S. BENTON, Esq.,

*U. S. Attorney for the Northern Dis'tric't of New York.*

P. S. Since the above was written, a letter has been received by the President from the mayor of Buffalo, containing information which calls for immediate attention. You will, therefore, proceed, with the marshal of the district, immediately, to Buffalo; and institute legal proceedings against all such persons as shall appear to have violated the laws of the United States.

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*Mr. Woodbury to Mr. Forsyth.*

TREASURY DEPARTMENT, December 21, 1837.

SIR: In compliance with directions given by the President in his reference to this Department of a letter addressed to you by N. S. Benton, Esq., United States attorney for the northern district of New York, upon the subject of the affairs of Canada, circular instructions have been issued to the collectors of the customs in the districts bordering on the frontiers of the Canadas, copies of which I have the honor to transmit herewith, for your information.

Mr. Benton's letter has been sent to the War Department, in accordance with the directions contained in the President's reference.

I have the honor to be,

Very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Hon. JOHN FORSYTH,

*Secretary of State, Washington.*

*Circular to Collectors of the Customs of the United States in the Districts bordering on the Canadian frontiers.*

TREASURY DEPARTMENT, *December 19, 1837.*

SIR: In consequence of the disturbed condition of affairs at present existing in the British Provinces of Upper and Lower Canada, and with the view of ensuring due compliance with the acts of Congress, and the treaty stipulations in force between Great Britain and the United States, and thereby preserving a strict neutrality on the part of the Government and the people of this country, orders, by direction of the President, have already been given to the respective district attorneys, to have all citizens or other inhabitants of the United States prosecuted, who may be concerned, in any manner, in violating those laws or treaties.

By a similar direction, you and your officers are required to co-operate with the district attorneys, and other United States officers, in all legal modes, to assist them in the accomplishment of the objects before stated.

I am, respectfully,

Your obedient servant,

\_\_\_\_\_,  
*Secretary of the Treasury.*

To \_\_\_\_\_

*Collector of \_\_\_\_\_*

*Governor Mason to Mr. Forsyth.*

DETROIT, *December 21, 1837.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant. I have no idea that any attempt will be made by the citizens of Michigan to interfere in the controversy now pending between the Government of Great Britain and a portion of the people of the Canadas. Should, however, the contingency contemplated by the President arise, he has my assurance that I will use every exertion to prevent any violation of the act of Congress for the preservation of the relations of amity with foreign Powers and the Government of the United States.

I have the honor to be,

Your obedient servant,

STEPHENS T. MASON.

HON. JOHN FORSYTH.

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*Mr. Barker to the President.*

BUFFALO, *December 23, 1837.*

SIR: I have to inform you that Mr. Garrow, the marshal for this district, is now in this city, in order to make arrests for all violations of the laws that have been passed to preserve the neutrality between this Government and Great Britain. I have been called upon by many of the leading men in the Province to know what our Government intended to do. I have assured them that nothing would be wanting, on the part of

the President, to enforce and prosecute all violations; and I can assure you that the civil authorities here will do all they can to aid Mr. Garrow in the execution of his duties. There has been great excitement here. I think, however, the crisis past. The patriots have left the neighborhood, and are strongly fortified on a British island in the Niagara river, to the amount of six or seven hundred men, with ten or twelve pieces of cannon, *stolen* from different parts of the country. Balls have been cast at a foundry in this city, which is now stopped. Men are flocking in from all quarters to join the patriots on the island, under General Van Rensselaer, viz: Buffalo, Batavia, Rochester, Lockport, &c.

With great respect,

I am your obedient servant,

PIERRE A. BARKER.

M. VAN BUREN,  
*President of the United States.*

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*Mr. Benton to Mr. Forsyth.*

U. S. DISTRICT ATTORNEY'S OFFICE,

*Little Falls, December 26, 1837.*

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant this day, enclosing a copy of the letter from the mayor of Buffalo to the President of the United States, and shall start for Buffalo to-morrow; although you will perceive, from copies of the enclosed letters, I cannot hope or expect to accomplish any thing. I now have the honor to hand you, for the information of the President, copies of two letters from the marshal of the district, of two from the collector of Buffalo, of two from the collector at Rochester, and of one from the collector at Lewiston.

