

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 31st OCT 1822. [N. 4.

"It is now time to lay aside all disguise, and to speak plainly and openly upon the affairs in question; to look around us and take note of the dispositions and conduct of our fellow-citizens."

Speech of the Hon John Richardson, at the meeting of the Unionists, 4th October, as reported in the Canadian Courant.

Fas est et ab hoste doceri, is a maxim older than the language in which it has passed into a popular apophthegm; and the unionists can not complain if, in adopting the sentiments and expressions of their leader, an anti-unionist, for such I avow myself to be, speaks plainly and openly, and sits the disposition and conduct of those who are opposed to him in politics. I am happy to see that the editor of the *Canadian Spectator*, (a new independent* paper of which the first number was published the 18th instanc,) has virtually followed that maxim in the very point to which I am wishful to direct the attention of the public. He has very properly restored the good old epithet of *English*, as applied to the maxims of liberty, to the Commons-house of parliament, and to our constitutional rights and privileges.— This at once points out the land of his nativity. The natives of the northern part of Britain, never speak of *England*, or *English* feelings, or *Englishmen*; but always affect the terms *British*, and *Britons*, and take merit to themselves that they belong to the empire of Great Britain. Certainly it is an honour to them that they do; but they know very little of *English* feelings, of *English* rights, & of the *English* constitution. The trial by jury they know not, they have not a single popular election, they have the old leaven of despotism, of clanship, and of the hereditary and divine right of the Stuarts in their veins. hence Scotsmen are at home, mostly courtiers, intriguers and hangers-on, and abroad, adventurers, with a great affectation of

* *This epithet has been cavilled at as not applicable to a paper espousing avowedly the Canadian or anti-union party, as if it were equivalent to impartial: but independent, as applied to a public writer, implies uncontrouled by superiors, unswayed by motives of interest, not dictated to by a quito, independent in principle and in language, and such seems to be the paper in question.*

loyalty, and invariable adherents of the powers that be, subservient to those above them, and arrogant to their inferiors I ask, is there one single Englishman among the unionists? I believe none; no true *English feeling* can exist amongst those who are using their utmost endeavours to deprive their fellow-citizens of their chartered rights, of their privileges, that are endeared to them by long possession, and of those customs and laws that were the cherished usages, the revered institutions, of their forefathers. It is no *English feeling* that would wish to coerce and controul freemen, nay that would even *force freedom upon slaves* AGAINST THEIR WILL, for what would that be but tyranny? In speaking of forcing freedom upon slaves, I must not be understood as intending the most distant allusion to the present political circumstances of Canada, or its inhabitants, further than illustrating the absurdity of endeavouring to compel a nation of men to take that at a boon and benefit, which they conceive to be an injury and detriment; for I know of no country or people subject to the British rule, where freedom is better understood, and more warmly loved, than amongst the enlightened Canadians. I wish I could say the same of the Scotchmen, who are now attempting to force down the nauseous draught of arbitrary sway, and uncontrouled dominion, upon the revolting stomachs of those who have tasted better things. But I am afraid that the Canadians will form, and have formed, a very mistaken notion of *Englishmen*, and *English principles*, from those they are accustomed to call *les Anglois*, which is a term indiscriminately applied to all who come from the parent state. The Canadian who has never been away from his country, ought not to form his estimate of the liberal and noble principles of *England*, and *Englishmen*, by the narrow, bigoted and mean specimens that present themselves to him here, in the bulk of our commercial men. Of our nobility, of our literati, of our country gentlemen, he can have no conception; and even the Scotch adventurers, who so infest the province, are in general but bad specimens of that part of Britain. But the whole Unionist-party is almost exclusively a *Scotch faction*; as before said, I do not believe there is one *Englishman* amongst them; the *Irish* that are in Canada, are mostly of the lower class of labourers, and it is their characteristic never to meddle with politics, until the shilleeh comes into play, and then they will lay about lustily without much caring or knowing on which side they are fighting: the few *Irish* of a better description are, I believe, generally inimical to the union; they remember their own union. The *Americans* form, however, a strong accession to the Unionist-party, yet the principles of that party are diametrically opposite to the spirit of freedom, and liberality, which is the soul of the American republic: but Americans,—are Americans,—and have a fond and ambitious desire of ex-

tending their name and empire, and, seeing in the union of the two provinces, and the utter annihilation of the independence of Lower Canada, and of the Canadian name and nation, the most probable means that will, at some future period, throw the whole of Canada into the circle of their federal union, it is from policy, and a latent desire to see the Canadas form part of the United States, that they have joined the unionists. If this rough outline of the party be a faithful sketch, it may not be unaptly concluded by a parody of a well known French *désûché*,

