

the question of the 'Caroline.' I have had frequent conversations with Mr. Fox in regard to this subject—one of very recent date, and, from its tone, the President expects the British Government will answer your application in the case without much further delay.

Mr. Fox to Mr. Forsyth.

WASHINGTON, Dec. 13, 1840.

STR.—I am informed by his excellency the Lieutenant Governor of the Province of Upper Canada, that Mr. Alexander McLeod, a British subject, and late deputy sheriff of the Niagara district in Upper Canada, was arrested at Lewistown, in the State of New York, on the 12th of last month, on a pretended charge of murder and arson, as having been engaged in the capture and destruction of the piratical steambot "Caroline," in the month of December, 1837. After a tedious and vexatious examination, Mr. McLeod was committed for trial, and he is now imprisoned in Lockport jail.

I feel it my duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod. It is well known that the destruction of the steambot "Caroline" was a public act of persons in her Majesty's service, obeying the order of their superior authorities. The act, therefore, according to the usages of nations, can only be the subject of discussion between the two national Governments. It cannot justly be made the ground of legal proceedings in the United States against the people concerned, who were bound to obey the authorities appointed by their own Government.

I may add, that I believe it is quite notorious that Mr. McLeod was not one of the party engaged in the destruction of the steambot "Caroline," and that the pretended charge upon which he has been imprisoned rests only on the perjured testimony of certain Canadian outlaws and their abettors, who, unfortunately for the peace of that neighborhood, are still permitted by the authorities of the State of New York to infest the Canadian frontier.

The question, however, whether Mr. McLeod was or was not concerned in the destruction of the "Caroline," is beside the object of the present communication.—That act was the public act of persons obeying the constituted authorities of her Majesty's Province. The National Government of the United States thought themselves called upon to remonstrate against it; and a remonstrance, which the President did accordingly address to her Majesty's government, is still, I believe, a pending subject of diplomatic discussion between her Majesty's government and the United States legation in London. I feel, therefore, justified in expecting the President's Government will see the justice and necessity of causing the present immediate release of Mr. McLeod, as well as of taking such steps as may be requisite for preventing others of her Majesty's subjects from being persecuted or molested in the United States, in a similar manner, for the future.

It appears that Mr. McLeod was arrested on the 13th ult.; that, after the examination of witnesses, he was finally committed for trial on the 18th, and placed in confinement in the jail of Lockport, awaiting the assizes which will be held there in February next. As the case is naturally occasioning a good deal of excitement and indignation within the British frontier, I earnestly hope that it may be in your power to give me an early and satisfactory answer to the present representation.

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

H. S. FOX.

Hon. JOHN FORSYTH, &c. &c.

Mr. Forsyth to Mr. Fox.

Department of State,
Washington, Dec. 26, 1840.

STR.—I have the honor to acknowledge, and have laid before the President, your letter of the 13th instant, touching the arrest of Alexander McLeod, a British subject, and late deputy sheriff of Niagara district, in Upper Canada, on a charge of murder and arson, as having been engaged in the capture and destruction of the steambot "Caroline," in the month of December, 1837; in respect to which, you state that you feel it your duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod, and to prevent others of the subjects of her Majesty, the Queen of Great Britain, from being persecuted or molested in a similar manner, for the future.

This demand, with the grounds upon which it is made, has been duly considered by the President, with a sincere desire to give to it such a reply as will not only manifest a proper regard for the character and rights of the United States, but, at the same time, tend to preserve the amicable relations which, so advantageously for both, subsist between this country and England. Of the reality of this disposition, and of the uniformity with which it has been evinced in the many delicate and difficult questions which have arisen between the two countries in the last few years, no one can be more convinced than yourself. It is, then, with unfeigned regret that the President finds himself unable to recognize the validity of a demand, a compliance with which you deem so material to the preservation of the good understanding which has been hitherto maintained between the two countries.