Immediately after the receipt of your letter of the 7th instant, I wrote to the several United States collectors in this district, stating to them the nature of my instructions, and requested them to aid me in enforcing the laws of the United States. On the 18th instant I wrote to the Department, enclosing sundry communications which had been received by me, which had not probably been received at the Department at the date of the above this day received by me. After the promulgation of Governor Marcy's proclamation, calling on the State officers and magistrates of this State to aid the United States officers in preserving inviolate the laws of the United States, I wrote to the several States district attorneys and first judges of counties along the whole frontier, earnestly soliciting their co-operation in arresting all violators of the laws of the United States passed to preserve our neutral relations with other Powers; and at the same time I sent to these officers, as well as to the postmasters and United States collectors, a printed paper, one of which I now have the honor to enclose.

It is now, I believe, pretty well ascertained that six or seven hundred stand of arms, belonging to this State, have been taken, by force or otherwise, at Buffalo and Batavia; and that all the artillery pieces and carriages in the county of Niagara, also belonging to the State, have been taken, and, with the small-arms above mentioned, carried to Navy island,

the headquarters of the forces collecting, and destined to act against the colonial authorities of Upper Canada. I have this day written to the President of the United States, suggesting to him the propriety of ordering an armed force to Fort Niagara. The state of popular feeling along the whole frontier, and far into the interior, is such as to induce a strong belief that the forces collected at Navy island, or others, may seize the United States armament at Fort Niagara, should the same be supposed of any use in the contest with the royal forces in Canada. The immediate occupation of this fortress by a company or more of good troops, under the command of a prudent and cautious officer, is suggested as a measure of precaution. I have, since the receipt of your letter of the 7th instant, taken every step within my power to arrest the violators of the laws, and to prevent their violation. On the 18th instant I wrote to the marshal, and requested him to repair immediately to Buffalo, and appoint two or more deputies at this place; and desired the collector to put one of his trusty inspectors to the duty of collecting information which could enable me to procure process from the district judge to arrest the offenders, in case the State magistrates should refuse to issue process, which I had reason to fear they would do. The state of things at Rochester, you will perceive, is nearly or quite as bad as at Buffalo. The civil arm will no doubt be found too weak to contend with the present state of feeling. The press will denounce all arrests, and efforts be made to prevent the due administration of justice. If, on my way to Rochester, I should meet the marshal of the district, and, on consultation with him, we should be of opinion that my presence at Buffalo would produce excitement and disturbances, (as it seems to be the opinion expressed by Mr. Barker, in his letter of 23d instant,) I shall venture to exercise a discretion in this respect, and shall hope it will meet with the approbation of the President of the United States. The district attorney assures the President he has made every effort in his power to prevent the unfortunate and illegal occurrences which have taken place at Buffalo, and other places on the frontiers, and will not allow any opportunity to pass of arresting and bringing to trial all offenders against the laws of the land.

I am, with great respect,

Your obedient servant,

N. S. BENTON,

*U. S. Attorney.*

Hon. JOHN FORSYTH,

*Secretary of State, Washington.*

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*Mr. Barker to Mr. Benton.*

BUFFALO, *December 23, 1837.*

SIR: I have to inform you that Mr. Garrow is now in this city. The civil authorities here will do all they can to aid him, and to prevent any further violations of the law.

The island in the possession of the patriots is a British island. It is strongly fortified. They now, I understand, number about 800 men;

have stolen and got in their possession ten or twelve pieces of cannon ; are well supplied with provisions from this city and the adjoining places, viz : Lockport, Rochester, &c. All is quiet here at present. The Canadians are leaving Canada in great numbers. Our mayor resigned his office last evening.

Truly yours,

PIERRE A. BARKER.

