

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for scanning. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of scanning are checked below.

L'Institut a numérisé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de numérisation sont indiqués ci-dessous.

- Coloured covers /  
Couverture de couleur
- Covers damaged /  
Couverture endommagée
- Covers restored and/or laminated /  
Couverture restaurée et/ou pelliculée
- Cover title missing /  
Le titre de couverture manque
- Coloured maps /  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /  
Planches et/ou illustrations en couleur
- Bound with other material /  
Relié avec d'autres documents
- Only edition available /  
Seule édition disponible
- Tight binding may cause shadows or distortion  
along interior margin / La reliure serrée peut  
causer de l'ombre ou de la distorsion le long de la  
marge intérieure.
- Additional comments /  
Commentaires supplémentaires:

Continuous pagination.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /  
Qualité inégale de l'impression
- Includes supplementary materials /  
Comprend du matériel supplémentaire
- Blank leaves added during restorations may  
appear within the text. Whenever possible, these  
have been omitted from scanning / Il se peut que  
certaines pages blanches ajoutées lors d'une  
restauration apparaissent dans le texte, mais,  
lorsque cela était possible, ces pages n'ont pas  
été numérisées.

# THE FREE PRESS.

VOL. I.] MONTREAL, THURSDAY, 5th JUNE, 1823. [No. 33.]

*Qui statuit aliquid, parte maiore a altera,  
Æquum licet statuerit, haud æquus est.* SENECA.

The man who does decide, and hears not both sides first,  
Unjustly does decide, e'en tho' his verdict's just.

Montreal, May, 1823.

MR. MACCULLOU,

I must acknowledge myself greatly beholden to you for inserting my last communication; and, without further preface, I will take the liberty of addressing you again; upon the same subject; although, perhaps, an apology might be deemed requisite for prolonging the discussion, after what has been already advanced. But, indeed, much has been said, but very little to the purpose.\* However, to revert to the letter of A FRIEND TO TRUTH, in No. 23, we find him adducing instances of ducces, apothecaries' clerks, and disciples of Bacchus, passing the medical board at Quebec. But, allowing this to have been the case, what impression does it leave upon the mind, but that, if that board was unfit, another ought to be appointed, *which has been done?* What shall we say of *men* who, forgetful of the duty they owe to their country, and to the honour and dignity of their own profession, will so far deviate from the path pointed out to them by reason, experience, and every social and natural tie; as to connive at the admission of those to the practice of physic, whom they know to be unqualified for the duties of the profession? Into what discredit has it not already been brought by illiterate, uneducated pretenders? If we suffer our fancy to take wing to the dark ages of antiquity, when science slumbered, and ignorance, prejudice and superstition assumed the physician's garb, we find that those who had acquired even an imperfect skill in the management of sick persons, by observation and experience, were looked upon, as almost superhuman beings; in proportion as practice and reason approached each other and went hand in hand, the art became better understood, and at length when the discoveries of learned and experimental physicians, for centuries past, rendered medical knowledge more general and more easily attainable, then, as now,

\* I am perfectly of the same opinion, and think therefore the subject had better be dropped.

pretenders and quacks of every description started up, the numerous students and practitioners who pursued that path, stopped short in their enquiries, and, from the multiplied objects before them, remained satisfied with superficial acquirements.

But, not to digress too far, it is impossible to credit an anonymous writer, against the honour and reputation of those gentlemen at Quebec, unless we are favoured with something more in proof than mere assertion.\* By what unaccountable precedent, does a FRIEND TO TRUTH assume the prerogative of judging of the qualifications of a student, when, (though I admit it is a very reprehensible custom, and think that all examinations of the kind ought to be public) he could not I believe, be possibly admitted to hear him examined? And I am still more surprised when he tells us that "young men of six years study, and much experience have been repeatedly sent back from the medical boards of Quebec and Montreal, whilst others of two years study have been admitted." But, let this be so, yet the only inference to be drawn from it, is this:—that the former were persons of consummate stupidity, and totally unacquainted with the elements of the science; whilst the latter were persons of shrewdness, ability, and industry; for, were they qualified, not all the doctors in Christendom could prevent them from being licensed.

