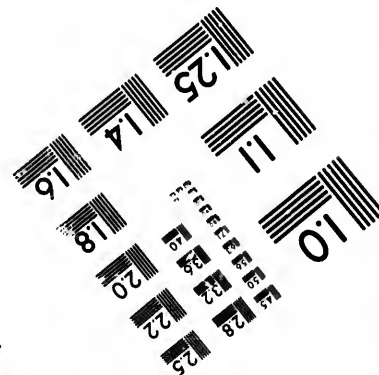
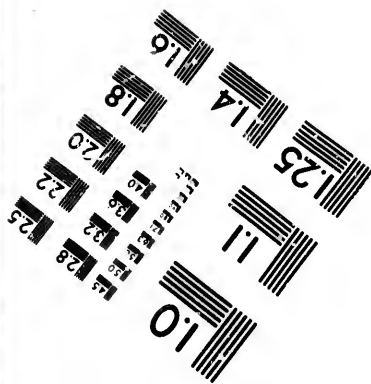
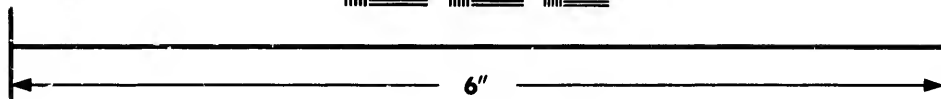
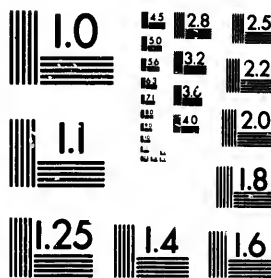


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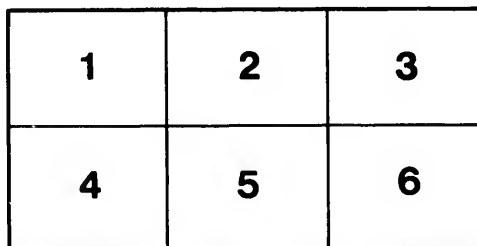
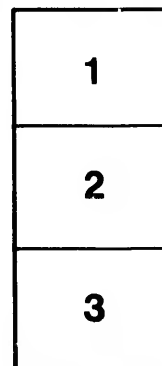
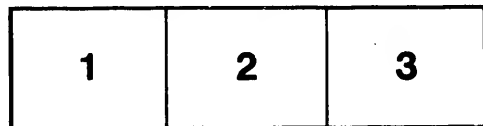
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*N. E. Headstone cut N.  
from the writer  
J.P. Wood*

THREE LETTERS

TO

LORD BROUGHAM,

ON THE

EXECUTION IN UPPER CANADA

OF THE TRAITORS

LOUNT AND MATTHEWS.

BY

A BRITISH SUBJECT.

"Occidit una domus : sed non domus una perire  
Digna fuit."

---

[These Letters first appeared in the Times Newspaper, of the 6th, 13th, and  
28th of June.]

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LONDON:  
JOHN MURRAY, ALBEMARLE STREET.

LONDON:  
PRINTED BY WILLIAM CLOWES AND SONS,  
Stamford Street.

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## TO THE LORD BROUGHAM AND VAUX.

### No. I.

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My Lord,—I beg leave to bring before your Lordship for re-consideration the expressions of grief at the execution in Upper Canada of the traitors Lount and Matthews, which your Lordship is reported to have used in the House of Lords on Friday last.

Whether the regret which your Lordship has just uttered at the Executive Government of Upper Canada having carried into effect the deliberate verdict of a British jury, and the sentence of a British judge, be perfectly consistent with certain observations which your Lordship expressed in the House of Lords on the 2nd of February last, I have no desire to enquire. I merely refer to that by-gone debate for the purpose of reminding your Lordship that, at a moment when Her Majesty's North American colonies were suffering, not only from internal agitation, but from actual invasion by our republican allies, your Lordship, an ex-Lord High Chancellor of England, exercised your brilliant talents for the double object of shaking the authority of the Executive Government of Upper Canada, and on the very same evening of lauding in the following terms the republican Government of the Americans, who, in open violation of their own laws, of our laws, and of the laws of nations, were actually invading our soil for the hostile purpose, openly avowed by the American General commanding, of wresting the Canadas from the British Crown.