N. S. BENTON, Esq.,  
U. S. Attorney.

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*Mr. Barker to Mr. Benton.*

COLLECTOR'S OFFICE,

*Buffalo, December 23, 1837.*

SIR: I am in receipt of yours of the 20th instant, in relation to the casting of cannon-balls. In this, I have to say that I understand they have been cast at the furnace of John Wilkinson & Co., at the furnace of Isaac W. Skinner, and at the furnace of General Peter B. Porter, at Black Rock.

I have employed a trusty deputy to collect the information you desire, viz: names, &c.; and will communicate the information when obtained.

Rensselaer Van Rensselaer is the name of the general on Navy island. The name of the colonel, who has figured the most in this business, is Thomas J. Southerland. On consulting with the marshal and district attorney, we have come to the conclusion to advise you to delay making a journey here at this time; thinking, perhaps, that it would only tend to increase the present excitement. We are of opinion the appearance of the marshal on this frontier will have the effect to put down any further violations of the *law*.

Wilkinson was called upon this morning by us, in company with Mr. G. He acknowledged that he had cast balls at his furnace; and that he did not know that he was violating any statute, and pledged himself that he would desist. Volunteers are constantly pouring in from the country to Navy island.

Truly yours,

PIERRE A. BARKER, *Collector.*

N. S. BENTON, *U. S. Attorney.*

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*Mr. Gould to Mr. Benton.*

ROCHESTER, *December 22, 1837.*

SIR: The marshal left here this morning for Buffalo. He wishes me to say he will expect to see you here or there in a short time. Things about as yesterday. I saw Mr. Eaton, of Lockport, to-day. He says the State pieces of artillery in Niagara county are taken to Navy island,

as is supposed, without let or hindrance. Rather a bad state of things; however, people will soon come to their senses, I hope. I will be glad to see you here.

In haste, yours,

J. GOULD, *Collector.*

HON. N. S. BENTON.

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*Mr. Garrow to Mr. Benton.*

AUBURN, *December 21, 1837.*

DEAR SIR: Both of your communications of yesterday have been duly received. I start to-morrow morning for Buffalo. There have been letters received in this place to-day from Buffalo, of the 18th, saying there were soldiers enlisted daily in the streets of that place. I suppose I can do nothing with those who have or may commit offences out of my presence, unless I have processes against them. I have written to Cady, and also to Fairbanks, directing them to put the law you referred to in force, and to keep you apprized of all relating to the matter of consequence, as well as myself.

I am your obedient servant,

N. GARROW.

N. S. BENTON, Esq.

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*Mr. Scoville to Mr. Benton.*

COLLECTOR'S OFFICE, DISTRICT OF NIAGARA,  
*Lewiston, December 21, 1837.*

SIR: I have received your letter of the 12th instant, on the subject of the existing contest in Upper Canada. No specific act worthy of notice has come to my personal knowledge; yet I think proper to apprise you of what is going on in this and the adjacent district.

You are already aware, from the public press, that McKenzie is concentrating men and munitions of war on Navy island. He obtains them from Canada, Buffalo, Lockport, and the immediate vicinity. Their number is said to be five or six hundred, with nine pieces of artillery, which have been obtained in this part of the State—in what manner I am unable to say. Munitions of war, provisions, &c. are daily going on to the island from Buffalo. The ferry to the island is in the Buffalo district. There is a general feeling here in favor of the radical cause, and it may become difficult to prevent violations of the laws of neutrality. I shall most cheerfully, however, render all the aid in my power, as I feel it to be a matter of the highest importance. I yesterday took a few pieces of smuggled cloth from a *patriot*, who said it was intended for the soldiers on the island.

The news from the western district renders it very certain that Dr. Dunscombe and his forces have dispersed. Persons wishing to come out of Canada have to obtain a pass. They are determined not to let Dr. Dunscombe, or any more of those for whom a reward has been offered, escape.