*Méfiez vous mes freres
De l'Irlandois, par devant,
Du Bostonnois, par derriere,
Mais des Ecossois, de tous cotés.*

L. L. M.

TO THE EDITOR OF THE FREE PRESS.

SIR,

I have just received from Upper-Canada the following document, which I send to you, conceiving it to be the best answer that can be given to the 19th query of Socraticus in your last. I have property in both provinces, and am deeply solicitous for their welfare, and that the machinations of a few interested and prejudiced individuals should be counteracted by all the energy and perseverance that can be bestowed upon so momentous an object.

AN ANGLO-CANADIAN.

PETITION AND REMONSTRANCE

AGREED UPON BY THE FREE-HOLDERS, ETC. OF THE HOME DISTRICT UPPER CANADA.

WE, His Majesty's faithful subjects, the undersigned Gentlemen and Freeholders, of the Home District of Upper Canada, most humbly beg leave, to represent to your honorable House the serious alarm given us by reports through the medium of the public prints of recent measures introduced to your honorable House relative to the government and trade of the Canadas, and proposing as one of those measures, a UNION of the two provinces; an alarm excited not only by the reported terms whereupon this Union was to have been declared, but by the very mode of its introduction, so highly unconstitutional as regards the liberty of the people of this province, and so fatal to its interests and welfare, that we should be very deficient in our duty to ourselves and the community of which we form so great a part, if we did not, without loss of time, make this our humble but earnest and just petition and remonstrance to your honorable House against this measure so rashly proposed for your adoption and for reasons that can not fail to awake your parental attention to this colony; and

First, because the project as announced to us by those public prints if consummated, would be to us the UNMERITED PRIVATION OF OUR CONSTITUTION, as the same is defined by the Act of the British Parliament, passed in the thirty-first year of his Majesty's Reign, entitled, "An Act for more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of "the same;" a Constitution endeared to us by many warmly cherished considerations. That statute was given and received as the declaration of BRITISH LIBERTY, made to British born subjects, having by birth an indefeasible right to such liberty; that statute is the mode and the form prescribed by the parental solicitude of his late gracious Majesty and his Parliament, by which we are to use this liberty in which we are born, a mode and a form guaranteed by the solemn enactment of a British Parliament and which will not, we trust, be taken from us, without our consent.

Secondly, because it was given, as the well earned reward of fidelity, to brave and devoted subjects and soldiers who sacrificed their property and shed their blood in defence of their King and Country.

Thirdly, because many of us, not originally born subjects, in confidence of protection to our persons and property under British institutions, have not only made permanent settlements in this Province, under this Constitution, but have actually fought and bled in its defence, successfully, and with credit universally acknowledged by His Majesty's generals and officers having the conduct of the late war in this Province.

We therefore, gravely, respectfully and earnestly, remonstrate to your honourable House, against all innovations in this our Constitution, without our consent, expressed by legislative acts of the Province, passed in due session by the King, the Council and the Assembly thereof; and

First, because this is the only legal course to effect any change in the act, except in as far as the said act, in express terms, reserves to his Majesty, his heirs and successors, and the Parliament of Great Britain, certain powers of future legislation, on particular matters, in the said act also expressed.

Secondly, because that statute, the pledge of security to Canadian rights and liberties, the very branch which identified us with our parent stock, is about to be torn from us against our will, and substituted by a hasty, ill digested project, subversive of all that is valuable in that statute, a catastrophe that we, your petitioners, could never apprehend, if your honourable house be only apprised of the true state of the colony.

