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# THE FREE PRESS.

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*Imperaque legum potentiora quam hominum.* LXXV.

The empire of the laws, and of public opinion, is more powerful than that of the arbitrary will of men.

## ABSTRACT OF DEBATES IN UPPER CANADA, ON THE UNION...CONCLUDED.

Mr. Crooks, recapitulated all the imaginary advantages which the advocates of the union trumpet forth, as likely to accrue towards Upper Canada by that measure, and also enumerated some of the consequences which he stated its opposers had warned the people of. Animadverting upon what he considered as inconsistency in some of the gentlemen who now thought the legislature incompetent to entertain the question, he would ask, he said, "the hon. member for Wentworth (Mr. John Wilson) whether he had not promoted an application to the Lieutenant Governor, from the township of Saltfleet to call the legislature together, for the express purpose of giving their opinion on the union? and now he denies the right of this house to entertain the question at all. Another hon. member for Wentworth, (Mr. Hamilton) also gave his opinion openly in favour of the union a few months ago. But he thought he could see through the motives which influenced their conduct on the present occasion. At that time there had not been meetings at Ancaster, or Louth, or Clinton; the people had not been told that an union would bring tithes on them; they had not been told it would entail a perpetual civil list upon them; they had not been told they would be disfranchised by the high qualification of the members to the assembly; they had not been told, on the one hand, that they were sought to be made a rod of to scourge the Lower Canadians, and, on the other, that the latter would have a majority in the legislature, and thereby controul all the acts of the united assembly; they had not been told that an union would destroy our export-trade to any other country than Lower Canada, as it was the interest of the merchants there to monopolize the trade of the country.\* He had as much

\* These are most indubitable consequences that would have resulted from the projected union-bill; especially the entailment upon the people for ever of that unconstitutional and

respect as any other gentleman for the opinion of his constituents, and he had the honour to represent as intelligent and respectable a class of men as any other gentleman, but, although they perfectly well knew his sentiments on the union, not any of them had represented to him the propriety of any other line of conduct, although he had reason to believe much pains had been taken to prejudice them against it." "They could not be otherwise than in favour of the union, when they knew, that, although two thirds of the cargoes exported from Quebec were the produce of Upper Canada, we had no voice in regulating the trade of the country; † they could not be otherwise than in

ruinous system of granting a perpetual civil-list, (the main end and object of the promoters of the plan, both on this, and the other, side of the water,) and the disfranchisement of the community by the increased qualification of members; excepting the fear of the introduction of tythes, which I consider wholly chimerical; and excepting too, with respect to Upper Canada, the fear of being outvoted by the French Canadian members in the united legislature. In that, it is easily arithmetically provable that the French Canadians can not fail to be in the minority. The number of members for each province is limited by the projected bill, to 60 for each, which at all events puts them on an equality; and the French Canadians, were they so inclined, could not prevent the increase of members to the full complement of 120, whilst they could never receive any augmentation to their own number: Of the present 50 members of the House of Assembly in Lower Canada, I believe 42 are native Canadians, the others Scotch and English, though as two of the latter always take the constitutional and popular side, we may estimate the whole strength of that party at 44. The act provided that new counties might be erected out of the townships in Lower Canada, no less than six in each, and one member for each county: now there are 88 townships, wholly or in part settled, consequently an ample stock whence to draw the 10 additional members to complete the 60 for Lower Canada. these would of course be all either old countrymen, or American settlers, and be opposed to the French party, add them to the 6, and join these with the Upper Canada members, is it not self-evident that upon all questions in which the particular interest of the French Canadians, their privileges, their laws, their religion, their customs, their language, or their prejudices if you will have it so, the latter would be left in a minority, of at least 44 to 56, & that when the representatives of Upper Canada attained their full complement, the number would be 44 to 66?

† The Quebec-exports, although the produce of Upper Canada may be two thirds of their bulk, are now, as to value in the

its favour, when they understood that instead of receiving *one third* of the duties collected at the port of Quebec, to which they were justly entitled by the quantity of goods consumed in their province, they received only one fifth, making a difference of as £10,000, is to £16,000, which enabled the inhabitants of the sister province to build a gaol and court house, without any assessment; whereas in Upper Canada the money for such purpose, and the current expenses of each district are raised by di-

proportion of at least one half from the Lower, and one half from the Upper province, whilst, before the unjust and impolitic fur-trade act, (for the North West furs being an article of traffic brought into Lower Canada by the merchants of Lower Canada; with which those of Upper Canada had nothing to do, belonged exclusively to the exports of the former province) those of Lower Canada infinitely exceeded those of the Upper province in value. But what kind of controul in the regulation of an export trade could Upper Canada either desire, or have a right to? If indeed a duty on exports was imposed by Lower Canada, or one upon the transit of produce through their country, (which last can not constitutionally take place,) the Upper Canadians might have cause to complain. But, as it is, they may as justly complain of their geographical situation; which must necessarily for ever render them, as to commercial matters, partially dependant on the country which is in possession of their outlet to the sea; and which has a right to avail, in a reasonable way, of the advantages which nature, and the metropolitan state have put into their hands. Were Lower and Upper Canada two distinct independent states, as they are separate provinces, there would be no manner of doubt as to the right Lower Canada would have to impose what restrictions she pleased upon the passage of goods to and from Upper Canada. If those restrictions were ever so unreasonable or oppressive that would not detract from the *abstract right*, but be only a subject of remonstrance; and, if not remedied, of an ultimate appeal to arms. so, even now, the geographical situation of Lower Canada, gives her the right of regulating all matters of trade that depend upon her locality, provided in so doing she does not infringe upon the conditions of the charter upon which that natural right is politically founded, or lay unreasonable burthens upon the other subjects of the same empire of which she herself forms a part.