Would it not be well for you to ask the Secretary of War to send a company of United States troops to occupy Fort Niagara? It would put a stop most effectually to what is going on, and protect the public property at the fort.

I am, sir, with great respect,  
Your obedient servant,  
SEYMOUR SCOVILLE, *Collector.*

N. S. BENTON, Esq.,  
*U. S. District Attorney.*

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*Mr. Garrow to Mr. Benton.*

ROCHESTER, *December 21, 1837.*

DEAR SIR: I arrived here this evening at nine o'clock; sent for Gen. Gould and some others of this place. There is much excitement here; forty soldiers marching the streets of Rochester to-day under drum and fife; two pieces of cannon went off this morning; and three-fourths of the people here, I learn, are encouraging and promoting the thing; and seven-eighths of the people at Buffalo and all along the lines are taking strong interest in the cause of the patriots; many furnishing arms, and large quantities of provisions contributed and forwarded to them, and volunteers continually going on. I do believe that it is indispensable that you come on immediately to Buffalo. Very little can be done with processes.

I am yours, N. GARROW.

N. S. BENTON, Esq.

P. S. I shall appoint a deputy here in the morning, and go on to Buffalo to-morrow.

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*Mr. Gould to Mr. Benton.*

COLLECTOR'S OFFICE, ROCHESTER,  
*December 21, 1837.*

SIR: I enclose you a hand-bill, such as are being posted up in our city to-day. I am not yet able to give you names to issue writs for. I am told many persons have already gone to Navy island to join the patriots there, to-day, before eight, and that more are expected to go, and that a great effort is to be made here. I would recommend that you come here with the marshal; there will be plenty of business in this section and west. As the patriots of Canada back out, our citizens seem to come forward; so that the first battle will be, so far as I can judge, between citizens of our own State and those of Upper Canada. This ought not so to be: the results of such a state of things may be disastrous, indeed, to our interests as a nation, and to our honor.

In haste, yours truly,

J. GOULD, *Collector.*

N. S. BENTON, *U. S. Attorney.*

P. S. Please write as to the course I ought to pursue. I will preserve names and facts as far as I can.



*Mohawk Courier—(Extra.)*

LITTLE FALLS, NEW YORK,

December 16, 1837.

In consequence of difficulties which have hitherto existed in the arrest of offenders against the laws of the United States, and the increased expenses consequent thereon, it is deemed proper to make public such information in respect to this subject as may be useful, and will aid in promoting the arrest and conviction of offenders. An extract from the judiciary act of the United States is given; and it will be seen that authority to arrest, commit, or recognise offenders, is conferred upon the magistrates and officers of the different States. Forms of process and recognizances have been drawn up, which, it is supposed, will be found convenient and useful as a matter of reference. All charges, it will be seen, are to be paid to the officers by the United States. These bills should be made out and presented or sent to the marshal of the district, who will pay the same. The circuit court of this district, which has cognizance of violations of most of the criminal laws, sits at Albany on the second Tuesday of June and the third Tuesday of October in each year. Anson Little, Esq., the clerk of the court, keeps his office in the city of Utica; Nathaniel Garrow, Esq., the marshal of the district, resides at Auburn. Gentlemen to whom more than one of these sheets may be sent are respectfully requested to hand the same to the officers and magistrates in their vicinity who have authority to act in criminal cases under the laws of the United States. And it is also desired that all arrests and complaints be immediately notified to the district attorney.

N. S. BENTON,  
*United States Attorney.*

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*Extract from the Judiciary act passed September 24, 1786.*

Sec. 33. That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace or other magistrate of any of the United States, where he may be found, agreeably to the usual mode of process against offenders in each State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence. And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the cognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be may require, on pain of imprisonment. \* \* \* \*

And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death; in which case, it shall not be admitted but by the supreme or circuit court, or by a justice of the supreme court, or a judge of the district court, who shall exercise their discretion therein, regarding the nature and circumstance of the offence, and of the evidence, and the usage of the case.

