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THE SCRIBBLER.

Vol. II.] MONTREAL, THURSDAY, 17th Oct. 1822. [No. 68.

Saul, Saul! why persecutest thou me?

Tantene animis caelestibus ira? VIRGIL.

Dwell strife and rage in such celestial minds?

Latus sum laudari a te laudato viro. CICERO.

By *honourables* to be quoted
Must honour give, to him who wrote it.

Possum oblivisci qui fuerim? Non sentire qui sim. CICERO.

Is it possible to forget what I was, whilst I feel what I am.

That I may not only redeem the pledge I have given, but that it may appear also that I give my adversaries fair play, I print in a prominent place the following heroical epistle.

Montreal, Sept 19, 1822.

LEWIS LUKE MACCULLOH, Esq.

I have waited a considerable time in hopes that some abler writer than myself, would, at least, break the ice; after which, you know, it is an easy matter to find water. But as no one has yet dared to break a lance as you proposed, I shall (and perhaps with a pretty well pointed lance too,) venture in combat with you; at the same time, however, expecting that nothing contrary to the laws of chivalry, shall contravene in anywise the controversy.

“Then open be our fight, and bold each blow;
I steal no conquest from a noble foe.”

Being well acquainted with the principles, upon

which the news-papers, in this town, are conducted, I concluded it needless for me to trouble them, with my present remarks ; therefore I address myself to you, the mighty author of the cento ; yes, and

My indignation swells ! where shall I smite ?
 Where aim the thrust ? Where pierce the caitiff wight ?
 O mighty muse ! vouchsafe thy potent arm,
 To strike at folly in her magic charm.
 Aim, aim thy stab, towards that festering heart,
 And pierce it with a satire-pointed dart.
 Wound deep, extract the deadly poisonous core,
 And then, prescribe a balsam for the sore.
 Oh ! where is reason ? weak, perverted, gone,—
 Which once th' unerring guide of mortals shone,
 Why sense, for nonsense, deem'd a fit exchange,
 And Scribblers suffer'd uncontrol'd to range ;
 Poisoning, with vice and venom youth and age,
 To ease the swelling of a vaunted rage ?
 See the bold egotist, array'd in pride,
 Extol himself, and modest worth deride :—
 And hear the arrant puppy, loud proclaim,
 “ Among posterity shall bloom my fame,
 And on her pillars, stand engraved my name. }
 For men, obscene as Voltaire, long have stood,
 And braved, of critics, an unnumber'd flood !
 Then, shall not I, tho' in more modern times,
 Be honour'd for my foul and filthy rhymes ?
 When days are changed—Ah ! surely shall they find.
 Some readers of a pure unjaundiced mind :—
 But cursed ambition, paltry pride, and pelf,
 Reject me now like some deluded elf.”
 Thus, with insipid logic, he contends,—
 And thus his noisome quackery defends.
 But stop, degenerate man, and bid adieu,
 To such vain hopes,—hopes that but mock the view !
 Curb thy ambition, lest it swell too high,
 Then leave thee in despair—to weep—to sigh—
 E'er, now, methinks, thy conscience smites thy breast,
 Embittering every hour assign'd to rest ;
 And whispering ghostly terrors in thine ear—
 Tho' thou dost scorn her friendly voice to hear.
 But Scribbler, pedant, or whate'er thy name,
 Obscurity shall drown thy luckless fame :—
 Soon shalt thou, and thy work in darkness be forgot.
 Thy life esteem'd a blank, thyself on man, a blot.

Thus much may suffice for the present, and should you insert this, according to your promise made in a late number of the Scribbler, any thing that may be wanting to demonstrate its veracity you may be favoured with on due application to

Your humble servant,

SAUL SAGACITY.

As my muse, which is not the muse of tragedy, is not in a *stabbing* humour to-day, I will content myself for the present with parrying Mr. Sagacity's attack, by quoting from Pope :

“ Blockheads with reason wicked wits abhor,
But wit with wit is barbarous civil war.”