Thirdly, Because the project, as appears by those public prints, contemplates the transformation of our House of Assembly into a mixed chamber of Executive Councillors and of the

people's representatives, a violation of British principle, alarming and distressing to us in the highest degree.

Fifthly — Because this project would give an invidious, and, in our minds, an unconstitutional controul to us over the equal rights of our fellow-subjects in Lower Canada; whose rights being as dear to them as our rights are to us, we should grieve to see impaired, against their wishes and consent

Sixthly. — Because by this project is proposed the removal of our legislation without the bounds of the province, which must, in effect, deprive us of the benefits of a legislature altogether, in the present state of the province, as few representatives could be found able to afford the time and expence of attending their duty at such a distance, of consequence candidates would be few, and our elective choice would be injuriously abridged; at such a distance, we should be wholly estranged from our representatives, and they from us; no interchange of sentiment, to any useful extent; little communication of our wants or wishes—petition would be almost impracticable,—enquiry impossible.—no documents within reach, no records for reference,—questions asked, but no one to give an answer,—the Executive Officers at York, and the Legislature at Quebec. All must end in confusion, disgust, and fatigue. Need we add, as further causes of alarm, the extension of Parliament to quinquennial, the extension of qualification of our representatives, measures solely calculated to abridge our right, and add to the means of executive influence, of which your petitioners can assure your honourable House, there is no deficiency in this province.

All which is with great deference humbly submitted, and your petitioners, as in duty bound, will ever pray.

York, Upper Canada, 10th October, 1822.

The attempts made by persons in authority, to throw impediments in the way of the circulation of the SCRIBBLER, by which the liberty of the press is infringed, now form an object of public interest, a question for freemen to discuss. a proper subject for the pages of the FREE PRESS in which, therefore, the following letter finds a place, as will whatever else may require to be said on the subject.

“ On the contrary in the modern world, and particularly in Europe, great nations, having allied themselves by a sort of universal language, the firm of opinion has been placed upon a broad basis: we have seen agreement in thinking, and concord in acting. In fine, that sacred art, that memorable gift of celestial genius, THE PRESS, furnished a means of communicating, of diffusing, at one instant, any idea to millions of the species.”

VOLNEY'S Ruins *

* I regret I have not the original of the work here quoted, at

Township of ——— Ottawa River, Oct. 1822.

MY DEAR SIR,

Your letter of the 17th ultimo, explained a difficulty which had embarrassed me. I did not know how to account for the silence of the Scribbler in my woods for three weeks, but as I had some suspicion as to the cause, which indeed proved correct, I sent a letter by a private hand, and I have now to congratulate you, that the means have been formed for the distribution of your miscellany, even in these remote parts, without you or your subscribers being under obligation to any jack-in-office of them all.

We must for ever remember that, in Lower Canada by the capitulation made at the conquest between general Amherst, and the marquis de Vaudreuil, the English government did covenant, to preserve to the inhabitants the French laws. that is, —to defend despotism—His Excellency, My Lord Dalhousie, accordingly, listening only to his duty, forbids the freedom of the press where he pleases.

But I can not forget the memorable year 1791, when the present constitution was given to Canada. It is forever recorded by the separation of the celebrated Edmund Burke, from the honest Charles Fox. Yes, Mr. Fox did, amongst many observations, remark the inconsistency of depriving the Canadians of their criminal law, and, in the same act, confirming the ordinances of their despotic monarchs. Mr. Pitt explained that the English criminal law, was more tender, more humane, * than the French criminal law, for which it was therefore substituted — But it appears, we in Lower Canada, are to suffer all the vigour of the despotism of French civil law † I was in the house of Commons on the debate; —and here I stop, to create, in imagination, a question that will probably occur to your readers— Pray, were you a member of the house? My reply is, what is

held, as I conceive the translation, from which this passage is taken, is very far from doing justice to the energetic, and eloquent language of the original.

L. L. M.

* It is more humane in the mode of trial, more indulgent to the prisoner whilst under accusation, more conducive, in its system, to do justice between man and man, and to elicit the truth, and to protect the innocent; but its sanguinary and relentless spirit in the penal part, it is well known, is a beastly blot upon the character of British criminal jurisprudence. L. L. M.

