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THE FREE PRESS.

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Prætorquere injuriæ prius collum, quam ad vos pervenial.
PLAUTUS.

Break the neck of oppression and injustice before they reach you.

PROMINENT PARTS OF THE DEBATES OF THE HOUSE OF ASSEMBLY OF UPPER CANADA, RESPECTING

THE UNION.....Continued.

Mr. Baldwin, took occasion in reply to what had been predicted, that the day would come when these provinces would be separated from the parent-state, to say that he would not dare to contemplate such a subject, but he would say that *if any thing was calculated to effect such a disastrous change, it was the present measure, as it was sufficient to break up all confidence in the people, hurry them into rash measures, and EXPEDITE A RUPTURE BY HALF A CENTURY.*

Mr. A. M'Lean's observations, though luminous and weighty, merely had relation to the relative situation in which Upper Canada would be placed, with respect to her revenue, by the contemplated union. In contradiction of the assertion that had been made, that Upper Canada had been taxed by Lower Canada, he denied that they had ever been taxed by the Lower province, without their consent. Lower Canada having, *by agreement*, been allowed to impose duties at the port of Quebec, a portion of which had been received by Upper Canada till recently, they had, in fact, taxed themselves. It was his opinion too, that, were the union to take place, as at present projected, of the legislatures only, it would be found so incomplete a measure that an union of the Executives must certainly follow, which would entail other consequences, not yet at all considered. Mr. M'Lean, in conclusion, moved a set of resolutions against the union.

To Mr. John Wilson's speech it is impossible to do justice in the limited space I must assign to these extracts. Speaking of the trade-act, which he characterised as a wise and salutary measure, he stated that "fault was found with it, not because the ends of justice could not be obtained, but because there was a party in the Lower province, whose ambition led them to hope that those unfounded complaints would enable them, by

the proposed union, to subjugate the liberties of their country.”

“The arguments advanced by some gentlemen, that an union would be the means of excluding American produce from Lower Canada was a lure. What benefit could be derived from such exclusion? Were not all the British West India Islands to be supplied from the same quarter? and would it not be better for both provinces to admit the produce of that country thro’ our waters, whereby we should be benefited by the receipts for duties and transportation, than to allow it to go direct from the United States? Such an argument betrayed the weakness of the unionists, and was only advanced to gull the ignorant.”

“If an union took place would the merchants of Upper Canada buy or sell goods cheaper than they now do? There would be no reduction of prices, and the extortions complained of as practiced by the Montreal merchants would be continued. It was out of the power of the united legislature to protect those who were in debt to the faction below; prices could not be directed by the will of a legislature.”—

“What legislature ever meddled with those matters? The Montréal junto wanted a monopoly of power as well as of commerce. In order to effect their object, they at one time held forth visionary prospects of aggrandisement to Upper Canada, and at another, aspersed them by asserting that the measure was necessary to prevent them from joining the United States—failing in these attempts, they turned about, and, like the viper in the fable which stung the person who cherished it, invite us to unite with them in destroying the anti-commercial, and anti-British spirit of the French Canadians! Nothing, in his opinion, could check the ambitious views of that junto, but an avowed determination to resist their foul and unnatural proceedings: for their object was not confined to the degradation of the French Canadians; it took a wider range, it aimed at the liberties of the people of Upper-Canada, as well as those of Lower Canada, and if their progress was not checked, the hopes, the happiness, and the liberties of both provinces, would sink together into one grave.”

“He had heard many unbecoming observations made against the French Canadians, in the house, and out of the house. It was said they were a conquered race; that they did not know how to enjoy British liberty; that they would, when opportunity served, unite with Old France, and throw off their allegiance to Great Britain.— This kind of language was not dignified, it was offensive, unjust, and unmerited, and should be reprobated by every well-wisher to the peace and harmony of these provinces: they were certainly a conquered people, but was there any disgrace in that? Had not England been conquered more than once? Had not the greatest and most enlightened empires of the universe been overthrown and trampled upon by a race of men, whose information