Turning over the numerous pieces which my esteemed and ingenious correspondents have submitted to my consideration, and in the greatest uncertainty which to insert first, I could not help taking up Donald M'Dabble's law-report three or four times, and sighing at its length, laying it down as often ; at last, notwithstanding there are many that in point of priority, and of temporary interest, ought to have precedence, yet my itching fingers constantly recurred to that humorous production ; so, conscious I should never get it in, if I did not begin upon it in the early part of a number, *la voici*.

Spectatum admissi, risum teneatis amici.

Nay, good my friends,
Take care you do not split your well-lined sides,
With laughter, nor with anger.

CASE.

This was a case of Babblement and Squabblement, and was tried by Chief Mandarin Publicus, and a special jury.

Plaintiffs. Parson Plump, Toby Tough, Candour Kale, and Haundy Said.

Defendants. Parson Moral Police, and Parson Nihil.

The case was ably argued for the plaintiffs by lawyers Keene and Slowsure; for defendants, lawyers Gabble and Noisy

Lawer Slowsure. "My lord, this is the most important case which was ever submitted to the consideration of any judge or any jury, from the days of the emperor Ho-Whang to the present time; and I can assure your lordship that there is not a lawyer whose nails or head are long enough, to measure its enormity. I swear, by Con-fut-tse, that had Goddamnhim, or any other gentleman of that stamp, met with such rough handling as my clients, he would either have burst asunder, or have had satisfaction—Blood, I say—blood——"

Here *Parson Nihil* requested permission to speak a word, which was granted. "My lord, my case is rather different from the other defendant. I know I have done wrong, very wrong indeed; but I am nothing at all, at all; as is my name, so am I; never worse, I hope, except in this instance, than a chip in brose." *Court.* "Is that truly the case?" *Keene.* "He is not always just so innocent as he now appears." *Court.* "Nihil, what do you want?" *Nihil.* "To withdraw my plea, if the court and plaintiffs please." (Much consultation.) *Court.* "The plaintiffs consent, but the court must mark such misconduct with disapprobation; you, Parson Nihil, must not only prostrate yourself, as the law commands, three times, but also one inch of your nails must be cut off, etc. Now go on."

Slowsure. "My lord, your indulgence to the other defendant, is honourable to the court and plaintiffs; but I hope the court will make this defendant also cry *mea culpa*, before it has done with

him. The counts in the declaration are several, but the matter of thirty-nine and a half sheets of foolscap may be brought before the jury in a few words, namely: The defendant is accused of Babblement and Squabblement for twelve months past, and even longer, and of depriving the plaintiffs, for a much longer time, of the free use of both tongues and judgment. Now, gentlemen of the jury, you know the evil of babblement so well, and have experienced it so often, that I shall say nothing upon it, nor are you ignorant that every man has a right to think and act for himself. What will you then think of the arrogance of this defendant, who has not only been guilty of such misconduct, but has also the effrontery to plead in its justification. In his plea, he admits the facts, and sets forth a justification "

Moral Police. "I admit the charge, and am ready to justify. I shall not act like Nihil I am no chip in brose, but a man of weight in my own country." *Court.* "Well, well, you shall be heard by your counsel, and if you prove your conduct, (for you admit the fact of the crime laid in the declaration,) to be correct, no doubt you can prove that the moon is made of green cheese, or that it is a large paper snuff-box, out of which Sawny Macgregor takes his sneeshin.!"

Here *lawyer Gabble* began, and continued for some time. *Ebenezer Longface* one of the jury, told him he spoke so fast that they could not hear him. *Lawyer Noisy* then stood up, and said his lungs were good, and he would speak low enough; but after he had been at it for some time, the jury declared they could not hear him, he spoke so loud. Then *Moral Police* himself said, he only wanted the aid of his two learned friends to assist him in opening knotty matters of law, and

that he would plead his own cause. He then proceeded.

