

No. 16.

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Copy of a DESPATCH from the Right Hon. the Earl of CARNARVON to Lieutenant-General Sir J. MICHEL.

(No. 133.)

SIR,

Downing Street, February 2, 1867.

* Page 65.

I HAVE had before me your despatch No. 17* of the 27th of December, requesting instructions on the case of Thomas Madden, a Fenian convict, on whom capital sentence was passed.

I approve of your not having allowed the penalty of death to be inflicted on this and the other prisoners who were condemned at the same time. I have, however, carefully considered the evidence in this case, and I am of opinion that under all the circumstances it will be right that you should commute Madden's sentence to the same term of twenty years of imprisonment or penal servitude, as may under the Canadian law be fitting, as has already been fixed for the convicts Lynch and MacMahon.

Lieutenant-General Sir J. Michel,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.

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(No. 134.)

SIR,

Downing Street, February 2, 1867.

† Page 73.

I HAVE had the honour to receive your despatch No. 7† of the 4th of January, reporting that you had determined, with the advice of your Council, to commute in every case the capital sentence passed on Fenian convicts at the late trials at Toronto to penal servitude for twenty years.

The particulars of these cases must have been fully within the cognizance of yourself and your Council. The crime of which all the prisoners were found guilty appeared to you so grave that it would not, for the present at least, be fit to make a distinction between them, or to award to any of them a smaller amount of punishment than was decided upon for Lynch and McMahan. I see no reason to doubt the correctness of the conclusion at which you and the Council have arrived.

Lieutenant-General Sir J. Michel,
&c. &c. &c.

I have, &c.
(Signed) CARNARVON.