and actions corresponded with the savages of the present age? The French Canadians had been conquered, and they submitted, as good and faithful subjects, to the conquerors. They had proved their attachment to Great Britain at all times, and upon all occasions; they were seen in our fleets and armies during the late war, and in the still more destructive employment of transportation, suffering cold, hunger, and fatigue, hundreds of them had perished. Were not their achievements and their loyalty acknowledged and enrolled in the archives of the British government? Was it right, was it just, was it honourable, to make use of language so insulting to, and unmerited by, the Lower Canadians? No, such foul charges spring from a base and degenerate spirit, and deserved the reprobation of every individual. In his opinion, the great and only crime, that these brave men had been guilty of in the eyes of their enemies, was, their fond attachment to their king, and their determination to uphold the blessings of the British constitution, in despite of the menaces and allurements of faction."

"It appeared to him that the whole of this ill-timed measure took its rise from those few subjects from Great Britain, settled in Lower Canada, who, having engrossed the trade of both countries, had grown rich, ambitious, and saucy, and felt annoyed by the French laws and usages; and would be satisfied with nothing short of ruining the Upper-Canadians, by making tools of them to crush those people, who were as much entitled to their rights as we were to ours. The British population had no right to complain of French laws and French usages, they knew they were in existence when they arrived in the country, and, after approving of them by a residence of thirty years, they had no right to murmur.

Mr. Wilson then argued that the House of Assembly, not having the power to alter the constitution, had no right to intermeddle in the question, and quoted Ward on the law of nations, Grotius, and Vattel, in support of the several opinions he maintained.

"Precedents were not wanting to prove the evil of such an union. If they turned their eyes to Ireland for a moment, they might discover the effects it had on that country; the people grievously oppressed, the country abandoned by the gentry, and the money wrung from the sweat of poverty carried to foreign countries, and lavished in dissipation. The people of that beautiful but unhappy portion of Europe, were, by the union, reduced to famine, by famine they were driven to desperation, and by desperation they were driven to acts of violence, robbery and murder, which shocked the feelings of humanity. The inhabitants of Ireland were now bewailing her deplorable situation, and to add to her misfortunes, she is also torn by religious dissension. And who could assure him that

these provinces, now so happy, might not be subjected to the same trials? They were composed of the same materials, subject to the same passions, and liable to the same calamities; and if the sievebrand of discord was once thrown into the pile, then adieu, for ever, to sweet peace and growing hope. Were they, as men feeling an interest for the peace and happiness of the colony, to give up a certain good, and run the hazard of trying the dreadful experiment of a change which might bring calamity upon the province? He hoped not, let them act with moderation and caution let another parliament have the opportunity of revolving this mighty question. Who was there that was prepared to bear the heavy responsibility that would attach to him by supporting a measure that was *reprobated by nineteen twentieths of the people below, and by nine tenths of the people here* He confessed he was not the man; he dared not, as a christian and a faithful subject of His Majesty support the measure; and he must therefore vote against the resolution

In an extract I have before given from Mr. Hagerman's speech, the certain future disruption between the Canadas and the metropolitan state is predicted, and another part of it bearing the same stamp is, where he said that, unless the House of Assembly of Lower Canada changed its complexion "one of two expedients would be resorted to, either that the constitution given us would be taken away,* or, by withdrawing all support from us, we should be left to govern and support our-

* *This is a counterpart of the same threat which Mr. Hagerman held out on a former occasion, (see No. 7.) It can not be too strongly urged, nor too often repeated that the Imperial Parliament of England have neither the right nor the power, to take away our constitution. What is once granted on the one hand, and accepted on the other, can not be taken away by any right. This proposition is as self-evident and undeniable, as it is universally acknowledged by all writers; and as to the power - Power in contradistinction to right, means physical power, though when standing alone it likewise means right, blended with the capability of enforcing that right. Now I grant that the Imperial Parliament have it in their power (their right I always deny,) to pass acts altering or abrogating our constitution; but have they the means of enforcing those acts? have they the power of coercing half a million of people? Let them look to it. I say, no; if both the Canadas are true to themselves. It is time to look at these things, since so many bruits sours are afloat of the determination of ministry to carry the question of the union through parliament, with a high hand. I can not give credit to such rumours, I believe them the creation of the party who wish it. I give to parliament the credit of greater wisdom, and to ministers, especially to Mr. Canning, the credit*

selves in the best manner we could. The latter he was far from thinking an impossible event; it had been spoken of more than once, and no reasonable man could look to it without dread; * for in such case we must either yield to Lower Canada, or (what by some would be considered far less exceptionable,) *unite ourselves with our neighbours on the other side o. the lake.*"