The jurisdiction of the several States which constitute the Union is, within its appropriate sphere, perfectly independent of the Federal Government. The offence with which Mr. McLeod is charged was committed within the territory against the laws and citizens of the State of New York, and is one that comes clearly within the competency of her tribunals. It does not, therefore, present an occasion where, under the constitution and laws of the Union, the interposition called for would be proper, or for which a warrant can be found in the powers with which the Federal Executive is invested. Nor would the circumstances to which you have referred, or the reasons you have urged, justify the exertion of such a power, if it existed. The transaction out of which the question arises, presents the case of a most unjustifiable invasion in time of peace, of a portion of the territory of the United States, by a band of armed men from the adjacent territory of Canada; the forcible capture by them, within our own waters, and the subsequent destruction of a steambot the property of a citizen of the U. States, and the murder of one or more American citizens. If arrested at the time, the offenders might unquestionably have been brought to justice by the judicial authorities of the State within whose acknowledged territory these crimes were committed; and their subsequent voluntary entrance within that territory places them in the same situation. The President is not aware of any principle of international law, or, indeed, of reason or justice, which entitles such offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two Governments. These methods of redress—the legal prosecution of the offenders, and the application of their government for satisfaction—are independent of each other, and may be separately and simultaneously pursued. The avowed or justified authorities might be a ground for complaint with the government of the United States, distinct from the violation of the territory and laws of the state of New York. The application of the government of the Union to that of Great Britain, for the redress of an authorized outrage of the peace, dignity, and rights of the United States, cannot deprive the state of New York of her undoubted right of vindicating through the exercise of her judicial power, the property and lives of her citizens. You have very properly regarded the alleged absence of Mr. McL. from the scene of the offence at the time when it was committed as not material to the decision of the present question. That is a matter to be decided by legal evidence; and the sincere desire of the President is, that it may be satisfactorily established. If the destruction of the Caroline was a public act of persons in her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the court which has taken cognizance of the offence with which Mr. McLeod is charged, to decide upon its validity, when legally established before it.

The President deems this a proper occasion to remind the Government of her Britannic Majesty that the case of the "Caroline" has long since been brought to the attention of her Majesty's principle Secretary of State for Foreign Affairs, who, up to this day, has not communicated its decision thereupon. It is hoped that the government of her Majesty will perceive the importance of no longer leaving the government of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences. I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

H. S. FOX, Esq. &c., &c., &c.

Destructive Freshet in New York, and Loss of Life.

The mails from New York bring disastrous intelligence of the effects of the freshet on the North River, which has swept off bridges, houses, and property of all kinds, and occasioned the loss of several lives. The Star, of Saturday evening, gives the following particulars:

Destruction of the Croton Dam.—Letters were received in town last evening, by the water commissioners, stating that about one half of the Croton dam, which has been upwards of two years constructing, and was nearly completed last autumn, was carried away by the freshet, which has been unprecedented, and that the several mills below the dam have also been carried away, as has been the new bridge crossing the river above the dam, also erected by the water commissioners. We further understand that the three bridges below the dam, one of which is crossed by the New York and Albany post road, are destroyed.

Several dwelling houses, both below and above the dam, have been carried away, and we regret to learn that three lives have been lost. The flood came so rapidly, and in the night, that persons escaped from their dwellings in their night clothes, and got into trees for security. Two men who sought this refuge were drowned the tree being swept away.

Their names were Robert Smith and W. Evans, both natives of England. The other sufferers that escaped lost every vestige of property, even to their clothing.

THE FRESHET IN JERSEY.—The Newark Advertiser of Saturday evening contains the following account of the effects of the Freshet.

The people along the Passaic in this and the other river counties, Hudson Bergen and Passaic, have suffered severely. Four of the six bridges over the river were entirely swept away yesterday, viz, the bridge at Weazel, near Paterson the Acquackanonk and Bellville bridges, and the old Newark bridge, belonging to the Passaic and Hackensack Bridge Co. being the only communication with the Turpike or old Causeway to Jersey City. This bridge has been recently rebuilt, at an expense of \$10,000, and the whole surface was carried away by the flood and ice, which came down the river with fearful force about half past four o'clock in the afternoon. The railroad bridge, a few hundred yards further south, withstood the freshet firmly, and is, we believe, uninjured. The floating ice and fragments of timber passed through the open piers without doing any material damage. The Philadelphia and other trains of cars, due here about 5 o'clock, reached the river a few minutes after the Turpike bridge gave way, but were detained a few minutes only, until the efficient officers of the company could ascertain that it would be safe to cross. The Paterson Railroad bridge, we are happy to learn, also stands firm, and these are now the only bridges left over the Passaic. The bridge at Belleville was a corporation, or toll bridge, and the others were county bridges, belonging to Bergen and Passaic counties.

The large bridge at Pine Brook, at Caldwell, in this county, has also, we understand, been swept away, and we hear of the destruction of numerous mill dams and small bridges, in this and adjoining counties. The bridge at Boundbrook (Somerset county) across the Raritan, we also hear is gone.

The Trenton State Gazette of Friday says—The prospect over the broad expanse of waters at the mouth of the Assanipke—covering the island entirely, and rising far up on either shore; filled with floating timber, barrels, household furniture, and occasionally a fragment of a bridge, and rushing forward with tremendous violence—is terrific.