“I shall support my defence by arguments older than the reign of the present dynasty, and which are still held to be as good now as in former times. Imprimis—Few men can think—the plaintiffs can not, but I can—ergo—I have a right to think for them. Many men are born with saddles on their backs—these men were so born—and I am a most admirable jockey—ergo—I have a right to ride them.—These men were not born with a silver spoon in their mouths—but I was—ergo—these men can not talk without thinking—but I can—ergo—these men can not act without weighing consequences—ergo—these men can attend only to five irons in the fire at once—but I can attend to fifty—ergo—these men can not say much in a few words—but I can say little in many words—ergo—they are slow both in thought and speech—but I can think and speak with the velocity of lightning—ergo—upon the whole, as to this point I say, that, to what I say, they must not say nay, but yea. And as to the right of private judgment that is claimed by the plaintiffs, it is quite a modern invention, and I have, and none but I, *jure divino*, a right to judge for them, for they are not qualified to judge for themselves. And if they can not judge for themselves, they can not act for themselves—ergo—I have an undoubted right to act for them. However, as I am of a most conciliating disposition, I am willing to admit that, if they do just as I please, then (and only then.) they shall have the government of their own conduct. Having thus briefly stated the true nature and grounds of my defence, I beg leave to illustrate the several parts, and support the whole, from our books.” He then went on until the watchman, Gawky Ham-

merclock, with the yellow buckles, and three-cock'd hat, had struck his bell the nine and thirtieth time, when the defendant, having tired himself, the court, and jury, sat down.

Lawyer Keene then addressed the jury. "The defence set up by the defendant is the most extraordinary that has been ever heard of even in a court of Babblement itself. It goes to defend conduct which is *contra lex Deos, lex Rationas, lex Humanos*. He also assumes what ought to be proved. He says my clients can not think, and that he can—that is, he has brains, and they have no brains. I am happy, gentlemen, that you have *Dr. Slay* among you. He will shew you, *a posteriori*, that from the conformation and capacity of the *os frontis*, and *os parietal*, and the other containing parts, that, at all events, there is sufficient room for brains in the head of *Parson Plump*, and I think it will puzzle the defendant to prove, that *he* has no brains, or that his brains are in his belly. The other plaintiffs are entitled to the full benefit of these remarks, with very little abatement: and I can assure the court that what *Tough*, *Kale*, and *Haundy Said* want in brains, they more than supply by zeal, prudence, and perseverance. I saw the indignation which you felt when defendant said that these highly respectable gentlemen were born with saddles on their backs. I pray the court that they be examined, and if there is found upon them one pound extra of pig's skin or flesh, I will give up the point. *Dr. Chair* will assist you in this examination. But, admitting that they have saddles on their backs, (I reason hypothetically,) where is the proof that *he* (the defendant) was born to ride any but pig, or goat, or donkey in human shape, and these are wise men, not pigs, nor goats, nor donkies. But as my clients are

to be subjected to anatomical examination, I move that his mouth be examined, and we shall see whether he has the true and very marks of a silver spoon upon it, or about it. As to talk, you are good judges from what you have heard in court: he can talk a mile, while they are talking over a pole or a perch; but let their discourse be examined, and you will find that one foot of theirs is worth a thousand of his. Nor do they act without consideration. *Est modus in rebus* is their motto; they deliberate before they act. He boasts of his managing fifty irons in the fire; now his is more than the famous blacksmith Carmichael Edge is capable of doing. They declare most positively that three irons are as many as they can work at the proper heat, and I guess some of his are a burning and none of them are well wrought; and they instruct me to turn the tables upon him, and to say, that so far from being qualified to act for them, he is not qualified to manage his own affairs. We therefore pray the verdict of guilty against the defendant."

The jury consult without leaving the box.

Abel Clearhead, foreman. "My lord, we pray that the plaintiffs be examined whether they have saddles on their backs." They were examined accordingly, and found without any thing that could be proved to be a saddle. In fact the examination was proposed to come at Parson Plump with a good grace, whose look was rather suspicious; however nothing was found but a certain quantum of Canada beef, changed, as Dr. Slay observed, by a certain process, into human flesh.

The jury immediately brought in a verdict against the defendant.