"I know, however," (your Lordship is reported to have stated in the House of Lords on the 2nd of February last,) "the good sense which, generally speaking, prevails among the people of America, the sound policy which for the most part guides the councils of its Government. Long may that policy continue! Long may that great union last! Its endurance is of paramount importance to the peace of the world, to the best interests of humanity, to the general improvement of mankind!"

Disregarding your Lordship's exalted professional station,



surely, my Lord, as a mere citizen of the world, your Lordship has more reason to grieve at the unjustifiable murder of our own loyal and obedient soldiers by those Americans whose acts their Government either could not or would not control, than at the legal execution after trial before a British jury, of two guilty and condemned traitors!

What reason or what interest can your Lordship have for speaking so slightly of British authority in America, and in such flattering terms of republican institutions?

Can your Lordship be aware that the topic which in this country has gained you so much admiration and respect—namely, the emancipation of the slave, is a question not even permitted to be discussed in the Congress of the United States?

Can your Lordship be aware that lately at Washington one of the representatives of the slave states of America emphatically exclaimed in the House of Assembly, “that if any man shall dare within the limits of our state to reason against slavery, in spite of the Government of the state of New York, in spite of the Federal Government—ay, in spite of all the Governments on earth, we’ll hang him!”

Again, can your Lordship be aware that in the United States of America the highest dignitaries of the law receive only 500*l.* a-year until the age of 60, when merely to please the advocates of cheap government, they are discarded from office without salary or pension? Is your Lordship aware that that amiable individual Chancellor Kent, the Blackstone of America, whose vigorous mind, stored with experience, is as justly admired by his countrymen as it is universally respected by foreigners of every nation who visit America, is excluded by this popular law from the judicial bench, of which he is the acknowledged ornament?

If these facts are known to your Lordship—if your Lordship is aware that if you were to travel in the slave states of America and argue as you argue in England you would be hanged, and that if American customs were to be introduced into England, your Lordship, on the 25th of April next, having then attained 60 years of experience, would lose your pension, which, for the sake of enabling you to maintain the dignity of the law, I rejoice to reflect at present equals the salary of ten American judges—how, I respectfully ask, can your Lordship conscientiously or consistently be the admirer of republican institutions? and why, I ask, should your Lordship grieve so deeply at the execution of the traitors Lount and Matthews, who have lost their lives for having endeavoured to subvert by revolution British institutions?

Is your Lordship aware, that next to Mackenzie, Lount was the leading rebel in Upper Canada—that he was the man who seduced more people than any other individual to raise their hands against their Sovereign—that he was at the tavern opposite to which Colonel Moodie was shot; that he himself disarmed Colonel Moodie's companion, Captain Hugh Stewart, of Her Majesty's Navy—that he assisted in stopping the stage for the purpose of robbing the mails—that he commanded a division in the attack on Toronto—that by all the rebels he was considered as their leader—that almost all who were examined concurred in evidence against him—that when put upon his trial before a jury of his own countrymen his own conscience induced him to plead "guilty" of the treason for which he was arraigned—that when sentence of death was passed upon him by the Chief Justice, he received it without remonstrance—and, finally, that when the last moment of his existence had arrived, raising his prayers to God, he died publicly acknowledging the justice of his fate?

My Lord, I am personally acquainted with the Chief Justice of Upper Canada, as well as with the judges of the Court of Queen's Bench, before whom the two wretched ringleaders were arraigned. Of the former individual I can conscientiously declare that I have not words to express my admiration of his public as well as private character.

For the latter gentleman I have also reason to entertain sentiments of the highest respect, and impressed with these feelings, and entertaining also a very high opinion of Sir George Arthur's talents, discretion, and character, I certainly cannot help expressing to your Lordship my regret that an individual who has attained the exalted rank of Lord High Chancellor of England should, before the evidence on these trials can possibly have reached his mind, publicly utter an expression tending to impugn the administrators of the laws of the province of Upper Canada.