The Yardleyville has just passed by—the whole of it—in three pieces. The comb, or cornice, we scraped off as it passed under the Trenton bridge.

Gentlemen acquainted with the lumber business say nothing has come down yet from a greater distance than 20 miles above Easton. If so, we fear that the river will continue to rise, and much damage may be done at Trenton. The raceway of the Falls Company is filled almost to overflowing. The water has risen to some height in the factories on the Bloomsbury shore.

The lower story of Moor's oil mill is inundated, and a large quantity of oil in cisterns in danger of being spoiled. A hoarse, bureau, chest, furniture, wooden buckets, &c were among the articles drifting by. There is reason to fear that life has been lost as well as property. The amount of the latter destroyed must amount to many thousands. The Taylorsville bridge passed under the Yardleyville bridge with much difficulty and great noise, and did considerable injury. We regret also to say that the water power wall in the river at Titus' mill, has been carried away, and five of the Company's bridges in that neighborhood. The river is still rising.

Great Freshet.

The Delaware has been visited by one of the most tremendous freshets yet known, and the Schuylkill also has been greatly swollen.

At Easton, says a letter to the Pennsylvania, The Delaware and Lehigh rose to about thirty feet above lower water mark, and the destruction thereby occasioned is terrible indeed. The bridge over the Lehigh at this place, at Freemansburg, at Bethlehem, at Allentown, at Bryers, and at Springfield, have all been swept away. The splendid bridge on the Delaware at Rugselsville, eight miles below this place, built two years since, the piers of which were 30 feet above low water, has also been swept away. Dwelling houses, barns, stables, canal boats, store houses, &c. &c., have been floated off and destroyed and some lives lost. Last night Elam Lowrey, who keeps the grand lock at Coleman's dam 3 miles above this place together with his son were on the abutment of the dam at that place when it gave way and they were precipitated into the river. The son is believed to be drowned. Mr. Lowrey got hold of a log and floated down to this place, when he was taken off by Mr. John Beam an intrepid citizen of our borough, in a batteau, at the risk of his life. He deserves to be immortalized for his heroic act. No one but an eyewitness can realize the irresistible force and destructive character of the flood.—Many of our business citizens have suffered severely—among them Peter S. Meckler, Chs. Rodenbaugh & Co. Jas M'Kean, the Lehigh Transportation Co. Porter and Capin. J. Miresell and Sons, and several others. Several families have been flooded out of their dwellings and were unable to remove their goods.

The canal basin is cut out. The canal itself overflowed for miles and it is

feared that all the aqueduct and culverts for many miles down the river or the canal are gone. It would require prompt and immediate action to get the canal in navigable order by June or July.

From the U. S. Gazette.

The tide in the River Delaware rose yesterday to a greater height than has been known for twenty years. It rose over the wharves and in many places filled the cellars of the stores along the wharves, at the steamboat landing at the foot of Walnut street, the water covered the entire wharf up to the houses, and was running for a short space up into Walnut street. Above Arch street it ran into the cellars and yards, making sad confusion, and occasioning considerable loss. The wharves are in a terribly bad condition, being covered with mud to the depth of three or four inches—and strewn with ice which the retreating tide has left. A large number of persons were engaged during Saturday in drawing to the shore such pieces of timber as they could reach with poles, hooks, &c; a great many cords of wood have thus been gathered by poor people to whom it is both a seasonable and welcome gift. The ice has almost totally disappeared, it having been melted by the warm weather of the last three days.

The Schuylkill remains in nearly the same state as noticed on Saturday. It has been computed that above three hundred cords of wood have been fished out of the river between the Dam and Fairmount—which has been distributed among poor people.

It appears that Maryunk has suffered also from the inundation. Two woolen factories belonging to Mr. Solms and Mr. Kimpenny; the paper mill of Mr. Eckstein, and several dwelling houses, were partially destroyed. Several factories on the line of the river had their lower stories inundated, but the moveable articles had previously been placed in the upper stories, and escaped damage. Several breaches occurred in the canal in the neighborhood of Flat Rock, and the bridge across the canal at that place was swept off, and lodged across the canal a short distance below.

The Pottsville Miners Journal of Saturday says—Much damage has been done on the canal, several hundred yards of the embankment having been carried away—some of the dams are said to be much injured. The Schuylkill Bridge below Pottsville has been so much damaged as to be considered dangerous, and the various rail road tracks are more or less injured by the destruction of bridges, undermining &c. The destruction of boats is said to have been very great.