Lawyer Slowsure. "My lord, we pray the judgment." Here he was interrupted by *Gabble* and *Noisy*, who objected to judgment being pro-

nounced instanter, which might prevent any accommodation between the parties, which, by the rules, may be done before, but not after, judgment. *Court.* "Gentlemen, in some cases the delay of justice, operates as injustice. As this case has been in process for at least two years or more, none of the parties can be taken by surprise, and *fiat justitia, et ruat cælum.*"

Sentence. "The parties have been heard, and the mind of the Court is made up. You, Mr. Moral Police, have been found guilty, upon your own plea, in the case of Babblement and Squabblement, (which said plea very much aggravates,) which are heinous offences, tending very much to disturb the peace and good order of society, and the Court is sorry to say you do not appear truly penitent; our sentence therefore is, that you make due acknowledgement in open court to the parties, plaintiffs in this cause, with your body humbly bent forward, and one hand holding up your breeches, and the other placed upon the *os frontis* of your cranium, and in the words following, to wit: I, Moral Police, humbly acknowledge that I have been guilty of Babblement and Squabblement, at sundry times, and on various occasions, and thereby have done more harm, than, I fear, I shall ever do good, and hope that Parson Plump, Toby Tough, Candour Kale, and Haundy Said, will forgive me, and I promise to be as quiet as a sucking chicken in future, and all the days of my life. And further, the Court adjudges, that you be silent for seven years, allowing you only to talk as much each day as will keep you from bursting through the abundance of matter with which you are continually filling; and the Court conceive that twenty-five hours each day will be quite sufficient to keep you from overflowing: the Court also adjudge you to find

security for the good behaviour of your unruly member for the aforesaid term of seven years ; and you are also condemned in costs.

Adjourned *sine die*.

Montreal, 17th Sept.

DEAR SCRIBBLER,

Look out for an increase of subscribers, and better pay from those you have already. The Scribbler, as a book of legal authority, is in high repute, so much so, that the Honourable Mr. Dearfool, president of the dozing-club, and squib-maker to His Majesty, cited it on the bench the other day in the inferior term. What gave rise to the honour thus done to you was this. Mr. Bridport, who had been admitted an advocate at Quebec, where he had been proclaimed, and his commission registered, which authorises him to practice in any of His Majesty's courts in this province, conceived, (and in my opinion justly too) that there was no necessity for his going through the same formality here, to which, moreover his modesty formed another strong objection. But the justice's opinion was very different on this subject, and was enforced by the following verbatim address. "*Monsieur Bridport, pourquoi est ce que vous ne m'avez pas montré votre commission, c'est bien indecent : C'est bien vrai ce que dit le Scribeur : il y a une bande d'avocats qu'on ne connoit pas, de gens de cuisine.*" I assure you it was a mortifying thump for the poor little lawyer, who squeezed himself into a smaller compass than ever. Notwithstanding, however, this dictum from the bench, I, Mr. Scribbler, who am a limb of the law, and may have one day to go through the same ceremony, together with some of my fellow-students, are not satisfied with it, and do not think that, if we are admitted by our

commissions to practice in any of the courts in this province, we are bound to comply with the whims of every one who has the privilege of dozing on His Majesty's bench, and we wish to have the question stated in print, with your opinion, (since you are now of such weight in our courts) upon it, which is waited for with much impatience, by several besides,

Yours, &c.

TRISTRAM.

Per curiam Scribleri. There is no doubt that the justice is right in his decision ; and that upon the grounds following, viz : That a commission being in the nature of letters *patent*, can not take effect unless it be *patent*, that is, open, or laid open before the courts to which it has reference ; that can only be done by production in court, for how are the judges on the bench, whether they wear spectacles or not, to discover from a man's face whether he has a commission to practice as a lawyer in his pocket. It has indeed been said that a brazen countenance is so immediately the consequence of a man's putting on the silk gown, that every lawyer carries his commission in his face, but this is an *argumentum ad hominem* which is never admitted *coram judice* ; and as to the proclamation at Quebec, however long the ears of the judges may be, they could not hear so far ; whilst the insertion in the newspapers of the names of those gentlemen who are admitted to practice at the bar, is equally nothing to the purpose, for judges, no more than other people are bound to read the papers, (the Scribbler always excepted,) nor if they do read them, are they bound to believe all they read, which heaven in its mercy forbid should ever be the case.