My Lord, the political scenes which, as no inattentive observer on the continent of North America, I happen to have lately witnessed, have clearly shown to me the miserable effects which our public agitators have produced in our North American colonies on the minds of their deluded victims. The lamentable distress which I have beheld there it is impossible by description to impart to any one in this country, because the wide Atlantic conceals the facts which attest it; but if your Lordship, as the patron of useful knowledge, wishes to witness a microscopic picture, which, if it were but firmly imprinted on your mind, would, I believe, add to your happiness

here and hereafter, permit me to entreat you to go without delay to the scene of the late riot in Kent.

Your Lordship will at this moment find there, extended lifeless upon the ground, the mangled and disfigured corpse of a most gallant British officer, of a zealous honest constable, of nine or ten of our peasantry.

Around these victims, or in their immediate neighbourhood, your Lordship will hear the lamentations of widows and orphans, and observe in the countenances of others that grief which is oftentimes unspeakable; in the gaols your Lordship will find nearly thirty miserable fellow-creatures (many of them desperately wounded) charged with having been accomplices in the dreadful crime that has been committed; their wives and families, destitute of support, will be found probably in tears in the union workhouses.

When your Lordship's vigorous mind shall have firmly grasped the reality of the scene I have so faintly delineated, I beg you to visit alone the mutilated corpse of the author of all this guilt and misery, and as the horrid spectacle lies at your feet on the ground before you, I beg your Lordship, before you raise your eyes from it towards the heavens, to ask yourself this plain question—"If that infatuated agitator had been gifted with the brilliant talents, the transcendent abilities, and the convincing eloquence which it has pleased Almighty God to grant unto Henry Brougham, what would have been the extent of the misery he would have created—what would have been the number of the deluded victims he would have seduced?"

Trusting that the serious reflections which this question will create will induce your Lordship to turn the direction of your powerful talents towards the restoration of peace, happiness, and good government to our North American colonies,

I have the honour to remain,

My Lord,

Your Lordship's faithful and most obedient servant,

A BRITISH SUBJECT.

London, June 2.

## TO THE LORD BROUGHAM AND VAUX.

### No. II

---

My Lord,—The grief which your Lordship is reported to have expressed in the House of Lords a few nights ago at the execution in Upper Canada of the traitors Lount and Matthews, coupled with the admiration of republican institutions which your Lordship so emphatically avowed on a former occasion, will, coming from an ex-Lord High Chancellor of England, I know excite throughout our British North American colonies a feeling of such universal indignation and dismay, that I feel I am performing an act of kindness rather than of hostility in again respectfully bringing these unfortunate expressions before your Lordship for re-consideration.

In my former letter I endeavoured satisfactorily to explain to your Lordship, that if you were to travel in the slave states of America, and argue as you argue in England, you would be hanged; and that if American customs were to be introduced into England, your Lordship on the 25th of April next, having then attained sixty years of experience, would lose your pension, which, in order to enable you to support the dignity of your high professional station, equals the salary of ten American judges.

I now beg leave practically to make known to your Lordship the sort of language which not only your Lordship but all our British judges would be required to use in our courts of justice, in case the cheap popular or republican form of government, so warmly extolled by your Lordship, should be substituted in the British empire for that under which I have the honour and happiness to exist.

Your Lordship is probably aware, that two years ago a black man named M·Intosh, residing in the county of St. Louis, in the United States, not only killed Deputy Sheriff Hammond, who was in the act of arresting him, but also wounded Deputy Constable Mull.

The American people in the vicinity, being incensed at the

conduct of the black man, chained him to a tree, and surrounding him with wood, deliberately burnt him alive.

The address of the American judge to the grand jury, whose duty it was to investigate this act, was so justly admired for the sound republican doctrines which it promulgated, that at the request of the grand jury the judge printed it.

