

by the keeper of the prison, a list of convicts, their crimes and sentences." Mr. James actually gives an appendix showing the names of the various prisoners, and the punishment awarded to each offence. Here we are tempted to digress for a moment to show some of the advantages of American law—for instance, we find that for killing a wife by shooting her,

four years' imprisonment is deemed ample punishment, but that for stealing a negro, or a horse, ten and four years and a half are not considered too severe a sentence!

James concludes his observations by remarking—"General Sheaffe did not behave thus to the American forces who surrendered at the battle of Queenston, and many will be

Secretary of State, dated Washington the 22nd March, was received by Brig.-Gen. Winder, and was verbally represented by him to convey a positive prohibition to his consenting to the release of the twenty-three British soldiers held in confinement as hostages for the British subjects sent to England for trial, unless it was stipulated that they also should be released, and sent to the United States.

This proposition was instantly answered by a note informing Brigadier-General Winder, that as a new basis had been substituted by the Secretary of State, inadmissible in principle, the negotiation was in consequence at an end, and that his partial exchange as a preliminary measure was also void, and of no effect as emanating from an act which had, from the conduct of the proposing party, become a nullity.

The introduction of this new pretension on the part of the Government of the United States had arrested the progress of the negotiation, when a note from Brigadier-General Winder came (No. 3) which was acceded to by Colonel Baynes as the basis of a convention (No. 4.)

To ascertain the existence of the power of final ratification on the part of Brigadier-General Winder the Commander of the Forces was pleased to direct Colonel Baynes to address to that officer the note (No. 5) and although the answer of Brigadier-General Winder, as contained in note (No. 6) did not completely accord with the spirit of candor professed by him, and manifested by His Excellency, nevertheless the fair construction of it was such as to carry to his mind the conviction which it must impress on every honourable man who pursues it, that Brigadier-General Winder possessed the power of finally ratifying any new agreement for the exchange of prisoners, into which he might think proper to enter.

Under this impression the Commander of the Forces was pleased to declare his assent to the immediate release and exchange of Brigadier-General Winder; the negotiation for the exchange of prisoners on the contracted basis imposed by Brigadier-General Winder, was recommenced, and the conditions being arranged, a convention was concluded on the 15th April last, and ratified by the contracting parties.

It is under this convention, so begun and ratified, and carried into effect according to the tenor of it, with promptitude and good faith on the part of the Commander of the Forces, and to which no objection has been specified by the American Government, in any of their communications to His Excellency, since the conclusion of it, but which, on the contrary, must have been accepted, since it has been in part executed by that Gov-

ernment, that His Excellency, the Commander of the Forces, has been pleased thus publicly to absolve all the officers and others who have recently returned from the United States from a parole which His Excellency conceives to be inconsistent with the terms of that convention, and which he considers to have been exacted by persons ignorant of its existence, or misconceiving its conditions.

By His Excellency's Command,  
Edward Baynes Adjt. General,  
British North America.  
Montreal, 10th April, 1814.

#### No. 1.

Colonel Baynes has communicated to His Excellency the Commander of the Forces the purport and extent of the alterations explained by Brigadier-General Winder to exist, between the instructions of the 19th March addressed to him by the Secretary of State, and those of the 22nd. of the same date received yesterday, and that the omission of the same in the first copy was owing to an error in transcribing it.

His Excellency, however, on reference to the letter of the Secretary of State of the 19th March, addressed to him, as it is stated, "with the view, and in the sincere desire to restore to the mildest practice of civilized nations the treatment of prisoners on both sides," and authorizing Brigadier-General Winder, on the part of the United States Government, to conclude an arrangement which may embrace the exchange, as well of those held as hostages, as of other prisoners; and His Excellency learning from that officer that his instructions fully comported with the unqualified tenor of the proposal made in the Secretary of States' letter to him, did not hesitate a moment in acceding to the arrangements therein suggested, and was prepared to waive just grounds which he conceived he had of complaint against the Government of the United States, on the subject of the exchange of prisoners of War, in the hopes of promoting an arrangement so desirable for the cause of humanity and the honor of both nations; and he is much disappointed to find his hopes frustrated by the introduction, at this period of the negotiation, of a claim so totally inadmissible, that had the Secretary of State's letter borne the most distant allusion to it, His Excellency would have felt himself, as he now does, prohibited from proceeding any further on the subject.

The British view the confinement of twenty-three soldiers as the first act of aggression: for the undoubted right which every free nation pos-