Wherefore let the said decision of the honourable judge be confirmed. Witness ourselves, this 17th day of October, in the second year of our reign.

L. L. M.

Chamblee Ville, 30th Sept.

MR. MACCULLOH,

I am under the necessity of reporting to you a lady of this place, on account of the too frequent repetition of that very graceful practice of ladies fighting both with sticks and fists, nay even encouraging it in their families. I have already written six pages on the family-genealogy of this lady, but defer sending you my manuscript in the hopes of her amendment. This select piece of biography is to be embellished with four plates well executed by a Yorkshire-man in this place, who requests that you will recommend him to your ingenious correspondents, as a person capable of engraving in the best style, and at the shortest notice.

The first plate will represent Mr. R. making his first bow to the grocery-woman and her daughter, (afterwards Mrs. R.) the mother pointing to her daughter's family-arms, and remarking that although she herself was of a low origin, her child is the grand-daughter of Lord ———, whose name will appear in its proper place.

The second will display a scene in the village, in which Mrs. R. handles a stick with as much agility apparently as an Irishman. This was taken from the life, and from the attitude she stood in opposite her own door, when she gave a complete threshing to her husband's assistant.

The scene of the third plate will be laid in the street, opposite Mr. R.'s door, on a Sunday afternoon. Mrs. R. sallying out of her house, and attempting to rescue a prisoner from two constables, whilst, if it had not been for the vigilance and prowess of three or four magistrates, she would have succeeded, and have borne away her prize.

So much for this time from your's,

VERITAS.

— *Leporis sapiens sectabitur armos.*

HORACE.

'Tis thus a *bare* with science is cut up.

MR. SCRIBBLER,

From your desiring in a late number to hear again from me, I am induced to believe you would wish to see my worthy friends, the all important Commissary Tailor of Government-City, and the celebrated Mr. Commissary Coachee of Mount-Royal, again making a figure in your annals of fame, an object, I have no doubt equally desired by themselves. By a late arrangement at home, it is understood that a piece of *Ordnance* is about to be conveyed to this country, for the express purpose of blowing these worthies to the devil. The former is much in the dumps on the occasion, partly from his not having been able to treat his stomach to another supply of cabbage since he was compelled to disgorge the last, but more particularly as he fears the shortness of the notice may prevent his providing himself with a supply for the occasion. As to what regards Mr. Coachee, he is not expected to be much discomposed by the arrangement, having long ago driven himself out at *elbows*, which you know, Mr. Scribbler, is a fair way to the *devil*, and therefore the worst that this wonderful piece of ordnance can do to him, is to send him there a little before his time.

Your's,

NOBODY.

Hitherto I have only been a Spectator ;
Tout au contraire, I shall now be a Tatler.

Montreal, Sept. 18.

MR. SCRIBBLER,

Pro re pauca loquar.

VIRGIL.

When I reflect on the many causes which naturally are productive of vanity in the human

mind, I am almost tempted to forego my present purpose; yet when a senior scans over his almost now oblivious actions, and finds so great a portion of them may be attributed to vanity, he becomes sensible of the penalties to which those are exposed who are unfortunately over-tinctured with that "*omniregens pestis*." Therefore not only from fellow-feeling but also from *a fear of certain presentiments becoming validated*,* I would advise, in the following letter, a personage in Quebec, not to deviate from that sedateness expected in a man of his age, and to stick more closely to his avocations in life as a store-keeper, from which scribbling must necessarily draw his attention.