*Form of wa rant to arrest.*

UNITED STATES OF AMERICA,  
Northern District of New York, and county of — —. } ss.

To the marshal of the northern district of New York, and the sheriff or any constable of the said county of ———.

Whereas A B, of ———, in the said county and district, hath this day made complaint upon oath before me, E M, one of the justices of the peace in and for the said county of ———, that C D, &c.

(Here set out the nature of the offence, stating, as nearly as may be, the time and place of committing the offence, and the name of the offender.)

In pursuance of and by authority of the statutes of the United States of America in such case made and provided, you are hereby commanded and required forthwith to apprehend him, the said C D, and to bring him before me, to answer unto the matters contained in the said complaint and information, and to be further dealt with according to law. Herein fail not. Given under my hand and seal the — day of ———, in the year of our Lord one thousand eight hundred and ———.

*Form of a recognizance.*

UNITED STATES OF AMERICA,  
Northern District of New York. } ss.

Be it remembered, that on the — day of ———, in the year of our Lord one thousand eight hundred and ———, A B, of ——— in said district, laborer, C D, of ——— carpenter, and E F, of ——— saddler, both in said district, personally came and appeared before me, I F, esquire, one of the justices assigned to keep the peace in and for the county of ———, in said northern district of New York, and severally acknowledged themselves to owe to the United States of America, to wit: the said A B, the sum of — dollars, and the said C D and E F, each the sum of — dollars, separately, of current money of the said United States of America, to be respectively made and levied of their several goods and chattels, lands and tenements, to the use of the said United States of America, if the said A B shall fail in performing the condition underwritten.

The condition of the recognizance is such, that if the abovebounden A B shall personally appear at the next circuit court of the United States of America, to be holden at the city of Albany, in and for the northern district of New York, in the second circuit, then and there to answer to an indictment to be preferred against him on behalf of the said United States of America, for (here state the nature of the charge and complaint,) and to do and receive what shall, by the said court, be then and there enjoined on him, and shall not depart the said court without leave, then the above recognizance to be void; otherwise to remain in full force.

Taken and acknowledged before me,



*Condition of a recognizance to give evidence.*

(The form of the recognizance itself may be as above, varying it so as to leave out the sureties, except when the officer may deem it proper to require sureties.)

The condition of the above recognizance is such, that if the above bounden P R shall personally appear at the next circuit court of the United States of America, to be holden at the city of Albany, in and for the northern district of New York, in the second circuit, and then and there give such evidence as he knoweth, upon a bill of indictment to be exhibited on behalf of the United States of America, to the grand jury of the said district, against C D, late of \_\_\_\_\_ in said district, laborer, for \_\_\_\_\_,

(Here state the nature of the complaint.)

and in case said bill be found a true bill, then if the said P R shall then and there give evidence to the jurors that shall pass on the trial of the said indictment, and not depart thence without leave of the court, then this recognizance to be void; otherwise to remain in full force and effect.

Taken and acknowledged before me, \_\_\_\_\_.

*Form of a mittimus.*

UNITED STATES OF AMERICA,  
Northern District of New York, and county of \_\_\_\_\_. } ss.

To the marshal of the said district, and to the sheriff and any constable of the said county, and to the keeper of the common jail in said county:

Under and pursuant to the statutes of the United States of America in such case made and provided, you are hereby charged and commanded that you forthwith carry and deliver C D, this day brought before me, A D, esquire, one of the justices of the peace in and for the said county, by \_\_\_\_\_, and charged upon the oath of S T, with (here state the offence:) and you, the said keeper, are hereby required to receive the said C D into your custody in the said jail, and him there safely keep until he be thence delivered by due course of law.

Given under my hand, &c. \_\_\_\_\_.