The whole of this most extraordinary document (in which your Lordship will with astonishment remark that the death of the Deputy Sheriff is invariably termed "murder," while that of the black man is mildly termed "destruction") is now lying before me. It is much too long to be wholly inserted, but the following extracts will sufficiently expose its principles:—

" CHARGE OF JUDGE LAWLESS.

" St. Louis, May 20, 1836.

" John O'Fallon, Esq., Foreman of the Grand Jury of the County of St. Louis.

" Sir,—In compliance with the request of the grand jury, contained in the resolution dated the 16th inst., which you have handed to me, I now have the honour to furnish you with a note of the charge delivered by me to the grand jury on the first day of the present term.

" Inasmuch as I did not write out my charge previous to its delivery, I do not mean to give you this report as precisely exact. I think, however, that it will be found to be, substantially, as I delivered it.

" Very respectfully your obedient servant,

" L. E. LAWLESS."

" Gentlemen of the Grand Jury,—I would here conclude my observations, did I not think my fellow-citizens might well expect from the judge of this court a special notice of the dreadful events that have so recently thrown a gloom over our prosperous and generally peaceful city.

" You will at once perceive that I refer to the murder of our late respected fellow-citizen, the late Deputy Sheriff Hammond—to the wounding, with an intent to murder him, of another meritorious officer, the Deputy Constable Mull; and, lastly, to the destruction of the murderer himself, a free coloured man, whose name, I understand, was M'Intosh, by force, unauthorized by law, and by a mode of death forbidden by the constitution—by a 'cruel and unusual punishment'—by chaining the prisoner alive to a tree, and burning him to ashes.

" The general question presented by these events is, whether and what action of the grand jury is called for by them.

" Were I to leave the grand jury to their own unassisted deliberations on this question, my silence or reserve might possibly be

attributed to a timid or cautious policy, which I consider unworthy of a judge. To prevent the possibility of such misrepresentation, and in order to co-operate with you, as it is my duty to do, in the proper administration of criminal justice, I shall frankly, and in as few words as possible, submit my view of what your oath and functions as grand jurors of this county require of you to do, or abstain from doing, under existing circumstances, and with reference to the occurrences to which I have adverted.

"And first, as to the murder of the lamented Hammond, and the attempt to murder the Deputy Constable Mull. On these crimes no action remains for the grand jury. The murderer is no more—his ashes have been scattered to the winds. Let us hope that the dreadful retribution which he has met with in this world may plead for him in the world to come. Secondly, as to those persons who effected the destruction of the murderer. What ought to be the action of the grand jury upon them?

"This seems to be a question of novel and important character, and depending for its solution on considerations not generally influencing the decisions or proceedings of a grand jury. Indeed, I have been unable to find a parallel case on record. I know of none in which a judge of a criminal court and a grand jury were called to deliberate on facts precisely similar. It is a case which appears to me of the first impression, and to adopt a rational action upon which it becomes necessary to take into view principles of even higher import to the community than those which govern the ordinary march and administration of criminal law.

"The difficulty which presents itself is not one arising out of any ambiguity in the nature of the act—the destruction of the wretched murderer. The difficulty arises as to the possibility and expediency of visiting on the perpetrators of that act the penalties of the law.

\* \* \* \* \*

"But, gentlemen, while this is our view of the mode adopted to punish the murderer of our respected fellow-citizen, the question still recurs, what ought the grand jury to do with respect to those who inflicted the dreadful punishment?

"I have reflected much on this matter, and, after weighing all the considerations that present themselves as bearing upon it, I felt it my duty to state my opinion to be, that whether the grand jury shall act at all depends upon the solution of this preliminary question—namely, whether the destruction of McIntosh was the act of the 'few' or the act of the 'many'?

"If, on a calm view of the circumstances attending this dreadful transaction, you shall be of opinion that it was perpetrated by a definite, and, compared to the population of St. Louis, a small number of individuals, separate from the mass, and evidently taking upon themselves, as contradistinguished from the multitude, the responsibility of the act, my opinion is, that you ought to indict them all without a single exception.

