

No. 11.
The Marquis of
Normanby to
Sir G. Arthur.
17th May, 1839.

I enclose the short-hand writer's note of the judgment of the Court of Exchequer, as delivered by the Lord Chief Baron, Lord Abinger. I have not thought it necessary to send you copies of the affidavits and other proceedings, or copies of the notes taken of the speeches of the Council on either side, as this would be little else than a repetition of the documents already communicated to you by Lord Glenelg, in reference to the corresponding application to the Court of Queen's Bench.

All difficulties respecting the lawfulness of the detention and transportation of these prisoners being thus removed, measures will be taken as soon as may be practicable to carry into effect the conditions on which their pardons were granted. I am unable to hold out any prospect that it will be in the power of Her Majesty's Government to advise the Queen to accede to the applications which have been addressed to Her Majesty for the remission of the punishment of some of these parties. Without definitively expressing any conclusion as to the course which may be taken in that respect, I can for the present state only that I have not hitherto found any sufficient reason to justify the Ministers of the Crown in advising that the sentences pronounced upon any of the prisoners should be remitted.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

No. 12.

(No. 48.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 18th May, 1839.

No. 12.
The Marquis of
Normanby to
Sir G. Arthur.
18th May, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 2nd ultimo (No. 74). The subjects to which it adverts having been in a great measure already disposed of, it will not be necessary for me on the present occasion to enter upon them at any length.

My Despatch of the 16th ultimo will have apprised you that Her Majesty's ship "Buffalo" had been ordered to proceed to the Saint Lawrence with detachments, and would afterwards convey to their destination those individuals in Canada who might be under sentence of transportation to Australia. The "Buffalo" is capable of containing 200 convicts and will therefore receive all the prisoners under sentence of transportation both in Upper and Lower Canada. I learn from the Lords Commissioners of the Admiralty that the "Buffalo" will be ready for sea in the first week of June.

In regard to the disposal of the younger American prisoners, my Despatches of the 21st of March and the 8th and 15th ultimo have already conveyed to you my approbation of the course which you have adopted, and my concurrence in your reasoning on this subject. I am happy to learn, from your Despatch of the 10th ultimo (No. 80), that, as far as it was possible to form an opinion from the conduct of those who had been at that time liberated, the lenity shown towards them had been received in a becoming and grateful spirit.

Her Majesty's Government sincerely regret the continuance among the citizens of the States of Michigan and Ohio of excitement and bad feeling towards Her Majesty's subjects in Upper Canada. At the date of your Despatches of the 30th of March and 2nd of April, the temporary arrangement effected between the Governments of New Brunswick and Maine in regard to the disputed territory was probably unknown to you. That arrangement has, I trust, put an end to all risk of collision between Great Britain and the United States, pending the negotiations on the Boundary question; and Her Majesty's Government cannot but expect that, as a striking indication of the desire of either Government to preserve the amicable relations between the two countries, it will have a strong effect on the public mind in the Western States. I do not deny the inferences which you draw from the entertainment given in Michigan to certain of the Canadian refugees, but I hope that the people of that State, seeing the hopelessness of their aggressions on Her Majesty's Canadian dominions and receiving no countenance or support from the