*Mr. Forsyth to Governor Jenison.*

DEPARTMENT OF STATE,

*Washington, December 27, 1837.*

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, and to communicate to you, by direction of the President, his satisfaction at the promptness with which you came forward, in your official character, to prevent a violation within the limits of the State of Vermont, of the laws of the United States for preserving our neutral relations, which, it was feared, might be infringed from want of a proper consideration of the consequences, during the excitement produced on the frontier by the disturbances in Canada. It is hoped that you will transmit to the Department whatever important information

upon the subject you may at any time receive, accompanied by such observations as may suggest themselves to your own mind, and as you may deem likely to be useful to the General Government. In the existing state of things, it is not thought that the presence of troops of the United States can be necessary for the protection of our citizens along the line, or for quieting any reasonable apprehension; but, if the course of events should be such as to render it expedient, a sufficient detachment will be furnished for the purpose.

I have the honor to be, &c.

JOHN FORSYTH.

To his Excellency S. H. JENISON,  
*Governor of Vermont.*

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*Mr. Forsyth to Mr. Kellogg.*

DEPARTMENT OF STATE,

*Washington, December 29, 1837.*

SIR: I have to acknowledge the receipt of your letter of the 20th instant, in relation to the excitement in the district bordering on the Canadian frontier. It has been laid before the President, and an extract from it was published in the Globe of last evening.

I am, sir, your obedient servant,

JOHN FORSYTH.

DANIEL KELLOGG, Esq.,  
*United States Attorney, Rockingham, Vermont.*

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*Mr. Woodbury to Mr. Forsyth.*

TREASURY DEPARTMENT, *January 5, 1838.*

SIR: I have the honor to transmit to you copies of letters addressed yesterday to the collectors of the customs at Erie and Buffalo, and to the commander of the revenue cutter Erie.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

HON. JOHN FORSYTH,  
*Secretary of State.*

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*Mr. Barker to Mr. Woodbury.—(Extract.)*

COLLECTOR'S OFFICE, *Buffalo, December 30, 1837.*

At this time there is no communication between us and Canada; no boats are running on the Niagara. I have this day sent the President an extra from the Buffalo Journal, in relation to the affair of the steamboat Caroline. It occurred in the Niagara district. Mr. Scoville will, no doubt,

give you particulars. Our city is in great alarm. The whole frontier is in motion, and God knows where it will end. An express has been sent to Governor Marcy to call out the militia.

The district attorney and marshal are now in Rochester, endeavoring to discharge their duty. Such is the exasperated state of feeling, that *I very much fear the laws cannot be enforced without great loss of life*. All shall be done on my part, as an officer of the Government, and as acting mayor of this city, to preserve and sustain the laws.

Respectfully, your obedient servant,  
PIERRE A. BARKER, *Collector*.

HON. LEVI WOODBURY,  
*Secretary of the Treasury*.

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*Mr. Woodbury to Captain Dobbin.*

TREASURY DEPARTMENT, *January 4, 1838.*

SIR: In consequence of the existing state of affairs in the Canadas, it is deemed proper that the utmost vigilance should be observed in the due execution of the laws, and the most effectual measures taken to suppress any illegal or improper interference on the part of our citizens in the affairs of the neighboring people. Accordingly, the President has directed that the revenue cutter under your command be placed under the control of the collector at Buffalo, and that she be employed in aiding the authorities of the Government in maintaining the laws, and enforcing the obligations thereby imposed on citizens of the United States. You are, therefore, directed to proceed, if the state of the water will permit, with all practicable despatch, with the vessel, to that port, and report your arrival to the collector of the customs, who will instruct you in the measures necessary to be taken to suppress all and every attempt to violate the laws, and whose orders in this respect you will obey.

I am, very respectfully, your obedient servant,  
LEVI WOODBURY,  
*Secretary of the Treasury*.

DANIEL DOBBIN, Esq.  
*Commanding U. S. Revenue Cutter Erie.*

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*Mr. Woodbury to the Collector of Customs, Erie.*

TREASURY DEPARTMENT, *January 4, 1838.*

SIR: Enclosed you will find an order addressed to the officer in command of the revenue cutter Erie, directing him to proceed with that vessel to Buffalo, for the purpose of aiding the authorities of the Government in maintaining and enforcing a due observance of the laws, and the obligations thereby imposed on citizens of the United States. I have to request that you will deliver the same to Captain Dobbin.

