

The Colonial Herald,

AND

PRINCE EDWARD ISLAND ADVERTISER.

NEW SERIES.]

CHARLOTTETOWN, SATURDAY, JUNE 19, 1841.

[No. 203.]

Roads and Bridges.

DISTRICT No. 1—North Section.

HEREBY give Notice, that I will, on Friday, the 25th day of June, at 10 o'clock, set up and sell, to the lowest bidder, the completing Tignish Bridge. Same day, at Twelve o'clock, the Road from Kildare Bridge to Tignish, commencing at Tignish. Same day, at 2 o'clock, the repairing Kildare Bridge.

JAMES WARBURTON, Commissioner.
Lot 11, May 15th, 1841.

To Be Sold At Auction,

COMMENCING at HILL'S MILLS, on Monday the 5th day of July, at the hour of 12 o'clock, forenoon, the making of a new line of Road from Hill's Mills to the Portage, Lot 1, Tignish. The road to be let in distances to suit bidders—and Security required for the due performance of each contract.

JAMES WARBURTON, Commissioner.
Lot 11, June 7th, 1841.

DISTRICT No. 1—North Section.

HEREBY give Notice, that I will, on Monday the 5th day of July, at 12 o'clock, set up and sell by Auction, to the lowest bidder, the opening the Main Western Road—commencing at Hill's Mills.

There are £400 granted for the above Road under the Road compensation Act.
JAMES WARBURTON, Commissioner.
Lot 11, June 3, 1841.

DISTRICT No. 4.

THE Subscriber will sell by Public Auction, on the spot, to the lowest bidder, On Wednesday the 23d June next, at 10 o'clock, the repairing of Bridge and Causeway near Bradshaw's, Bedeque; at 12 o'clock, the Road and Bridge from Irving's to the South West Settlement, Lot 27; and general repairs of that part of Anderson's Road in Prince County.

Approved Security will be required for the due completion of each contract.
JOSEPH POPE, Commissioner.
May 1st, 1841.

BUOYS FOR GRAND RIVER HARBOUR.

THE Subscriber will let by Auction, to the lowest bidder, on Tuesday, the 22d day of June, inst., at the hour of 12 o'clock, noon, at the Sand Beach at Grand River Harbour, the constructing and maintaining in an efficient state, for a term of Three to Five years, THREE BUOYS in Grand River Harbour, to be constructed in the following manner, viz:—A straight Spar, of Cedar, Spruce or Pine Wood, securely moored short by a chain to a sufficient weight of metal or stone—the Spar to be of sufficient length to show a portion of at least seven feet over water in a perpendicular position, at high water; such portion to be reduced in size, squared at the top end, of sufficient strength only to support four semicircular boards, nailed to the face of the Spar at the top, shewing at a distance the appearance of a Globe or Ball.

Good security for the faithful performance of the contract, will be required at the time of sale.
THOMAS OWEN.

Cardigan, June 5th, 1841.

Wharf at Green's Shore, Bedeque.

THE Subscriber will let by Public Auction, to the lowest bidder, on Friday the 25th day of June, at 12 o'clock, noon, on the spot, the building a BLOCK and SPACE to the Wharf at Green's Shore, Bedeque.

At the same time and place, offers will be received for putting down and preserving for a term of years, three BUOYS at the entrance of Bedeque Harbour.
JOSEPH POPE, Commissioner.
Bedeque, May 29th, 1841.

LAND ASSESSMENT.

TREASURER'S OFFICE, Charlottetown, Prince Edward Island, 1st June, 1841.

