

Montreal 6 Jan 1838.

My Dear Sir

I received your letter of 28 Decem<sup>r</sup> & hope you are magnificently  
launched in the Atlantic Ocean & that the monthly clippers will be in  
London, using your exertions with the other friends of Canada in  
restoring peace & prosperity to your native & my adopted land, which  
I hope is unfortunately & unjustly & unreasonably & unconstitutionally  
in a few days since Mr Mackintosh had been accepted as a document  
which he said would be signed by the Members of the Quebec Institute  
authorising you to represent their views in England. I immediately  
communicated it to my colleague for the East March 18<sup>th</sup> & thereby assem-  
bled & reg<sup>d</sup> as the principle object seems to be calling the Provincial  
Parliament together, he was among taking the responsibility of  
such a measure in the present state of the Country would be to leave  
the whole to the Imperial Government. My own opinion coincides  
with this as in fact we have no Constitution the provisions of which  
can be put in force when it is considered for the advantage of the People  
for their money are raised without the consent of their Representatives  
and in this respect the laws have been positively suspended by a Proclama-  
tion of Martial Law - a law which in our view seems to remove  
exactly what are its provisions for which Lord Gosford has not thought  
fit to provide for the guidance of those whom he has consigned to  
its tender mercies. A full Bench have however declared in the  
application for a Writ of Habeas Corpus that the Government was  
justified in proclaiming it, & refused to issue the Writ as it would interfere  
with the operation of such a law. The argument for the first time



forward by Messrs Stuart & Walker in support of the application of  
the four Judges for refusing it will be published in some of the papers  
- papers sensible the Friends of Britain to form an opinion as to its  
validity. It must be equally applicable to the Mother Country as  
to a Colony & Englishmen I imagine will feel astonished to learn  
that the Prosecutors of the Crown can without the sanction of  
Parliament suspend the Constitution & the laws and command  
them to imprisonment or death without any regard to the rights  
they finally suppress, were secured by Magna Charta, the Petition  
- ment of the Barons, the settlement of the Crown upon the  
Hanoverian family. If the power is found to be inherent in  
the Sovereign & can be delegated to a Governor, then you will agree  
with me that our boasted Constitution is worth nothing. If a  
contrary opinion however prevails it is equally worth nothing as a  
provision is made for the certainty of exemplary punishment of  
those who have so grossly violated it. When I went to Quebec  
along with you to urge the Governor to call the Legislature together  
I was prepared to make sacrifices to save the effusion of blood  
restoring peace & quietness to the Country which I feel confident must  
have been the case if our suggestion had been attended to. But the  
advice was followed, of those who cannot vote freely with the loss of  
human life that had they taken place I were still anxious for  
them. I so I should think the slaughter at St. Eustache & the plundering  
& burning of St. Benoit must hang over their heads. In the present state of  
the Country judging from the addresses recently adopted, an early

meeting of the Legislature might not be desirable as the influence of  
fear or other causes might affect the constitution & induce many  
Members to concede whatever the Executive might choose to demand.  
The address from Manchester has is I believe the only one which  
after expressing loyalty to the Queen & attachment to the Government  
with Great Britain attacked the Grievances under which the  
Country still labours & prays for their removal. It then generally  
unfolds the professions of loyalty to the Sovereign & attachment to  
the Mother Country, which are all very proper, without touching  
the complaint formerly urged by the same parties. But that they  
have done so is a proof that the dread of fire & sword has made  
them afraid to express their opinions. The principal point to press  
among the Colonies must be a general Amnesty for that  
cannot be obtained, then the immediate opening of a General Prison  
of Cyren & Carrière for the trial of all those who are now confined on  
charges of Sedition & Treason & that the prisoners may be allowed  
to communicate with their friends & legal advisers - this would  
be nothing but an act of more justice in the manner they are now  
treated is repugnant to British feelings & more in accordance  
with the system pursued in France previous to the Revolution.  
If the declaration of Martial Law is considered by the Ministry  
as Parliamentary & legal, then the Military Authority is being usurped  
Power & resistance to that cannot be unlawful. As that number  
of those who are now in confinement would be innocent of any crime in  
opposing the troops. It is not very easy to see how they



Some change or alteration in what is called our Constitution will no  
doubt be proposed and as it is probably to be examined before a  
Committee I would recommend you to look at the Constitution of Norway  
which will furnish I think many points of similarity to Canada in  
the manners of the People & many parts of their Constitution which it  
must be desirable for us to possess. You will find an very interesting account  
of that Country in a work published by Longeneck in 1836 styled  
"A Prince's Residence in Norway" & reviewed in the Edinburgh Quarterly  
for April 1837. A Union of the Canadas may probably be proposed  
before fair & equitable principles have been ascertained. Spectacular  
care however must be taken that the representation is based  
upon population & that the heavy public debt of the upper is  
not saddled upon the lower Province. Everything is quiet at  
present in both Provinces except that McNeill holds possession  
of Mary Island with probably 5 or 600 men & when accidents  
between our Armies & theirs are entertained that it may  
endanger the peaceful relations now subsisting between the  
two Countries as the sympathy is very great through all the  
adjuring States in favor of the Canadian's & in view of  
Vermont is divided. It is well known the British Government  
thinks the policy of conceding our reasonable claims & securing  
the harmony between the two Countries overyful over with  
the United States must occur. I sincerely trust your Colleague  
for some time surrendered themselves together with Kearsley  
& several of the Quarterly Merchants & are now in prison (likely



I think however would induce some Londoners as I cannot think  
they will in the meantime venture to try them by the ordinary  
code of justice. Since writing the foregoing I have just learned  
that a party from Cheyenne was under the command of a Captain  
Cross of the U.S. Navy had cut out of an American Port  
a steamer which had been employed in taking prisoners to the  
Buffalog to Mary Island. The attack was made in the night by  
four Americans were killed & nine wounded. The vessel was set  
on fire & allowed to drift over the Gutierrez  
of Niagara. May the Americans will  
hear this aggressive remains to be seen the  
Military of Buffalo had been called out  
and the news reached Albany in time to be communicated  
to the Legislature of New York in the 2<sup>nd</sup> of this month when the  
Governor opened the Session. The rashness & impudence of  
Governor Hunt may excite Great Britain in arms  
expensive war. I will occasionally write you when anything  
interesting occurs I trust you will be very kind to have affairs  
proceed in peace & rest respecting this distracted Colony.  
I am Yours very truly  
J. S. Esq.

L. L. Lafontaine Esq. 8<sup>th</sup> Jan<sup>y</sup>. nothing new.



6 Janvier 1878

James Leslie, Esq.  
Montreal

L. M. Leschaine Esq.