I am, respectfully, sir, your obedient servant,  
LEVI WOODBURY,  
*Secretary of the Treasury*.

*To the Collector of the Customs, Erie, Pa.*

*Mr. Woodbury to Mr. Barker.*

TREASURY DEPARTMENT, *January 4, 1838.*

SIR: I deem it proper again to call your especial attention to the subject referred to in my circular of the 19th ultimo, and to urge upon you the necessity of exercising due vigilance and exertion to aid the other officers of the United States in detecting and prosecuting violators of the laws, in the particulars therein referred to.

It is represented that vessels and boats are engaged within the limits of your district, in carrying arms, ammunition, and military supplies to the Canadian side of the lines, for the use of the forces arrayed against the British Government. You will take measures to seize any vessel or carriage of any kind which may be engaged in such transactions; and also have the proper proceedings instituted against all individuals having charge or connexion therewith. In any case of difficulty, you may consult with the United States district attorney, and be governed by his advice.

The commander of the cutter Erie has been ordered to proceed with said vessel to Buffalo, (if the ice will not prevent it,) to aid you in enforcing the laws. You will therefore be pleased to employ this vessel and crew, as emergencies may suggest; giving such instructions to the commander, from time to time, as you may deem necessary to accomplish the objects before stated.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

PIERRE A. BARKER, Esq.

*Collector of the Customs, Buffalo, N. Y.*

*Mr. Forsyth to Mr. Benton.*

DEPARTMENT OF STATE,

*Washington, January 5, 1838.*

SIR: Your letter of the 26th ultimo, with the enclosures, has been received. If you shall not have gone to Buffalo when this communication reaches you, the President directs that you repair to that place forthwith, and that you remain there, using your utmost exertions to bring to punishment all violators of the laws for preserving the neutrality of the United States, until the occasion for your presence shall cease. By referring to the collector, you will find he has received additional instructions to afford you important aid in the execution of your duties and those of the marshal.

I am, sir, your obedient servant,

JOHN FORSYTH.

TO NATHANIEL S. BENTON, Esq.

*District Attorney U. S. Northern District of New York.*

*Mr. Woodbury to Mr. Forsyth.*

TREASURY DEPARTMENT, *January 6, 1838.*

SIR: I have the honor to transmit to you a copy of the instructions forwarded yesterday to S. Scoville, Esq., collector of the customs for the district of Niagara.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

HON. JOHN FORSYTH,  
*Secretary of State.*

TREASURY DEPARTMENT, *January 5, 1838.*

SIR: I deem it proper again to call your especial attention to the subject referred to in my circular of the 19th ultimo, (a copy of which was sent you,) and to urge upon you the necessity of exercising due vigilance, and exertion, in connexion with other United States officers, in suppressing any attempted violations of the laws in the particulars alluded to in said circular.

It is represented that boats and vessels are engaged within the limits of your district in carrying arms, ammunition, and military supplies to the Canadian side of the lines, for the use of the forces arrayed against the British Government in Canada.

You will take prompt measures for the seizure of boats, vessels, or carriages of any kind which may be engaged in such transactions: and also have the proper proceedings instituted against all individuals having charge or connexion therewith. Should you have any difficulty how to act in any case, you may consult with the United States district attorney, and be governed by his advice.

The cutter Erie has been ordered to Buffalo, to aid, under the direction of the collector of that district, in enforcing the law, and suppressing any hostile aggressions towards the authorities of Canada, which may be attempted on the part of citizens or inhabitants of the United States.

Should you require the services of the cutter, her boats, or crew, you will be pleased to advise and consult with Mr. Barker, the collector, and use them in such a manner as you may mutually deem expedient and proper, provided the ice will permit.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

SEYMOUR SCOVILLE, Esq.  
*Collector of the Customs,  
District of Niagara, Lewiston, N. Y.*





