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THE FREE PRESS.

VOL. I.] MONTREAL, THURSDAY, 19th DEC. 1822. [No. 11.]

Oportuit opifices et rusticos, et mulieres, et omnes denique qui humanam formam gerunt, doceri, ut sapiant;

populumque ex omni lingua, et conditione, et sexu, et aetate,

conflari. LACTANTIUS.

It is necessary that these things should be taught to all mankind, to mechanics, and farmers, and women, and all who belong to the human race: and that all languages, and

ranks, and sexes, and ages, should be, as it were, melted into one mass.

The writer of the following letter, is an extensive land proprietor in one of the townships of Lower Canada, holding 8000 acres of purchased land, which he has been busily employed in improving. He is an Englishman, of liberal mind and education, and looks at the political situation of affairs here, as all true Englishmen, can not fail to do; respecting the rights of others, and sturdy in the maintenance of his own.— He has filled public situations of trust and honour, in his native country, and having invested part of his property in this, is patriotically, and philanthropically, anxious for the welfare of Canada. The opinions of such a man, ought to carry weight with them: and although they are expressed in a desultory, and rather an eccentric, manner, I have preferred to give them in his own words, rather than make them mine by altering the language or the arrangement; especially, as, tho' there are some points that he places in a new and convincing light, there are others in which I differ materially from him. Infirm health, I believe, will induce him, shortly, to re-embark for England: and hence he has thrown both his former and present communication, into a shape, as coming from a traveller, proceeding onward.

E. L. M.

MR. EDITOR,

Nolumus leges Angliæ mutari.

At this time, finding the peace of men's minds agitated, in the country I am passing over, by questions embracing their laws and political institutions, involving the confidence they feel, for the permanence of religious establishments, the necessity and

application of pecuniary aids, and affecting the peaceable discussion in legislation, your experienced indulgence will allow a parting letter from a voluntary exile. I write under all the inconveniences of an Indian wigwam; my motto is, from memory, being the words King Charles I. used, in his letter to the long Parliament of 1640.

Now first; how can a community, Roman Catholic in their religion, entertain confidence for the future preservation of their holy institutions, under a legislature composed of a majority not Catholics?

Second: Are pecuniary aids to be derived by votes of persons from remote, trackless deserts, and nearly uninhabited solitudes; these counting by the head equally effective with the representatives of rich and populous cities, of cultivated countries. I am writing to a paper, professing, in its title, to be a Free Press;—now assert your dignified pretensions, and pursue this enquiry; viz.

The time when, and circumstances, under which this project of union did originate? As a wanderer, I have not the confidence to assert a decisive reply to this question; but from cursory reading, a careless perusal of newspapers, I entertain the opinion, that it arose, from the event of His Excellency Lord Dalhousie's requiring from the assembly, a vote of a large sum of money, under the name of the civil list. I believe this vote was required *without specification, or account*, being, moreover, so demanded during the life of His most Sacred Majesty. Then, as the sacrifice so demanded could not be voted by faith-

* *These words, though quoted by King Charles on the occasion in question, formed, originally, the reply of the barons to King John, when he required them to set aside the common law of the land, at the conferences held between them, which resulted in Magna Charta.* L. L. M.

† *The main argument of those who contend that the civil list ought to be granted for the King's life, is that such is the case, with regard to the civil list in England; but, besides that precedent, is by no means always a safe, or a proper, guide; the cases are radically different, and the civil lists of all the British colonies, the expenses of which are defrayed by the nation, are always voted annually by parliament. By voting the civil list of Canada, to the King for life, we should be absolutely acting contrary to the spirit and practice of English legislation; and the king would have at his disposal, for life, a sum infinitely larger than the parliament will trust in his hands in that way, for all the other dependencies put together. Pray, have the expenses of government in Canada, been defrayed out of the civil list at home, which is granted for life, or were they provided for annually by parliament?* L. L. M.

ful representatives.—Yes! I stop my pen to thank you—honourable and faithful men, who have saved your country!—I say, the representatives being found so faithful to their trust, it was then, and on that account, that the new project was conceived to coerce their fidelity, by introducing a loose gang of men, from among the *expectants* of ungranted lands, in Upper Canada. It would be a cheap purchase of prostituted votes, in the legislature, to promise grants of land,* or to confirm and amend imperfect tenures; and thus by a cheap system of bribery and corruption, they flatter themselves they will be able to tax the Canadas with an appearance of constitutional legality.