"If, on the other hand, the destruction of the murderer of Hammond was the act, as I have said, of the many—of the multitude, in

the ordinary sense of those words—not the act of numerable and ascertainable malefactors, but of congregated thousands, seized upon and impelled by that mysterious metaphysical, and almost electric frenzy, which, in all ages and nations, has hurried on the infuriated multitude to deeds of death and destruction—then, I say, act not at all in the matter: the case then transcends your jurisdiction—it is beyond the reach of human law!

“The attempt to punish it would, in my opinion, be fruitless, and perhaps worse than that. The foundations of society might be shaken—the social elements in this city and county thrown into most disastrous collision. For, how are we to indict—upon what evidence—2000 or 3000 offenders? How try them, if indicted—how convict them, if guilty—how punish them? I repeat, if the thousands congregated round the fire were the actors in the fearful tragedy, it would be impossible to punish, and absurd to attempt it.

“Nor can we select a few, and hang them by way of example; if one is indicted, all who are known must be indicted. An autocrat, a despot, a dictator, might order his guards to seize and put to death, by the shortest process, any given number, as a warning to the rest. Not so here, where we have to deal with 2000 or 3000 American citizens,—these cannot be decimated.

“Again, if an indictment be preferred against any of the persons who assisted in the burning of McIntosh, the indictment, in my opinion, must be for murder. By the common law the act would be the highest degree of felonious homicide—unqualified murder. By our criminal code, as amended at the last session of our Legislature, the homicide would be murder, at least, in the second degree.

“The punishment for the first degree of murder is hanging; the second degree, ten years’ imprisonment in the State Penitentiary.

“I would refer to the impunity which has followed on popular outrages in other cities of the old and new world, to show how nerveless and impotent the arm of the law becomes in such a case. The well-known case of the murder of Captain Porteous by the population of Edinburgh—the insurrection of the London populace in 1780—and lastly, in these United States, and within these few years, the burning, by a fanatic mob, of the Ursuline Convent at Charlestown, Massachusetts, sufficiently demonstrate the difficulty of making the multitude responsible to the ordinary criminal law.

“In the cases to which I have referred, it seems to me that the impelling cause of popular outrage was, apart from the violation of law involved in this act, in itself essentially base, vicious, and ungenerous. In those insurrections the people acted not as ministers of justice, punishing in a summary manner an atrocious and flagrant crime, but as instruments of cruelty and persecution. In those cases the horrid spirit of sectarian bigotry alone actuated the multitude, and under that degrading influence they rushed into all sorts of violence and injustice.

“Not so here; the people were comparatively under the influence of a generous excitement. When it is recollected that their respected and beloved fellow-citizen, slain in the performance of his

duty, lay dead before them—when they saw another worthy father of a family, and faithful public officer, severely wounded—the pavement streaming with the blood of these two unfortunate men—when they heard the shrieks of the widow and her desolate orphans—and, added to all this, when their feelings and their understandings were assailed and outraged by the atrocious and savage demeanour of the murderer himself, after he had committed these crimes, and within the grasp of the sheriff—is it to be wondered at that the people should be moved? Is not something to be allowed for human sympathies in these appalling circumstances? Is there not some slight palliation of that deplorable disregard of law and constitution which is now the subject of our deliberations?

\* \* \* \* \*

“When we take into view those lessons of history, and all the other considerations of practical good and social expediency to which I have directed your attention, it seems to me, as I have already recommended, that if you arrive at the ultimate conclusion that the death of M<sup>r</sup>Intosh was the act of the multitude, you will pursue the safest and wisest course in *declining all action with respect to it.*”

My Lord, it was a detestation of the un-British principles disclosed in this address which induced the militia of Upper Canada, unassisted by Her Majesty's troops, to leave their farms in the depth of winter to put down rebellion in their land, and then to rush to the frontier to repel the invasion of the American people. It was a detestation of the un-English principles disclosed in this address which have just induced the Legislatures of our splendid North American colonies to unite together in one band to maintain their connexion with British institutions; and, my Lord, it will be from a detestation of the un-British principles disclosed in this address that the inhabitants of these loyal colonies will, I feel perfectly confident, receive your Lordship's late observations in favour of republican institutions, and of the traitors who endeavoured to introduce them into the Canadas, with indignation and dismay.