I am by no means a friend to oppression, or to the combinations of men of power and influence against those whom they may fear as competitors, or even regard as enemies: but, at the same time, I am a no less strenuous foe to calumny and false assertions. To see the fair reputation of a man, or of a public institution, blasted by the tongue of slander, should awaken the indignation of every friend to humanity. Under this impression, I have stepped forward to parry the attack of A FRIEND TO TRUTH upon the gentlemen of the Montreal general hospital, with whom I disclaim any acquaintance or intercourse. And I repeat that some board of examination ought to be established, as the only avenue through which students can pass; and where fools and numskulls would be kicked out; for I contend there is no character in society more detestable and odious than

\* A FRIEND TO TRUTH, gave me, in confidence, along with his communication; names and dates to all the circumstances here mentioned. These I, of course, do not consider myself justified in publishing, unless I have his special leave. L. L. M.

† It is not to the establishment of a board of examiners that objections are made, and in fact A FRIEND TO TRUTH advocates the law of Lord Dorchester, under which the boards are appointed; but to the injudicious nomination of examiners, and particularly to the confining the nomination to a set of privileged

the quack-doctor: the murderer who drenches his hands in the blood of a fellow-creature in the heat of passion or to gratify revenge, is by no means to be compared to him, for he is the cool, premeditated destroyer of the human race, and the offence is the more heinous, from its being perpetrated under the plausible pretext of prolonging life.

PHINEAS.

*In the last page of the last No. of the Free Press, the act of parliament regulating the trade between the British North American colonies and foreign European ports was left in blank. It should be filled in 3 George IV. cap. 44.*

ROMAN CATHOLIC REPRESENTATIVES IN NOVA SCOTIA:

I conclude this subject, with an abstract of the speech of the Hon the speaker of the House of assembly, as announced in my last.

"The honourable gentleman said, that he had not been satisfied with any of the arguments that had been used by either side of the house: The incapacity of a person to sit in the assembly must proceed from one of four causes—The common law of England—An act of parliament—An act of the colonial legislature—or the king's instructions. No person would contend that the common law precluded any individual from sitting in the house of Lords or Commons in England; and if such was the case it did not incapacitate any man from sitting in the colonial legislature; because, as had been observed, the colonists bring with them from the mother-country, the common law, as it applies generally to the colonies. Before the reign of Henry VIII. persons of every persuasion had a right to vote in the legislature—all the disabilities were introduced after that period. It was not necessary for him to express an opinion whether the subsequent exclusion of Roman Catholics was right or wrong; but, whatever reason formerly existed in justification of that measure, they now ceased to exist; and such was the opinion of a majority of the commons of Great Britain. When Nova Scotia was first colonized, a constitution to a certain extent was given; and certain laws were made. One of the first laws which was passed imposed a disability which, if it at present existed, would effectually incapacitate Roman Catholics from taking a seat in that house. They were not, by that law, permitted to hold lands, and not holding lands would preclude them from voting at an election, or taking a seat in the assembly. In 1780, or 1783 that law was repealed, and the royal assent was given to a bill, relieving His Majesty's Roman Catholic subjects residing

*men, to physicians educated in Europe, and to the exclusion of French Canadian medical men. the proscription of their doctors, students, practice, language, lectures, and all* L. L. M.

in this province, from certain disabilities. The next source of incapacity to which he would allude must arise from an act of parliament, or of the provincial legislature. He knew of no act of parliament upon this subject which extended to the colonies: if any such existed he was ignorant of it. But he would assert that there was no colonial act, which excluded Roman Catholics from a seat in that house. Being satisfied therefore that three of the sources whence incapacity might originate, did not operate to prevent persons of that persuasion from taking part in the deliberations of the colonial legislature, nothing remained to prevent them from so doing, but His Majesty's instructions, and certain clauses in the commission of the governor, directing him to call an assembly, which declared that no person should vote in such assembly, who did not subscribe the declaration against popery and transubstantiation. That is the only source of incapacity in this province.

"It appeared from a discussion that took place during the last session, that the opinion entertained by the house generally was, that the disabilities under which Roman Catholics laboured, ought to be removed, and that such incapacity should no longer exist; and it must have been under that conviction that the bill which had been referred to passed unanimously. That bill had been sent to the other branch of the legislature for their concurrence; they did not concur for reasons which had been stated; and they were correct in the opinion that they entertained. It had been properly stated that disabilities ought to be removed by the same power that introduced them. If they were created by an act of the legislature, they could only be removed by similar authority; and, if any such law existed, the king had not the power of altering it. But, if gentlemen considered that the disabilities complained of did not arise in that way, but from clauses in the king's instructions and the governor's commission; would any one say, that, when circumstances had changed, and a necessity no longer existed for those disabilities, His Majesty can not alter his instructions, if he thinks proper? It had been correctly stated that originally no person could sit in that house, unless he subscribed the articles of the church of England. He would ask, who introduced that restriction? The king. By whom was it removed, and he was enabled to see around him many respectable gentlemen of other persuasions? By the king. And his

\* I have attempted to shew in a note to the preceding part of this debate, that, in the case in question, it was not competent for His Majesty to alter his instructions. (which are in the nature of a constitutional grant or charter,) without the consent of the provincial legislature.