Let a wanderer, but an observer, deliver to your Lordship a word of wholesome advice. Make his Majesty's subjects rich, if you know how, before you dive so deep into their pockets; but I firmly believe you do not know how, because, being a soldier, and limited in your knowledge to that profession; you are a general, but not a statesman, or public economist: take Turgot, minister of finance under the French crown, the immortal William Pitt, Adam Smith, &c. for your masters in that science. Then receive advice, advice which disdains to flatter your Excellency. Promote the exports of the natural productions of this colony, instead of seeking to plunder it by means of that accursed civil list. Let us have bounties to protect our produce from suffering by the difficulties and delays of our navigation, as was suggested to your Lordship in a letter written by a gentleman a year ago. Protect the native growth of Canada from the competition of a foreign soil; and agriculture by "discriminating" duties upon such productions when introduced into the provinces in any part thereof. Make the people confided to your government rich; you will then soon find them as grateful as they are able; but you can not expect to derive receipts where there are no resources.

For the third remark, I beg leave to inquire whether the union of the two provinces, would not tend to divide the houses of Parliament, into parties. I see one part composed of hereditary Canadians, another of Yankees, permanently dissenting from each other, upon every discussion.

In England, in the Imperial Parliament, the proposers of this

** Although in March 1821, it was decided in the House of Assembly of Upper Canada, (by a majority of five only) that the holders of location-tickets, who had not procured ultimate titles, were not entitled to vote; (a question, I believe, which has not been decided in the Lower Province;) how easy to get that altered in an united legislature with a majority at the beck of the crown; and then overwhelm the representation with a formidable array of sham-freeholders, and men of straw!*

L. L. M.

alteration of the law and constitution of Canada will find by our respectful petition; that they were not representing the inclinations of this province. The Canadians and their constitution, are supported by a long train of royal concessions, and of parliamentary acts, made during the long reign of the venerated George III. Doubt not, Canadians, that his worthy successor, George IV. will be equally favourable to your wishes and your welfare.

I interrupt the course of my reasoning, to relate to the Canadians, a fact I deem material; viz. I remember the present lord high chancellor, opposing in the house of lords, the reception of a petition, because it was not written in English, and the house confirmed his objection: as well as I can remember, that petition was in Italian, and from Malta. *The Canadian petition must, therefore, according to the rules of parliament, be in the English language.**

In the capitulation of the Marquis de Vaudreuil, with general Amherst; Sept. 8, 1770.

Article 34. Granted the preservation of all the rights in their property and seignories to the priests.

Article 37. Granted the free and peaceable enjoyment of all private property, in lands or in moveables.

Again, 14. Geo. III. c. 83, these are the benevolent sentiments of the monarch and his parliament.

“And be it further enacted, &c. 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 proclamation, commissions, ordinances, and other acts and instruments had not been made, and as may consist with their allegiance to His Majesty and subjection to the crown of Great Britain.”

The exception herein contained has an immediate reference to a previous section in the same act, which, to prevent misunderstanding I shall quote; “Provided nevertheless that it shall

“The petitions from Canada, will all be sent, I believe, both in French and English: this observation is therefore, not now of moment: but I am very little inclined to pay much reverence to the dictum of a lord high chancellor, when it is opposed to sound sense, and justice, as well as to the dignity of parliament, and the expediency of the case, as I consider such an objection to petitions from British foreign subjects, would be.— Nor do I think the house of Commons would concur with the lords in so improper a rule, though I am not prepared to say, whether the matter has ever been before them or not!”

L. L. M.

be lawful for His Majesty, his heirs and successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy, within the said province, as he or they shall, from time to time, think necessary and expedient."