In another part of Mr. Hagerman's speech in reply to what had been said in denial of the anti-commercial spirit of the people of Lower Canada, "he would only ask to look at the speeches of the persons in Lower Canada, opposed to the union, who emphatically styled themselves *the lords of the soil*, and see with what contempt they spoke of the merchants of the country, to whom it owed all its wealth and prosperity; no, those gentlemen would be glad to maintain their feudal system, so repugnant to commercial spirit."

I have quoted this passage in order to expose the numerous fallacies that are comprehended in a few short sentences. I am not aware that the expression "lords of the soil" has occurred in the speeches of any of the constitutionalists, but, if it had, it would in one sense have been correct. Who are, or ought to be the lords of the soil, save the descendants of the original planters, or those who derive titles from them? but they do not want to encroach upon the rights of others, they do not want to extend their domains beyond the prescribed bounds, they seek not to add the ungranted lands to their possessions, they do not, like the Scotch intruders, who want to push them from their stools, desire to grasp at granted and ungranted lands, and turn the original proprietors into helots and slaves, to work for a distant lord, spending his wealth, got by the yard

of greater equity, as well as foresight, than that they should adopt a measure fraught with such direful consequences. But, if they entertain the thought, I say again: LET THEM LOOK TO IT. And this leads me to another note:

* *Although it would be with awe and dread, I should look to a contest with the metropolitan state, a contingency most devoutly to be deprecated, and sincerely deplored, it would not be with any despondency, either as to the means possessed by Canada of resistance, or as to the ultimate result, whatever the miseries, the havock, the privations that would be suffered in the interim. But, as to the case put by Mr. H. that of Great Britain merely withdrawing her support from us, and leaving us to govern and support ourselves in the best manner we could; so far from considering that to be a situation for a reasonable man to dread, were we but in the middle of the nineteenth century, instead of being only just passed its commencement, I should consider it as "a consummation devoutly to be wished"*

and scales, in dissipation on the other side the Atlantic. That there should be always a collision and opposition between the landed and the mercantile interest in every state, is not wonderful. It is one of the causes that has conducted to the prosperity of England that both have had their weight, that both are heard, and respected, in the great council of the nation. There it may be right, from her insular situation, and naval habits, that the trading, should at least be an equipoise to the landed, interest; but here, essentially an agricultural, and only adscititiously a commercial, country, those who understand its true interests, will not suffer those of the trading part of the community to acquire any thing beyond the subordinate station they ought to take in the political economy of an immense and unimproved territory, with but one sea port. As to the contempt with which the merchants of the country are spoken, it is not because they are *merchants*, but because they are *not* merchants; they are merely dealers, chapmen, and shopkeepers. They are not "princes" like the merchants of Tyre, but pedlars, like the merchants of the land of cakes; and Mr. H. is essentially wrong in adding that the country owed all its wealth and prosperity to those merchants; the case is diametrically the reverse; it is to the country that those merchants owe *their* wealth and prosperity.

In another place Mr. H. asks whether when speaking of a faction, "it is meant to style such men as Ryland, or Richardson, or many others of the same class, members of a faction?" To this no answer was given; but I will answer that undoubtedly Mr. Richardson, (Mr. Ryland I know nothing of as the promoter, but only as a *partisan* of the union,) is not only a member of a faction, but the chief, the head, in fact, he is *the* faction himself; had it not been for him and his mercantile connections, the question of the union would not have been agitated.