To my old friend B——,

My dear Sir—Had you ever been qualified by a common grammatical education, you might perhaps be justified in writing a line to a correspondent, but when you are not perfectly able to write your own name, I really am of opinion that you would act much better, if you would pay a little more attention to your store. If I had not other means of information to know who *VIS* and who *VIM* is, (two names, by the bye, not at all calculated for either of you,) yet old men are garrulous by nature, and young ones from thoughtlessness, and where the vanity of being known as a "correspondent of the Scribbler," intrudes itself, then the garrulity of both is greater. Pray keep in memory that those who meddle with edge-tools and know not how to use them, are very likely to cut their fingers. Yes, my old friend, it behoves you and I to sit quiet, and like the Gods in Homer, rather "weigh the

* Though I do not comprehend the meaning of this phrase, as my correspondent has underlined it, I presume both that he understands himself, and that those he points at will likewise understand it.

fate of battles, and leave the tented field," to Tom Brown, Junius, etc. As for your young friend here, believe me he is not to be trusted; and though he may possess a knowledge, in its kind, of the *ars scribendi*, and that the tyro can sometimes figure as a poet, I would advise him also to dread the lash of a superior. Now, my dear sir, I will conclude by warning you that should you again select such "noble game" for exhibiting the art of vamping which you conceive your young friend in the blue frock possesses, your vanity shall be gratified by being more fully exposed by

VERITAS.

I have long promised myself and my readers the gratification of inserting the following poem by my esteemed contributor from Port Talbot, which I have hitherto delayed as I did not wish to dismember it, but not being able to spare room for it all at once, rather that put it longer off, I shall print part in this, and part in next week's number.

L. L. M.

FOR THE SCRIBBLER.

THE NEGRO'S SOLILOQUY.

Dark o'er the earth the sable shades of night
 Descend, and close the quick retiring day,
 That scarcely lingers on the verge of heaven,
 And crimsoning, purpling, fading, faints away.

Sleep comes, on downy wings, the world to lay,
 From labour freed, upon the bed of rest,
 To cheer, to renovate, the toil-worn arm,
 And whisper comfort to the wounded breast.

But not to me, he comfort brings, nor peace,
 Nor seals my eye-lids with his opiate wand;
 My groaning soul abhors his choicest gifts,
 And spurns the soothing favours of his hand.

Me, abject slave! subject to beastly rule:
 An outcast from the family of man,

And doom'd to tremble at a despot's frown
 And blows to bear as much as nature can.

Beneath the inky canopy of night,
 I'll hide my face, distorted with despair,
 Where scorning eyes shall not behold my tears,
 Nor mock my sufferings with insulting stare.

I'll pour my sorrows on night's vacant ear ;
 My groans shall answer to the hooting owl ;
 The savage beasts will pity while they hear
 My gloomy dirge, and in compassion howl.

Full twenty years, told by my cruel scars,
 Slavery's curst yoke has gall'd my shoulders sore ;
 The lash has smack'd upon my twinging flesh ;
 All which in sullen fortitude I bore.

(To be continued.)

A quarterly collection being now in progress, early and punctual payment is most respectfully solicited from the subscribers to the Scribbler, as the Editor has been put to considerable additional expense by the interdict laid on the distribution of his work through the Post-office, which Mr. Sutherland has not yet thought proper to remove. To his subscribers at a distance, he has to apologize for the delay and interruption, and if they have had to pay any extra expense of carriage upon the Scribbler since that stoppage took place, they will please deduct it from their subscriptions, as the Editor, however ill he can afford it, is determined to keep his sword, and that the public shall not suffer by the misconduct and bad faith of the deputy post-master general.

Gentlemen who are in arrear for six months are warned that if they do not pay up, on or before the 22d instant, their names in full will be published in the BLACK LIST in the Scribbler of the 31st. This notice likewise applies to those who have received the Scribbler, and without objecting to their being sent, have refused either to return them, or to pay the money for them.

VAN ZOOCHEN is received and may perhaps be made use of. Either the persons alluded to in M.'s note, under the head of *Uncle Toby*, are not understood, or he must be mistaken as to them : a further explanation is therefore necessary ; the other part of his information will be noticed in the *Domestic Intelligencer*. The account of LADY VICEROY'S drawing room, and Mr. PHILLIPS' concert, with other matters, are unavoidably postponed.