In further explanation of the principles which the British sovereign legislature, at that period, 1774, entertained of taxation upon Canada, I request permission to extract another section of the Quebec Act: "Provided always that nothing in this act contained shall extend to authorise or empower the said legislative council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said Province may be authorised by the said council, to assess, levy, and apply for, the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such district."

Nor can I resist, Mr. Editor, to encumber my present communication with more law, expecting of your indulgence that you will allow that my subject and my comments render it necessary. By 31 Geo. III Cap. 31 sect. 46, "the king and parliament of Great Britain will not impose any duty, tax, or assessment, whatever, payable in any of His Majesty's colonies, provinces, and plantations in North America, or the West Indies; except only such duties as may be expedient for the regulation of commerce, the net produce of such duties to be always paid and applied to, and for the use of the colony, province, or plantation in which the same shall be respectively levied; in such manner as other duties collected by the authority of the respective general assemblies, or general courts of such colonies, provinces, or plantations; and by section 47 of the same act, "the net produce of such duties which shall be so imposed, shall at all times hereafter be applied to and for the use of each of the said provinces respectively; and in such manner only as shall be directed by any law or laws which may be made by His Majesty, his heirs, or successors; by and with the advice and consent of the legislative council and assembly of such province."

Now, Mr. Editor, I trace historically the legal rights of the Canadian population. They were subdued by an army composed of Englishmen, with a few Indian auxiliaries in pay of the English crown. It was all English power, as the Canadians were all French subjects on the day, Sept. 8. 1760, when the Marquis de Vaudreuil completed a treaty with General (afterwards lord) Amherst. That document secures to the French their lands and their moveables, these can not be subjected to taxation; but this treaty is part of the law of two nations; it is

a compact between the crown of Great Britain and the crown of France, confirmed by the peace of 1763. How many English were then inhabitants of Canada? None. The treaty was made between the English crown, and with, and for the French. The 37th article of this treaty is, in spirit and effect, preserved by the Act 14 Geo. III: and it is again, in spirit and effect, preserved by the 31. Geo. III.

Hence, in my humble opinion, guided by the high authorities referred to, the Canadian population ought not to be taxed by any other than the population of Lower Canada, being *bona fide* of French descent or by representatives, elected by such description of electors: and as their lands and their moveables are reserved to them by law; what can you tax by law?

I now defer my literary labours; you may perhaps hear from me from the shores of the Pacific Ocean, upon which I propose to embark for Asia. Adieu.

L'AMI DE LA PATRIE.

Quebec, Dec. 1822.

MR. MACCULLOH,

Mr. James Stuart, having occasion to visit this place, at the term of the session of the Court of Appeals, was at the same time bearer of the orders of Messrs. Richardson, Gerrard, & Co. to endeavour to muster a meeting here in favour of the union. He fulfilled his instructions so well that a short time after he took his departure for Montreal, a meeting took place, which, however, was announced as one intended to petition parliament for Union on an equitable and constitutional basis.— Now this, I take it, was nothing but a stratagem in order to split the Canadians, who have now one soul and one voice, entirely opposed to the union, into parties. With the result of that meeting, the public papers have made us acquainted (and a milk and water result it is;) the principal, or rather the only, speakers were Mr. Walker, who moved the resolutions, Mr. Coltman, and Mr. Bouchette. With regard to Mr. W. as we all know that, however estimable his private character may be, he was, in this instance, merely the organ of his principal, Mr. Richardson, there is no necessity for saying any thing. As to Mr. Coltman, his character is well known; he is a known intriguer for places and commissions, and he has been more exposed since his appointment by Sir John Sherbrooke as commissioner for Indian territories, to examine into the occurrences which had produced the disputes between the North West and Hudson's Bay companies: I will only call to your personal recollection, Mr. Editor, *the impartiality* with which he executed his commission, in the very face of the oath he took, when he allowed an Indian, who would have been a de-

cisive witness against one of the North West partners, upon his trial for murder, to escape,* this is only one matter, I rescue from the oblivion into which those concerns are fast hastening, as a partial proof that the support of such characters can do no credit to the party they espouse. Mr. Bouchette, though a Canadian, is under heavy pecuniary obligations to the party which he has joined, and, though he may be sincere, they laugh at him in their sleeves.