L. L. M.

Majesty possesses the power of extending such indulgence to Roman Catholics if he thinks proper.\*

The case which had been cited by the learned gentleman from Annapolis was not applicable to that which was before the house. He had asserted that when His Majesty gave authority to his governors to convene a legislature, he parted with the power of making laws for the colony; and so far he was correct. When Grenada was captured, the king had a right to govern that island as he thought proper; but having once given it a constitution, he had no right subsequently to levy duties. He would ask, whether, in this instance, there was any attempt to take away the rights or to abridge the liberties and privileges of the legislature of the country. Such was not the case; but so far from its being an invasion, it was a relaxation of the restrictions and disabilities of former times—it was not an invasion, but an enlargement, of their privileges that was intended. He could give it no other construction, and had he been called upon to have stated his opinion at the beginning of the debate, he should have had no objection to an application to the lieutenant governor such as had been proposed; there was nothing in the enquiry that was improper. But the debate had taken a different turn; and no person could now wish to see such a proceeding adopted.

He had only heard one objection against the admission of the gentleman from Cape Breton which had any weight; and it was for the purpose of removing that objection, that, during the debate, he had framed the resolution that had now been moved by Mr. Uniacke. It was—that as this was a particular case, in

*\* If, at a former period, the king by subsequent instructions, removed the disabilities of one set of his subjects for sitting in the house of assembly, and that that alteration was not made with the previous consent of the provincial legislature, which, under the view I take of the case, I contend it ought of right to have been, yet their not objecting to it, and admitting dissenters to take seats in the house, was a tacit consent, and would not invalidate their right to object to similar alterations in future, and in fact the House of Assembly, as well as the speaker, notwithstanding his assertion that the disabilities in question were removable by the king alone, must have entertained the opinion that the consent of the house was necessary, or he would not have proposed, or they have agreed to, a resolution "to admit a Roman Catholic representative to take his seat" and "to permit in future, Roman Catholics who may be elected to take their seats," which, obviously and necessarily, implies they might, if they had chosen, have refused to admit the one now returned, and have declared that they would not permit future members of that persuasion to take their seats.*

which His Majesty had granted his permission; the same indulgence did not apply to other parts of the province. He considered the message, however, to be as general as words could make it; and, if tomorrow another gentleman were to make his appearance, who had been duly elected; he should conceive himself authorised, under the instructions that had been transmitted, to direct that the commissioners be sent for; and that the oaths be administered without the declaration. The resolution was so framed, that His Excellency may give his opinion, and the house could form a decision on the subject. But as the resolution is complete, he trusted it would be the understanding of the people of this province, that all disabilities are removed as completely as possible, and that they are removed, as they ought to be, by the authority and power whence they emanated."

The resolution proposed by the honourable speaker, and carried, (for which see last number,) is certainly inconsistent with the conclusion of this speech, if it means by "the authority and power whence it emanated," the authority and power of the king alone, for in that case no resolution or vote whatever of the house of assembly was necessary. The matter seems to have been compromised, in a manner, between the prerogative of the crown and the rights of the assembly, yet in such a manner, as to form a substantial precedent whence it may, at all times, be argued that no alteration of the king's commission and instructions, (which form the only constitutional charter of Nova Scotia,) can be made without the mutual consent of His Majesty and the legislature. a result and conclusion that, as it consists with sound reason, rational freedom, and due allegiance to the king, is one that ought to be considered by all colonies as an established precedent, and principle.

L. L. M

Having, in No 19, inserted a communication signed PORCUPINE, on the subject of the police, and the system of the watch in Montreal, I will transfer to the pages of the Free Press the consideration of the letter I received some time ago, as editor of the Scribbler, from my correspondent, VERITAS, which has remained too long unnoticed, and for which I have to apologise to him. If, as he states, many of the inhabitants of the place have been assaulted, ill-treated, and beaten, on their way home, and, when by getting assistance, they had secured the ruffians, and given them in charge to the officer of the night, they have been let loose by that officer, and when the persons who had been so ill-used appeared before a police-magistrate in the morning for redress, the officer could not, or would not, produce the persons who had been so delivered into his charge, and pretended that he did not know either their names or