† My friend seems here to mean to complain of the necessity the English inhabitants of Canada are under, of submitting to the decision of the French Law in civil cases, as a hardship — With respect to the Scotch, it can be none, for their civil code,

that to you, whether I was a member on the floor, or an auditor in the gallery? I was in that house, and I did hear that debate. But,

“Awake, St. John, and leave all meaner things,
To low ambition, and the pride of kings.”

In this province, devoted not only to be the victim of erroneous information given to the supreme government of Britain, but likewise to be the resort of the most uncultivated, the rudest, the poorest, and the least instructed, part of her exuberant

is like the French, built upon the Roman law and follows, even more servilely, the civil jurisprudence of Justinian; and as to the English, they come with a knowledge, (at least they ought to do so,) that such are the prevailing laws here, and, in becoming inhabitants of Lower Canada, they have voluntarily subjected themselves to them; so that, if it be a hardship, it is a hardship of their own choice. But I have strong doubts whether it is not a very erroneous construction of the Québec act, to extend the operation of the French civil laws beyond the boundaries of the seignories; for I can not but, looking at the preamble of that act, explain the VIIIth section, where it is enacted “that all His Majesty’s Canadian subjects, within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner as if the said proclamations, &c. had not been made, and as may consist with their allegiance to His Majesty, and subjection to the crown and parliament of Great Britain, and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice to be appointed within and for the said province, shall with respect to such property and rights, be determined agreeably to the said laws and customs of Canada,” to apply alone to the inhabitants of the seignories, and the property and rights of those inhabitants; and by no means as extending to new British settlers upon the waste lands of the crown, since erected into townships; particularly when the section immediately following, (IXth) declares that “Nothing in this act contained shall extend or be construed to extend to any lands that have been granted or shall be hereafter granted, to be holden in free and common socage.” In this opinion I do not stand alone: *inter alia* I can refer to that of an eminent luminary of the law, and one personally and deeply versed in the early politics of Canada, Francis, Baron Mascars, formerly attorney-general at Quebec, and now

population, who have exchanged the rocks and heaths of the highlands of Scotland, and the bogs and morasses of Ireland, for the expected delicious vales of Canada, which, by the bye, is a hope deferred, as there are a few large trees that obstruct the design of rendering them abodes of instantaneous rural felicity, whilst the expectants have not the cash to remove the impediment;—I say, that, in the estimation I have been able to form of the human mind in Canada, I consider that it is as prone as effect will ever follow cause, to descend into a rude and uncultivated condition. The circulation, therefore, of periodical publications, must tend to check the descending inclination of this moral cause, advance the civilization of a people uncultivated, and improve their character. The labour of such writers is, in spirit, and disposition, and effect, of the nature of the examples displayed by Solon, Lycurgus, and Numa. You promote a desire of information, an extension of knowledge, and correct dissolute manners. It was by the FREEDOM OF THE PRESS, by the dissemination of opinion, and the collision of intellect, that Europe rose to its pre-eminence. It was by those means the darkness of the northern barbarians was overcome, & hence the memory of Goths, Vandals, Suevi, Allemanni, Franks, and Lombards, now only serves to point a tale, or round a period.

Good and useful labourer, pursue the toils of a patriotism not factious, and continue to devote your arduous exertions to the benefit of the society you belong to

L'AMI DE LA PATRIE.

a cursor-baron of the Exchequer. This intelligent statesman and lawyer, who was a townsman both of the gentleman to whose letter this note is appended, and of myself, when we both resided at Reigate in England, says, in his "*Account of the proceedings of the protestant inhabitants of the province of Quebec, to obtain a house of Assembly, 1775*;

"The Canadians ought to have been satisfied, with the full enjoyment of their property of every kind, moveable and immoveable, (which was granted them by the capitulation,) together with so much of the French laws and customs as is necessary thereto, (which will be found, upon examination, to be the laws of the tenure, alienation, and settlement, dower, and inheritance of landed property, and, I believe, NOTHING MORE.)"

L. L. M.