Thus you see the causes whence these three heroes have become strong unionists; but I leave it for you to explain whence it is that the Englishmen who have allowed themselves to be nominated on the committee, have fallen into the snare which the Scotch faction have laid for them. † To pass, however, to another subject.

The city and district of Quebec, are impressed with general dissatisfaction, at the appointment of a son of the chief justice, who is literally beardless, as sheriff of this district; a very lucrative office. You no doubt know, that under the tyrant Craig, several loyal and respectable citizens, such, for instance, as Mr. Tachereau, and Mr. Bedard, at present judge at Three Rivers, were imprisoned, most wantonly and unjustly, as appeared in the sequel, by warrant of the chief justice, in the

*I beg to set my correspondent right in this particular. — The Indian in question, *Fils de perdrix*, was brought down by Mr. Coltman, as a witness, he, having been present at the murder, and the faith of government, as well as Mr. C.'s private word, was pledged to the Indian, (whose attendance was of course voluntary, no compulsory process of law being serviceable upon him, as being one of an Indian nation, allies, not subjects of England,) that no harm should happen to him. But in the course of the proceedings that followed, the attorney general thought proper to include this Indian in the bill of indictment, as accessory to the murder, and wanted him to be put upon his trial; hence, Mr. Coltman, very properly, redeemed his pledge, and the faith of government, by procuring him to be sent back to his country, thro' the North West Company. If justice suffered hereby, it was the attorney general's fault, not Mr. Coltman's. I do not, however, pretend to defend or justify, the rest of his conduct in the prosecution of that commission. L. L. M.

†I certainly was surprised to see the names of two or three Englishmen, amongst the committee in favour of the union: one in particular, a gentleman whom I had the pleasure of knowing in London, where his character and opinions, were noted for their liberality, and the honest warmth with which he espoused the cause of freedom, and detested all oppression and coercion. J. L. M.

common goal of this city. Let us suppose the chief justice to follow the same arbitrary conduct at some other epoch (perhaps one not very distant) and cause the faithful and loyal Canadian subjects of His Majesty, who may have the courage to fulfil their duties to their country with independence and boldness, to be thrown into fetters, upon suspicion of treason, or allegations of sedition; would he not now have it in his power to have them tried by a *packed jury* to be selected by his son, and afterwards execute, by that very son in his quality as sheriff? It is a monstrous and dangerous appointment, one ominous and pregnant with evil. The lives and properties of the inhabitants of this district are put in jeopardy by it, and we are all thereby exposed to be the victims of the caprice, of the hatred, and of the vindictiveness, of the chief justice, qualities which I believe, it will not be denied that he possesses his full share of; and have we not the warning voice ringing in our ears when we reflect on the execrable conduct which he pursued during the time of that despot Craig? All the world agree that if Lord Dalhousie had but seriously reflected upon the consequences, and indeed the unconstitutionality, of this appointment, he would never have made it. I am given to understand that a petition is about to be presented to his Excellency by the inhabitants of the city and district of Quebec, praying him to give some other place to young Sewell (if he must have one), and bestow that of sheriff upon a person, who is not only one of more years, weight, and responsibility, but also one who is not under the influence of the chief justice, who, it is on all hands acknowledged, has already both too much power, and has proved himself too willing to abuse it.

I must defer till my next what I have further to say and remain yours,

CONSISTENCY

A note on this subject deferred till next number for want of room.

One of the Montreal papers has lately ostentatiously announced that 250 names are already annexed to the Unionist petition; on the 2d Dec. there were 1572 signatures to the anti-unionist petition of the district of London, in Upper Canada, from one section only of the district, and about 2000 more were expected to be added in the course of a fortnight. It would give spirit to the cause, were the numbers to each petition regularly announced.

L. L. M.

The letter from *St. Eriole, Côte de Beaupré*, is under consideration; it appears rather too personal; but a private letter will be sent to the writer on the subject.