The town of Port Carbon was completely inundated—the water reached up almost as far as the Bank; but two bridges are left standing. Mr. Kinsley has lost considerably, and Mr. Pott has lost his Garden and an acre lot.

Mr. John Pott's dam at his Iron Works on the West Branch has been swept away, and his works considerably destroyed.

At Schuylkill haven the damage also have been very great. Several of the Coal Wharves have been washed away, and the balance filled up. Mr. Louis Dougherty, we learn lost several rail road Wagons. The Coal has also disappeared from the wharves.

Tumbling Run Dam narrowly escaped from being carried away—the water made a passage inside of the wing wall of the waste way—fortunately it was discovered in time—otherwise the dam would have been swept away, and Mount Carbon would have suffered severely.

Arrest of Mail Robbers.

A series of extensive robberies of the Great Western Mail having been known to have been committed for some weeks, active exertions were made by the agents of the Post Office Department, which finally led to the detection of the depredators, at Uniontown in this state. The following particulars of the arrest we copy from the Washington, Pa., Reporter.

Suspicious having been excited against several persons in Uniontown, warrants were procured by Dr. Kennedy, from Judge Ewing, on the night of Wednesday, with which he proceeded to this place in the mail stage, arriving here on Tuesday morning. The warrant was then put in the hands of Constable Hays, who arrested William Corman, the driver of the mail between this and Uniontown. Corman was asleep on a bench in the bar room of Mrs. Sweitzer's hotel, when arrested, and betrayed great alarm. On being taken before Justice Blain, he voluntarily gave a statement of the facts, which go to implicate, with himself, Dr. Braddee, an arrant scoundrel of long standing, together with two men named William Strayer and Prunell, a clerk in Dr. Braddee's office, all of Uniontown.

We learn the following facts, as to the manner in which these repeated robberies have been effected, from the confession of Corman. On reaching the post office in Uniontown, where the coaches are usually changed, all the mails were discharged except the eastern mail above referred to; this was retained in the coach per arrangement, until driven into the yard, where the accomplices of the driver received it, and conveyed it to the office of Dr. Braddee, when, on being rifled of its contents, the bags were thrown into a privy appurtenant to the premises.

This was done on the nights of the 15th, 19th, 23rd, and 25th of November, and on the 5th, 12th, and 25th of December.—Corman voluntarily divulged the forego-

ing facts, and alleged that he had been the victim of Braddee and his confederates; that he had resisted their importunities to embark in the robbery for a period of 18 months, during which time he had been alternately plied with promises and threats, until his better genius yielded, and he fell a victim to the temptors.

Dr. Kennedy left on Thursday afternoon, with the prisoner in charge, for Uniontown, where he would undergo a more thorough examination previous to commitment.



THE JOURNAL.

One country, one constitution one destiny

Huntingdon, Jan. 20, 1841.

Resumption.

The Banks of this State resumed specie payments on Friday last; and we earnestly trust it will be permanent. Yet we have our fears. None of the banks South of Pennsylvania will resume, believing, as they say, that it is but a humbug in this state, and consequently will last but a short time.

If the banks of this state are in the condition represented, there is no possible reason under the sun why they need suspend, no matter what course is taken by the banks of other states.

The time given to our banks, notwithstanding our governor says "it was longer than he wished," was all that any friend of the banks required; and we feel confident that that time has been improved to place them in such circumstances that they were perfectly safe. But whether that course, either before or after resumption, will tend to mend the money affairs of our country or state or not remains to be seen. The means of the banks are ample to redeem all their notes; yet we fear that they will circulate as few of their own notes as possible; and of many of them you cannot see one note in a month's travel. It is no difficulty for such to resume.

We learn from the U. S. Gazette, that United States Bank, notwithstanding the croaking of its opposers, opened its vaults and handed out its "silver" as freely and willingly as any of the others. There were some considerable demands made by holders of small sums, and of course the drain was not great. The same paper says that there were several clerks stationed and provided to receive their notes and pay specie.

There is little or no demand for specie except for enough to supply the place of the small notes which have for a long time been the only change in the city and country.

Patriotic Editor.

The Editor of the Clarion (Republican) is opposed to furnishing our Legislators with newspapers during the session, and to the pay of the postage. The spirit of reform in this chap must be very extensive. Here is a printer opposed to the State paying for newspapers for the members. Were all newspaper editors such dolts as to advance such notions of the usefulness of their own labors we would at once say, their papers should neither be taken or paid for. Yet this new light reformer wants the members to pay their own postage. Now that goes ahead of all the folly we ever dreamt of! Our members, who are sent there to do our business, obliged to pay the postage on every petition received from their constituents, requesting him to do any thing; and yet this editor talks of this as one of the much needed reforms, and calls a course so long adopted "flicking the people's money." As Major Jack Downing would say "what a critter."