(To be continued)

Preparatory to the general review I propose to take of the late session of the provincial parliament of Lower Canada, I had intended to have given an abstract both of the "Report of the special committee on the public accounts," and of Mr. A. Stuart's speech in the general committee on the state of the province, two documents that embrace so much of the important matter that has come under discussion in this session, that they are necessary to be kept in view for reference in such an historical sketch. The Finance-report, however, is so concisely explicit, as well as luminous in its details, propositions, and arrangement, that I have not found it capable of curtailment or abstract. I therefore preserve it entire. It is a state-paper that should be recorded for the guidance of future par-

liaments, who will be largely indebted to the zeal, intelligence, industry, and accuracy of the gentlemen who drew it up, Mr. Cuvillier and Mr. Heney.

Report of the special committee on the public accounts.

The special committee appointed to take into consideration the statements and accounts laid before the house on the 21st of January last, and also the statements and accounts laid before the house on the 27th of January last, and to report their observations thereon to the house, have, pursuant to the order of the house, considered the matter referred, and agreed to the following report, in part;

The attention of your committee was first called to the public provincial accounts, from the commencement of the constitution, on the 26th December 1792, to the year 1816, inclusively, furnished to the house in conformity with its address of the 10th January 1821.

These accounts exhibit various statements, shewing that the total amount of the expenditure, during that period, and for various services during the late American war, was

£ 1,474,007. 3. 6

And that the total amount of money levied in the province, during the aforesaid period, in virtue of provincial statutes, and of acts of the British parliament, exclusive of the sums raised under old acts of the British parliament, and which have been remitted to Great Britain, in compliance with the provisions of those acts, was

1,275,078, 0. 0

Shewing an excess of expenditure beyond the money raised, of

198,029. 3. 6

Your committee cannot, however, pass over this part of the subject without stating that, after such information as they have been able to collect from the list of warrants issued by the administration of the government of this province, to the receiver-general thereof, annually submitted to the legislature during that period, large sums of money were expended without any apparent authority, and for miscellaneous services, totally unconnected with the administration of justice, and the support of the civil government in this province. These sums form a very considerable item of expenditure, the precise amount of which your committee can not ascertain without much labour and research, which the ordinary duration of the session would not allow of.

This difficulty is augmented by the non-classification of the charges contained in the list of warrants, previous to 1818, and your committee would recommend that the proper officers be

required to lay before the house, as early as practicable, in the next session of the legislature, a classification of such expenditures, distinguishing such as have been incurred for the administration of justice and the support of the civil government, from that which has been incurred in virtue of the special and general appropriations of the legislature in order that the payments foreign to these purposes may be correctly ascertained. Your committee are enabled, however, to state, from a document laid before the house in the last session, that the sum expended alone for the pay and clothing of the militia, during the last war, beyond the appropriation of the legislature, was £ 196,376. 8. 8 and that the total amount of expenditure beyond the appropriations up to the 10th October 1820, amounted to £ 210,348. 18. 1.

Comprised also in the general statement of the expenditure, are pensions to a very considerable amount, the payment of which, according to Lord Dorchester's message to the house, of the 16th February 1795, was to be provided for by the empire at large.

After mature consideration of this branch of the order of reference, your committee are of opinion, that the sums raised in this province from 1792 to 1816 inclusively, have been sufficient to discharge the whole of the expenses stated to be for the administration of justice, and the support of the civil government, as well as the special and general appropriations of the legislature.

Your committee next proceeded to examine the statement of the amount appropriated and expended in virtue of laws of the province during the same period, and they find the same to be £ 799,461. 11. 0, which, deducted from the total amount raised upon the inhabitants of the province (£ 1,275, 978 0 0) would leave an apparent balance of £ 476,517. 0, 0 of unappropriated monies at the disposal of the legislature at the close of the year 1816, instead of the sum of £ 140,685. 19. 0 as established by the statement laid before the house. This difference arises from the amount raised under the act of 14 Geo. III. cap. 88, including His Majesty's casual and territorial revenues and fines and forfeitures, which, in the statements annually laid before the legislature, have been kept back, as not being at the disposal of the legislature.

(To be continued.)