IN pursuance of the Act of the General Assembly of this Island, made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intitled *An Act for levying an Assessment on all Lands in this Island*—I do hereby publicly notify the Owners or Occupiers of Land within this Island, for which the Annual Assessment charged thereon by the said recited Act, of Four Shillings, lawful money of this Island, for every Hundred Acres of wilderness or unimproved Lands contained in the several Townships, and the several Islands belonging thereto; and the sum of Two Shillings for every Hundred Acres of cultivated or improved Land in the said several Townships and Islands as aforesaid; and the sum of Four Shillings for each and every unencultivated or unimproved Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Town and Royalty of Charlottetown; and the sum of Two Shillings for each and every cultivated or improved Town, Pasture, Common and Water Lot as aforesaid; and the sum of Two Shillings and Eightpence for each and every Town Lot, Pasture Lot and Water Lot, granted in the Towns and Royalities of Georgetown and Princetown; and the sum of One Shilling and Fourpence for each and every cultivated or improved Town, Pasture and Water Lot, granted in the said last-mentioned Towns and Royalities, and so in proportion for a less quantity; and the sum of One Penny per acre on each and every acre of cultivated or improved Land in the Royalty of Georgetown, called reserved Lands; and the sum of Two pence per acre on each and every acre of such Lands as may be deemed unencultivated or improved Lands, is payable, that unless the Assessment for the current year be paid into my hands, or the hands of my Deputies, on or before the Twenty-first of December, 1841, I shall, on the last day of the next Hilary Term, at Charlottetown, make Proclamation of all such Lands as shall then be in arrear for non-payment of the sums charged thereon, agreeably to the directions of the said Act.

J. SPENCER SMITH, Treasurer.

Treasurer's Office, June 1st, 1841.

IN compliance with the provisions of the Act of the General Assembly, for levying an Assessment on all Lands within this Island, I have appointed the following persons to be Receivers of the said Assessment:

Prince County.
Joseph Pope, Bedeque;
Thomas C. Compton, St. Eleanor's;
James Yeo, Port Hill;
Allan Forsyth, Casempeque.

Queen's County.
James Pidgeon, New London;
Thomas Fairbairn, Sable;
Solomon Desbrisay, Charlottetown;
Allan Macdonald, Belfast.

King's County.
John Jardine, St. Peter's;
Alexander Macdonald, St. Margaret's;
William S. Macgown, Souris;
Hugh Macdonald, Three Rivers;
James Richards, Murray Harbour.

J. SPENCER SMITH, Treasurer.

THE Subscriber having taken that commodious Store on Mrs. Wright's Premises, head of Queen's Wharf (formerly occupied by Mr. Alexander Davidson), as a Sale Room, will be ready to receive any description of Goods, Furniture, &c. to be disposed of by Auction.

WILLIAM CULLEN.

ALEXANDER MACLEOD—DESTRUCTION OF THE CAROLINE.

Extracts from Documents accompanying the President's Message. Mr. WEBSTER to Mr. FOX.

Department of State, Washington, April 24, 1841.

"It is understood that Alexander MacLeod is holden, as well on civil as on criminal process, for acts alleged to have been done by him in the attack on the 'Caroline,' and his defence or ground of acquittal must be the same in both cases. And this strongly illustrates, as the undersigned conceives, the propriety of the foregoing observations: since it is quite clear that the Executive Government cannot interfere to arrest a civil suit between private parties in any stage of its progress, but that such suit must go on to its regular judicial termination."

"The communication of the fact that the destruction of the 'Caroline' was an act of public force by the British authorities, being formally communicated to the Government of the United States by Mr. Fox's note, the case assumes a decided aspect."

"The Government of the United States entertains no doubt that, after this avowal of the transaction as a public transaction, authorized and undertaken by the British authorities, individuals concerned in it ought not, by the principles of public law, and the general usage of civilized States, to be holden personally responsible in the ordinary tribunals of law for their participation in it. And the President presumes that it can hardly be necessary to say that the American people, not distrustful of their ability to redress public wrongs by public means, cannot desire the punishment of individuals when the act complained of is declared to have been an act of the Government itself."

"The indictment against MacLeod is pending in a State Court; but his rights, whatever they may be, are no less safe, it is to be presumed, than if he were holden to answer in one of the Courts of this Government."

"The Council for MacLeod have requested authentic evidence of the avowal by the British Government of the attack on, and destruction of the 'Caroline,' as acts done under its authority, and such evidence will be furnished to them by this department."