Pennsylvania Legislature.

Saturday, January 9.

In the Senate but little of importance was transacted; some argument was had on the election of State Printer. In the House a resolution was offered by Mr. Middlesworth, to require the Auditor General to report the expenditures of each year on the Public Improvements for the last five years. A resolution was adopted, instructing the committee on Banks to enquire into the expediency of more effectually suppressing the circulation of small notes. Mr. Broadhead's resolution not to pay the State Geologist any more

money till they completed their contract, came up. There was much discussion, but no final action on it.

Monday, Jan. 14.

In the Senate, no final action was had on any thing. In the House, the resolution of Mr. Middlesworth was adopted. Petitions were presented for divers new counties.

Tuesday, Jan. 12.

In the Senate, a long and interesting debate was had on Mr. McClay's resolution, instructing our U. S. Senators, and requesting our Representatives to vote for a repeal of the Subtreasury. In the House, a resolution instructing our Senators, and requesting our Representatives to advocate the sale of the Public Domain for the use of the states; and also for a modification of the Tariff, so that the revenue will meet the government expenses. Several unsuccessful ballottings were had for Printer of the English Journal.

Wednesday, Jan. 13.

In the Senate, the debate on the Subtreasury resolutions was continued. In the House, several petitions in favor of electing the Canal Commissioners were presented. A resolution inquiring of the Governor if he had any such officer as Commissioner of Loans, and if so, what was his salary, was adopted. A long debate was had on a resolution authorizing the sale of the State's Bank Stock, which was finally postponed. J. S. Wallace was elected Printer of the English Journal.

Thursday, Jan. 14.

In the Senate, David Miller and James Bingham were elected directors of the Pennsylvania Bank, and B. C. Cooper and W. G. Cochran of the Philadelphia Bank. A long debate was had on the subject of public lands. In the House, a resolution was adopted requiring the judiciary committee to inquire into the expediency of abolishing punishment with death, in case of females. A long and very interesting debate was had on the sale of the Bank Stock. Some of the members advocating a loan, others the sale of all, and others of a part of the stock.

Friday, Jan. 15.

In the Senate, the debate on the public lands was continued. The Bill from the House for the sale of Bank stock was taken up in an evening session. The Senate rejected the bill, and amended it so as to authorize a loan at 6 per cent, and so passed it. In the House, the bill to authorize the sale of Bank stock. Mr. Miles offered an amendment, that the Governor should first try to borrow the money, and in the event of a failure, should sell \$300,000 of the stock.

Mr. MILES said he trusted that the discussion would be free of all party bias. There was but one object in view, which was the public good, and he was pleased to see manifestations that the credit of the Commonwealth should be preserved under all circumstances and at every hazard. The measures to produce the means were the only object of difference, and he was disposed to treat those who differed in politics with all fairness and candor. He believed that the proposition to sell the State Bank stocks would be ruinous to the Commonwealth, if carried into effect. What is it? it is to throw two millions and upwards of these stocks into market to be sold at the present crisis, so afflicting to the whole country. Is this the time for such a measure, or are existing circumstances calculated to render it prudent? No one present could do otherwise than adopt the honest conviction that if this bill be consummated, its consequence must be fatal. The measure proposed is to throw the bank stock in market at a time, when great pressure exists, and more embarrassment has attended every Commonwealth in the Union than was ever felt before—when public credit is sinking every where beyond precedent. This if adopted must sink it still lower, and there is no estimating the consequences. Look at the effect of throwing in market, at the time the banks are about resuming—this very day the law compels, it and our neighboring State of Maryland refuses to go into the measure. If our banks must then go on and redeem that hard currency, we have heard so much about, what means have they to sustain their credit? One of the most important will be the bonds of this Commonwealth which they hold; we know the large banks hold a large proportion of the paper of this State. It is then proposed, to sell the stock of these banks owned by the State if they can be sold at par; what effect will such an amount of stock thrown in market have?—it will depress its value—even now it is a mooted question here, whether in small amounts it can be sold at par—a few days ago, it was at 398, and now it is can bring over par. This measure is proposed by our Committee of Ways and Means, as the only plan to keep up our credit; pay the interest of the bonds on the first of February. But how obvious is its failure under existing circumstances? If it can't be sold at par, what is the effect? The first of February will arrive and the State be unprepared to meet its liabilities—what effect will that have? it may