

No. 1.
 Sir George Arthur
 to Lord Glenelg.
 1st January, 1839.
 Encl. 4 in No. 1.

(Copy.)

Enclosure 4 in No. 1.

MINUTE for the EXECUTIVE COUNCIL.

Government-House, 1st Jan. 1839.

THE Lieutenant-Governor, in communicating to the Executive Council the result of his most anxious consideration of their advice with reference to the question respecting two of the six prisoners ordered for execution at Kingston on the 4th instant, assures the Council that it is with much hesitation and difficulty he has arrived at a conclusion opposite to that which they had recommended should be acted on.

The Lieutenant-Governor feels the weight of the reasoning which induced this recommendation, and fully appreciates the laudable intention of the Council to seek ground for the future sparing of life, or exemption from severe punishment, of many of the remaining criminals, in the signal example which the joint execution of six criminals would afford, and in the effect which such example would produce upon the public mind, as well in Canada as in the United States.

The Lieutenant-Governor concurred with the Council in their views when the execution was ordered, but, upon the most deliberate consideration, he thinks it most prudent that no determination of this Government should take effect calculated to shock the feelings of the community; and that, if the Government is forced, for the safety of the province, to resort to capital punishment, it should always exhibit the extreme and painful reluctance which is really deeply felt when its assent is given to such a measure.

The Lieutenant-Governor is most desirous that, in the course of the trying events now occurring, nothing should take place which would leave any opening for a feeling of regret, or a wish that any act of the Government were undone; and in cases where human life is the subject of deliberation, doubts almost assume the strength of conviction on the side of mercy.

The Lieutenant-Governor has therefore thought it proper to direct the Attorney-General to prepare a respite for the two convicts named—Andrew Leper and Leonard Delino.

From any official documents before him the Lieutenant-Governor cannot show satisfactorily that the cases of these individuals deserve more favourable consideration than those of the others on whom the sentence is left to take effect; but, in lessening the number for execution, he is induced to give weight to private information showing in the minds of some respectable persons near the scene of trial and confinement of the prisoners, a shade of difference exists in favour of the two in question, which is not apparent upon the face of the proceedings of the Court-martial.

(Signed.) GEORGE ARTHUR.

Enclosure 5 in No. 1.

(Extracted from the "Jeffersonian.")

CANADIAN AFFAIRS—GREAT MEETING AT THE COURT-HOUSE.

"Watertown, New York, Dec. 21. 1838.

Encl. 5 in No. 1.

"PURSUANT to notice given from the bench on Tuesday last, a meeting was held at the Court-house on the evening of that day, to take into consideration the condition of the unfortunate prisoners now in confinement at Fort Henry, Kingston, and to adopt energetic, efficient, but pacific measures to correct public opinion, in relation to Canadian affairs—to allay public excitement along the frontier, and by all lawful and proper means to prevent the invasion of the Canadas by an armed force of American citizens, while the Governments of the United States and Great Britain are at peace.

"The meeting was called to order by Elisha Camp, Esq., on whose motion the Hon. Calvin McKnight, First Judge of Jefferson County Courts, was appointed chairman; Hon. Daniel Wardwell, Hon. Eli Farwell, Gen. Thomas Loomis, Abner Baker, Jr., Sheriff of Jefferson County, and O. V. Brainard, Esq., were chosen Vice-Presidents, and Doctor Reuben Goodale, and Joseph Mullin, Esqrs., Secretaries.

"Col. Chauncey Baker, late sheriff, being called upon, made to the meeting a detailed statement of the result of the visit of himself and E. G. Merrick, Esq., to Kingston, to inquire into the condition of the prisoners, learn their probable fate, and what, if anything, could be done to save their lives and restore them to society and their most deeply afflicted friends and relatives. He stated, as the result of their inquiries, that the officers of justice in Canada felt deeply interested in the fate of the misguided men captured near Prescott, that they were disposed to do all that could be done, consistently with their laws and the public security, to spare their lives—that all business is at a stand except that of defending their soil from the invasion of the refugees and patriots—that public indignation in Canada has been excited to a very great degree in consequence of the great loss of life, to say nothing of property, which the Canadians have sustained—that, as may well be supposed, they feel themselves called upon by the laws of their country, by the duties they owe themselves, their families, and their government, to exercise unremitting watchfulness to protect themselves from invasion by armed bands from this side. And that till such time as the government and the people could be assured that American citizens