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

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

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

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

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

"Her Majesty's Government are pleased, also, to speak of those American citizens who took part with persons in Canada, engaged in an insurrection against the British Government, as 'American pirates.' The undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out, or were engaged in fitting out, a military expedition from the United States intended to act against the

British Government in Canada, they were clearly violating the laws of their country, and exposing themselves to the just consequences which might be inflicted on them if taken within the British dominions. But, notwithstanding this, they were certainly not pirates, nor does the undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denominate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all this alleged against them to be true, they were taking a part in what they regarded as a civil war, and they were taking a part on the side of the rebels. Surely England herself has not regarded persons thus engaged as deserving the appellation which Her Majesty's Government bestows on these citizens of the United States."

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

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

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

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

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

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

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

sity for all this the Government of the United States cannot believe to have existed.

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

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

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

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

"DANIEL WEBSTER.

"Henry S. Fox, Esq. &c. &c. &c."

PAPERS BY THE COLUMBIA.

THE CRISIS AT HOME, AND THE COLONIES.

While the Mother-country is in a commotion, of course the interests of the Colonies must to some extent be involved; but in the present political crisis they are very nearly concerned. Having no recognized representation of their own in the Legislature, their affairs receive a very partial or a very precarious attention, in the formal proceedings of Ministers, or the uncertain movements of amateur Representatives, who from pecuniary interest in particular colonies, or from interest which they take in particular views of colonization, are content to do some of the work, though they have none of the responsibility of agents directly appointed. In the number of these Members a general election may make sad havoc; because the influence by which it is governed have nothing whatever to do with their self-assumed Colonial functions. The next election will be governed entirely by an Anti-Corn-law or a Pro-Corn-law spirit, by a general regard to Free Trade, and, still more strongly, by the usual party considerations: the welfare of the Colonies, or of any particular colony, will never enter the heads of the electors, except that, here and there, a few may be West India proprietors, anxious to vote against Free-traders on account of the Sugar-duties which are in jeopardy; but, generally speaking, the Colonies will be entirely overlooked. Whether they gain or lose by the change, therefore, must be a matter of mere chance. At present their loss seems the more probable result; the immigrationists of New South Wales, for instance, will have to deplore the loss of Mr. Grote, who retires from Parliament; the supporters of systematic colonization will lose one of their sturdiest representatives in Sir William Molesworth, whom the state of parties induces to abstain from contesting Leeds; and Mr. William Hutt transfers himself from Hull to Gateshead, and thus makes room for the ingenious and worthy but crotchety Anti-Emigrationist Colonel Thompson; who will very probably be borne into the House of Commons on the shoulders of the Anti-Corn-law agitators, to vote on every possible opportunity against "breeding for exportation."

Moreover, the general election involves the imminent risk of a change of Ministry. There might be better Colonial Ministers than Lord John Russell, and it is still more certain that there might be worse: there are men in the country to choose from, in some sort, and chance may appoint one of the best; but will the Colonies, or any one of them, have the smallest voice in his appointment? Not a jot: they must take the fiat of political expediency at home with as little question as they would the birth of a prince. The place will be given to the man who can do the best for the Ministry, not for the Colonies: the number of the seats in the Cabinet, including that for the Colonies, will be filled up with so many gentlemen, and when all are assembled, out of the dozen, perhaps the fittest will be appointed to the Colonial Office—not impossibly the worst.

Things might be very different if the Colonies had some kind of representation at home. They should of course be independent of the home electors; whose own immediate interests, or what are supposed to be such, must reign paramount at the poll. But in the appointment of their own Minister the Colonies ought to have at least a share. Had they a representative body, however constituted, so that its members were of such standing and authority as really to be understood to represent the wishes and interests of the Colonial empire, they could not fail to have some weight in the choice of the person who was to administer the affairs of the important countries represented.

Such a result can only be possible when the Colonies are united in the demand for it: then its resistance would be impossible. Meanwhile, the passing events of the day furnish a staring example of the deplorable helplessness, at the most momentous junctures, to which the Colonies passively submit themselves.—*London Colonial Gazette, June 2.*