

UPPER CANADA.

POLITICAL.

From Lieutenant-Governor Sir George Arthur, K.C.H.

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,
to Lord GLENELG.

MY LORD,

Toronto, Upper Canada, 1st January, 1839.

WITH reference to my Despatches to your Lordship of the 4th, 13th, and 22nd ultimo (Nos. 100, 106, 117) I have the honour to enclose herewith copies of the proceedings of the militia general court-martial, held at Fort Henry, in the cases of the further number of sixty-three of the Prescott prisoners, whose names are stated in the margin.

From the Minutes of the Executive Council, also enclosed, your Lordship will perceive that six of the above-named convicts, viz., Duncan Anderson, Silvester A. Lawton, Christopher Bulkley, Russel Phelps, Leonard Delino, and Andrew Leeper, have been considered by the Council, and that these several prisoners were severally ordered for execution on the 4th instant.

A report of the cases of the prisoners who have been lately taken at Sandwich reached me yesterday, when finding that it would be necessary, from the enormity of their crimes, to punish with much severity, I deemed it my duty again to bring under consideration the cases of the six convicts already mentioned, with a view of decreasing, if possible, the number that should suffer.

By the proceedings of the Council, of which a copy is enclosed, your Lordship will observe that the members adhere to their former opinion and advice, and cannot find any grounds for altering them, or for reversing the fate of any of these culprits.

I wish to do that justice to the faithfulness and firmness with which the Council are discharging their very arduous duty, which I feel to be their due; but I have arrived at a different conclusion from them in the present instance, and have determined to grant a respite to two of the six prisoners, Delino and Leeper, with the intention of eventually commuting their sentences to transportation.

My minute, annexed to the proceedings of the Council, explains the view I take of the subject.

The demand which the inhabitants of this province make upon the executive Government to deter the refuse frontier population of the Union from repeating their enormities, by the terror of certain and severe punishment, must be allowed to have the weight in our councils, which is justly due to the public feeling, and to our common safety. At the same time policy, with reference to the position of the American Government, which (to appearance at least,) is acting with us in the suppression of the conspiracy that has so widely extended itself amongst the citizens of the States, leads me to act with greater forbearance than, I confess, I should otherwise display.

In some of the more violent papers in the States, I observe they have inserted prints representing the President and myself "pulling in the same boat;" this is what I have been striving to effect, and I should be sorry to give him an opportunity to let go his oar.

Your Lordship will remark that the final consideration of the cases of the other 57 convicts has been deferred by the Executive Council until the whole proceedings of the court-martial at Kingston, shall be concluded, when I shall report to your Lordship upon all the cases collectively.

In connexion with the subject of the Prescott prisoners, I beg to inclose an American newspaper of the 20th ultimo, in which your Lordship will find recorded

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Sir George Arthur
to Lord Glenelg.
1st January, 1839.

Vide. Papers.

Relative to British
North America. Or-
dered to be printed
Feb. 1839—pp. 369,
374, 381.

No. 1.

Schedule A. to F.

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R. Whitney
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No. 2.

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R. Bennett
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L. Reilly
A. Smith
P. Scuter
R. G. Collins
Thomas Stockton
David Howth
M. Frier
E. Carrison
L. Delino
C. S. Clark
J. Cronkhite

No. 3.

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Peter Cronkee
D. Anderson
David Gould
James Pierce
H. C. Vaughan
Christopher Bulkley
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