places of residence, so that the injured parties were compelled to retire without any satisfaction, then I say that both the police-magistrates and the officers they employ, ought to be displaced; but I do not hold it right to stigmatise a man as a corrupt alien, and unfit to fill an office of the nature alluded to, only because he has been, in the course of the wars that lately agitated Europe, in the service of the enemies of England, or of more than one potentate. I must therefore be excused for not publishing what VERITAS communicates relative to the previous life of the individual in question. His conduct since he has been in office is a fair subject for remark and enquiry, for, obloquy or for praise, according as his deserts may be; and certainly the complaints of the public have been loud and many, and ought to be attended to, and would, any where else but in a place where we are blessed with such police-magistrates. God help us, as we are here; but not, how or when he enlisted in the British service, or whether he served under Bonaparte, the Prince of Piedmont, or the Emperor of Mexico.

I will take the opportunity which VERITAS affords me for expressing my sentiments, respecting the Scotch nation, which, from the vituperation I have bestowed upon the Scotchfaction in Canada, I believe, are misunderstood by many. He adds, speaking of the writer of an article, which appeared in No 85. of the Scribbler, under the signature of L'AMI DE LA VERITE, in defence of the conduct of the watch, "He has dared to abuse all His Majesty's gallant, loyal subjects of North Britain, what abuse a whole nation? what unheard-of impudence; but the loyal conduct, courage, and ability, which they have shewn, upon all occasions, are so well known to the whole world, that his slander upon the Caledonian nation, is like the kicking of a blind frog against the rock of Gibraltar: cease viper, thou but'st a file." VERITAS proceeds, personally addressing me; "Nay, I will appeal to you, sir, for a proof of the liberal sentiments, conduct, and discernment, of the Caledonians; when a certain person was indicted upon a fictitious charge of felony, what was the conduct of the foreman of the grand jury? did not he insist upon returning the bill of indictment into court, ignorant; of what country was he? was not he a North Briton? And pray of what country were the majority of the jury, when the same person was indicted, tried, and (thanks to almighty God!) acquitted, for forgery? were they not likewise North Britons?"

First, as to the last; I am always proud of alluding to that triumphant and honourable day, when I was acquitted by the verdict of a jury, from the false and fabricated charge of forgery, supported by the wilful PERJURY of five of the partners of the North-West Company, (all of them Scotchmen,) and a host of their creatures and dependents. As to the jury that acquit-



tea me, there were but two out of the twelve, natives of Scotland, for I took care to challenge most of that nation who were on the panel, for very good reasons. The foreman of the grand jury who, a year before that, threw out the bill of indictment, was George Moffatt, Esq a native of Scotland; and whose honour, integrity, and impartiality, I never had any reason to doubt; I never, however, before knew that he insisted upon the bill being returned *ignoramus*, and attributed that to the general good sense and justice of the jury, which was a very mixed one, being composed of ten or twelve French Canadian gentlemen, three or four Americans, and five or six Scotchmen. What the grand jury was composed of, who, twelve months after, found the same bill, which had been twice rejected before, I will not say farther than, that the foreman was a retired partner of the North-West company, and three other partners were on that jury, two of whom were afterwards perjured witnesses at the trial.

I have to apologize to the public for introducing these personal details, but I have been so villainously persecuted, that it is not in human nature to resist the temptation, when any opportunity offers, of exposing my oppressors in their true colours.

VERITAS is mistaken in supposing that L'Ami de la Verté abused or slandered a whole nation. It was the Montreal Scotch, or rather the Scotch unionists to whom he attributed a vindictiveness and illiberality, which, I have myself experienced, characterise the major part of them. That there are honourable, liberal, and upright, men of that country in Canada, I know; and I am far from wishing to vilify or abuse the Scotch as a nation. Space will not, however, permit me to say all I wish on this subject in this number, which I will therefore defer till the next.

L. L. M.

The Free Press is published every Thursday in Montreal, price 6 d. per No. or 5 s. 6 d. per quarter, or 22 s. per annum, payable quarterly in advance. Subscribers who do not reside in Montreal, will have to pay an additional price, adequate to the expense of conveyance.

Orders for the Free Press to be addressed to No. 4 St. Jean Baptiste Street, Montreal, or No. 7, Palace-Street, Quebec.

Communications addressed to the editor, L. L. MACCULLOH, may be left at those places, or at the post-office, Montreal; or forwarded (post paid) to the proprietor, Mr. S. H. Wilcocke, Burlington Vermont.