As the chief patron of useful knowledge, your Lordship may deem it necessary that your brilliant talents, like the sun, should in rotation shine upon all the people of the globe, successively leaving in utter darkness those who a few hours ago were seen basking in meridian splendour. The wonderful nimbleness with which your elastic mind bounds forward from one theory to another may thus satisfactorily be accounted for; but, my Lord, so long as your Lordship enjoys the pension of an ex-Lord High Chancellor of England, there exists in the paradise of this world one tree which your Lordship must not, without loss of character, attack, “for in the day thou eatest thereof thou shalt surely die.”

To the latest moment of your existence your Lordship is



retained by your country to be the advocate and defender of British institutions; and in the great cause which is pending between monarchy and democracy, surely the people of England are justified in insisting that your Lordship should only appear before them as "counsel for the Crown."

It is with deep regret I have submitted for your Lordship's serious consideration these painful truths under a slight veil, which, should your Lordship require it, I will not decline to remove.

Before the public, however, I desire only to appear as your Lordship's faithful and most obedient servant,

A BRITISH SUBJECT.

London, June 9, 1838.

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## TO THE LORD BROUGHAM AND VAUX.

### No. III.

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MY LORD,—In consequence of the regret which you lately expressed in the House of Lords at the execution in Upper Canada of the traitors Lount and Matthews, I last week submitted to your Lordship, without comment, part of a charge delivered to the grand jury of the county of St. Louis, in the United States, in which the Republican judge clearly expounded, “that whether the grand jury should act at all” (in the case of a negro who, in a moment of popular excitement, had been chained to a tree and burnt alive) “depended upon the solution of this preliminary question—namely, whether the destruction of the negro was the act of the few or of the many?”

“If,” said the Republican judge, “the destruction of the negro was the act of the many—of the multitude in the ordinary sense of these words—not the act of numerable and ascertainable malefactors, but of congregated thousands, seized upon and impelled by that mysterious, metaphysical, and almost electric frenzy, which, in all ages and nations, has hurried on the infuriated multitude to deeds of death and destruction—then, I say, act not at all in the matter. The case transcends your jurisdiction—it is beyond the reach of human law! . . . I repeat, if the thousands congregated round the fire were the actors in this fearful tragedy, it would be impossible to punish, and absurd to attempt it. . . . It seems to me, as I have already recommended, that if you arrive at the ultimate conclusion that the death of McIntosh (the negro) was the act of the multitude, you will pursue the safest and wisest course in declining all action with it.”

My Lord, when I recall to mind the brilliant speeches you have made at the bar, as well as on the floor of our House of Commons, it is painful to me to reflect from what an exalted eminence you have fallen by becoming the unsuccessful advocate of Republican institutions! The moral distance between the democratic axiom that the populace can do no wrong, and

the bold exhortation addressed to our British juries to allow nothing out of court to influence their verdicts, is greater than that which separates us from the antipodes; and surely no one should know better than your Lordship, that if from the bench of justice the passions of the people are declared to be stronger than the powers of the law, the irresponsible populace soon repudiates all government except the tyranny of its own will. Thus, when the American General Scott, lately sent by the Federal Government of the United States to recover, if possible, the cannons and muskets which had been plundered by citizens of the United States from the American arsenals, appeared before the inhabitants at Albany, he was, as the American press termed it, "honoured by a public entertainment," at which the following toast was given:—"The Sovereign People; may their will be at all times implicitly obeyed by their servants!"

Again: when General Van Rensselaer, commanding the American citizens who invaded Upper Canada, was asked at Yongston, under what pretence of justice he could attempt to make prisoner an individual in the British service whom the American Government was bound to respect, his followers indignantly replied, "*D—n our Government! the people are the Government! the Government are the servants of the people!*"

The law in the United States of America being unable to restrain the passions of the people, it has naturally enough followed that the licentiousness, which is admitted even from the bench to be the privilege of the people, is claimed by each individual who composes the mass, and accordingly in several of the states every male inhabitant above the age of 14 or 16 carries in his bosom a bowie-knife to enable him to be the judge, jury, and executioner of his own law.

