

Allegany, particularly Mr. Seames and Mr. Matthews, who were present at the trial of the prisoners. No one from that County interfering in Kelly's behalf, until I requested them to give me information, and it was not till the 29th February, that his pardon was granted: by which time I had collected such facts as satisfied me of his general good character, and probable innocence.

Mr. Seames
Mr. Matthews
Pardon
of bond
Pardon

John Atwell, Charles Devine, James Ferguson, and Felix Mallow were pardoned on the 25th March 1840, and Patrick Reynolds on the 14th of the following month, for reasons set forth in the accompanying papers. They were all considered quiet unoffensive men, and are so represented in that light, with the exception of John Atwell, who was afterwards described to me, as a man of dangerous influence among the Irish labourers. Whatever might have been his influence, or his disposition to use it improperly, I had sufficient reasons for believing that he was a man of good character, and that he was not engaged in the riot, which took place on the 11th August.

Thomas McCubbin testified under oath, "that Atwell had been in his employment for several years; that he sustained a high character as a fair dealing, industrious, peaceable man" and that from his knowledge of Atwell's character, he does not think it likely that he would engage in riots and disturbances." The same character is given of Atwell in the deposition of Hugh McBlair, and in the letters of J. Peitzell, Mr. Kaund & Co; and others who were well acquainted with him. It is stated in the deposition of Overton G. Lowe, Robert Ward, and others, who witnessed the riot, or who saw the party of Irishmen on their way to the Dutch section, and on their return, that Atwell was not among them. According to the testimony of others, he was in his own house during the night preceding the riot, was in bed for some time after the labourers passed by, and was suffering from a sore arm, which would have prevented him from engaging in any disturbance, if he had been so inclined. Some of the witnesses in Atwell's case, may be of doubtful character, but others are entitled to credit, and they are generally as respectable as those who gave testimony against the prisoners on their trials.

John O'Donnell and Timothy Mannion were pardoned on the 14th of last month; and of the whole number convicted, only six now remain in the Penitentiary; and these are Hugh Agan, Ned Kelly, John Martin, John O'Leary, Patrick Donohoe, and James Murray in whose behalf no evidence or petition has been received.