The American people are by nature no more addicted to the crime of assassination than we are, but they are driven to commit open murder because their laws have not sufficient power to protect them.

When once a populace take to the knife, the horrors they perpetrate are beyond description. In public as well as in private society there is nothing which makes an Englishman recoil so suddenly from his American brother as a glimpse of the shining hilt of the dagger which the latter carries half concealed between his waistcoat and his shirt; and if your Lordship were to travel in the United States, there is nothing that would more effectually wean you from democracy than the sight of the murders you would witness. For instance, what argument could be more convincing to your Lordship than to

have beheld the tragedy that was lately performed on the floor of the Commons House of Assembly of the state of Arkansas, where the Speaker, Colonel Wilson, taking offence at an observation made by Major Anthony, suddenly drew from his bosom his bowie-knife, rose from his chair, walked towards his antagonist through the members, who made way for him as he passed, until reaching his victim, he deliberately stabbed him (Major Anthony) to the heart!

My Lord, I entertain no unkind feeling towards the American people; on the contrary, I admire their energy, their intelligence, and their industry; but I openly detest their Government, because it is a tyranny—because it has been productive of guilt—because it fails to protect life or property—and lastly, because it has either no power or no will to maintain its treaties with its allies.

I have reason to assure your Lordship that the people of property in the United States secretly detest their Republican government as much as I do; and they do not hesitate, when they are out of hearing of "*the people*," to avow that their possessions are unprotected, and that they are tired unto death of the never-ending, still-beginning excitement, of elective institutions, framed for the purpose of constituting a government, which, floating upon the will of the people, is without anchorage, and which, whenever the popular storm rages, proves to be, in fact, no government at all.

How strongly have these opinions against democracy been corroborated by the late verdict of the inhabitants of our North American colonies! Your Lordship is aware that when Her Majesty's troops were withdrawn by Sir John Colborne from Upper Canada, an attempt rashly made to subvert British institutions was immediately suppressed, and that accordingly the agitators Mr. McKenzie and Dr. Rolph fled from the people of Upper Canada just as the arch agitator Mr. Papineau had previously absconded from the Lower Province.

The American people then took up the cause of democracy, and, arming themselves with the cannons and muskets of their Government, they offered to the people of Upper Canada to impart to them "the blessings of free institutions."

The population of the United States amounts to 13 millions; that of Upper Canada to scarcely 500,000. Self-government and cheap government, and all that can be said in favour of democracy, or in contempt of monarchy, is as applicable to people living in Upper Canada as it can be applicable to people living in the adjoining territory of the United States.

With the case in dispute close and clear before their eyes, the people of Upper Canada were invited, not to take the

trouble or encounter the danger of fighting to obtain democratic government, but merely to allow their American neighbours to gain and give them this blessing for nothing.

Now, my Lord, what was the answer of the half-million in reply to this invitation from the thirteen millions? Why, leaving their farms and their families, they rushed, in the depth of winter, to the frontier, to defend the glorious institutions of Great Britain, and to repel the invasion of Republican government, under which they declared that, in their opinion, neither their lives nor their property would be secure! No anger towards their American neighbours was evinced—no sanguinary sentiment was uttered. Wherever the Republican assailants fell into their hands they were treated with the most merciful consideration, and even when the American General Sutherland fell a prisoner into the hands of the inhabitants of Amherstburg (a town which he had most unjustifiably battered with grape-shot and canister), he was conducted 250 miles through the province, and passing through the burning passions of the people uninjured by the flames, and without even the smell of fire upon his garments, he reached Toronto in safety. Again, when another American officer of great distinction in the invading army (W. D. Dodge, of Munro) fell into the hands of the militia of Upper Canada, he was so affected by the treatment he received, that he voluntarily addressed from Maldon a communication to his General, of which the following is an extract:—“*I am a prisoner here, and severely wounded in the head. I am treated with kindness and respect by the colonel commanding and his officers, by the medical attendant, and by all around me. You as well as I have been all deceived as to the feelings and opinions of the people of this province. As far as I can learn, see, and judge, so far from being disaffected to their laws, constitution, and government, they are as much attached to them, and as determined to support them, as any people in the civilized world.*”

The conduct of the people of Upper Canada attracted the notice of our other British North American colonies. As bystanders they were of course divested of all personal feeling, excepting inasmuch as the subject in dispute regarded their own political institutions. They were not called upon by Upper Canada for assistance, and therefore (had they secretly been admirers of democratic government) they were not in any way required to step out of their way to check its progress. However, with all the facts before their minds which the continent of North America affords, possessed with all the data necessary to enable them competently to decide on the

question, and with a most reasonable excuse for evading it, if they wished to do so, they publicly and equivocally declared themselves the supporters of the British constitution. The people of New Brunswick, of Nova Scotia, and the British population of Lower Canada, vied with each other in resolutions applauding the gallant militia of Upper Canada "for their loyalty and attachment to the British constitution and government." The three branches of the Legislature of New Brunswick not only unanimously concurred in these sentiments, but evinced a noble anxiety "to offer more active co-operation." The Legislature of Nova Scotia, animated with the same feelings, "rejoiced that the absence of the troops from Upper Canada had afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British constitution." In short, the whole of our North American colonies joined together to offer to the British empire the highest compliment that has ever been paid to its mild, free, and glorious institutions, for surely no reasonable being will deny that the evidence of people living on the continent of America when given against democracy has infinitely more weight than any opinions that can be offered in this country, even by your Lordship, in favour of mob government.

My Lord, affairs were in this critical state, the inhabitants of our North American colonies, proud of the high duty they had performed towards their mother country, were anxiously looking towards it for approbation and support, when the ex-Lord High Chancellor of England (not satisfied with having alone protested in the House of Lords against the measures by which the Imperial Parliament had resolved to repress rebellion in Lower Canada, and not satisfied with having in unmeasured terms attacked the Executive Government of Upper Canada) publicly expressed his admiration of Republican institutions, and of the policy which had been pursued by the American Government, in the following words:—"I know, however" (your Lordship is reported to have stated in the House of Lords on the 2nd of February last), "the good sense which, generally speaking, prevails among the people of America, the sound policy which for the most part guides the councils of its Government. Long may that policy continue! Long may that great union last! Its endurance is of paramount importance to the peace of the world, to the best interests of humanity, to the general improvement of mankind!"

Not satisfied with this eulogium on Republican institutions, your Lordship has again impugned the administrators of the

law in Upper Canada, by uttering, without any knowledge of the evidence upon which they had been convicted, lamentations at the execution of the traitors Lount and Matthews.

My Lord, the last dying words which Colonel Moodie, weltering in his blood, uttered after he had been shot by these rebels at Montgomerie's Tavern, were—" *My God, my King, and my Country!*" They will long be remembered in Upper Canada, and it must surely be painful to your Lordship to reflect what a contrast they will form in the page of British history when placed in juxtaposition with the expressions which have so recklessly been uttered by your Lordship.

Your Lordship's name will, I can assure you, cease for ever to be respected by the brave loyal inhabitants of our North American colonies; your Lordship's acknowledged talents will sink rather than support it; and your rank and pension will henceforward only be recorded as arguments to condemn you for having ungratefully turned your talents against those noble monarchical institutions which have unceasingly fostered you, and which have gradually raised you from obscurity to the honours and emoluments of Lord High Chancellor of England.

My Lord, so long as you cordially receive and enjoy those exclusive advantages, you cannot expect to attack with impunity those, however humble they may be, who are struggling to maintain the British constitution; nor can you with any justice complain if these truths, especially on this day, be somewhat rudely forced upon your notice by, my Lord,

Your Lordship's faithful and most obedient servant,

A BRITISH SUBJECT.

London, June 18, 1838.

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