\* By what possible arithmetical conjuration could Mr. Crooks calculate that 100,000 people (the outside of the estimated population of Upper Canada) consumed one third as much of imported articles, as 450,000, the lowest acknowledged population of Lower Canada? when, besides, it is most notorious

rect taxation † they could not object to an union, when they understood that, instead of Lower Canada having a majority in the house of Assembly, they were placed upon a perfect equality in that respect; and would thereby be enabled to protect all their just rights: they could not object to the union, when they knew it to be the only act that could improve the communication between this back country and the sea, thereby enhancing the value of the land and its productions: they could not object to the union, when they knew it was the only course that could be pursued to prevent the dominion over this five province of the nation *Canadienne*: † In his opinion the separation was intended to protect the English inhabitants from this dominion, and the measure of union was following up the intention." § After a few more observations in the course of which

*that the respective habits of the two people are such, that of all imported goods, but particularly of wines and spirits, one person in Lower Canada, consumes at least as much as two and one fourth in Upper Canada? Q. E. D.*

† *What is this, but envying the natural advantages of their neighbours: as well might the Upper Canadians envy the Newfoundlanders, and repine that there is no bank for the cod fishery in Lake Ontario.*

‡ *The Nation Canadienne never had any desire of dominion, or extension, they are an unambitious, quiet, and inoffensive people; but firmly attached to their own rights, and determined not to forego them; one of their rights, is the supremacy which the settlement by their forefathers on the mouth and banks of the noblest river in the world, has given them over the transit-trade of the back countries, to which that opening leads. Every country has its own advantages, natural and acquired. Upper Canada has greatly, the advantage in fertility of soil, and fineness of climate, as well as in the means of internal communication; but we never hear of the Lower Canadians envying their brethren of the upper country, or coveting those advantages; whilst the Upper Canada unionists want to have both those that they are in possession of, and those which nature has denied to them.*

§ *No; the constitutional act was certainly intended to protect the English inhabitants of Canada from being governed by French laws; but equally to protect the French from being governed by English laws; for these purposes the separation was made, and limits assigned for each, whilst the union would reverse that intention, and totally subjugate the French inhabitants, whom it was the purpose of the British Government, at*

he compared Canada to the State of New-York, with regard to the construction of the canals in that State, and asked whether if New-York had been divided into two states with conflicting interests those immense improvements would have taken place " (a comparison, by the bye, which, although but very little in point, deserves more consideration and discussion than I can now bestow upon it,) he concluded by saying, that, although he was willing to confess that the settlement of the difficulties with the Lower Province by arbitration, as provided for in the trade-bill, was "the best that could be done, under existing circumstances, yet he looked to the union, divested of its obnoxious clauses, as the best means of securing the rights, interests, and property of Upper Canada."

Mr. John Wilson, having been personally reflected on both by Mr. Crooks and by some others, again rose and concluded the debate by a speech of which the following is the substance:

"He admitted that he did promote a petition to the lieutenant-governor, which consisted of two parts, one to call the legislature together, and the other to pray his excellency would be pleased to forward to His Majesty's government, such respectful petitions, as to the union, as His Majesty's subjects, the petitioners, might feel it their duty to transmit. As for the inconsistency laid to his charge, he never doubted the right of the house of assembly, to preserve the constitution by every lawful means in their power, but he denied, and still continued to deny, the right of the provincial legislature to destroy that constitution, or to petition to have it done.\* Mr. W. said he was charged with promoting meetings and stirring up the people: this was a charge both unfair and ungenerous; he had never agitated the matter, until letters from Montreal of an insinuating, insidious, and base, description had been transmitted by the commercial men of Montreal to people of influence in this province—letters which threatened destruction to those who opposed the views of the domineering faction at Montreal, and held forth rewards to persons willing to betray the interests of their country! (Mr. Wilson is supposed to have alluded to the letter of the 24th October, 1822, printed in the Free Press No. 9.)—The county of Wentworth was the last county in the province that expressed its opinion, and he felt that he owed it to his constituents to attend that meeting. The honourable gentleman,

that time, to leave in exclusive possession of their own laws, to the other and minor part of the population.

\* In other words, according to Mr. Wilson, the legislature had a right to petition against the union, but none to petition for it; and I believe he is morally correct, however, politically, this may sound like a paradox.

(Mr. Crooks,) attended the meeting at Ancaster, and exerted all his talents to make proselytes, but he failed. - He, (Mr. W.,) never said a word on the subject of tythes; there were evils enough to dwell upon without, introducing that subject: but if the question were to be agitated again, he would rouse all his powers to defeat the machinations of that faction who had the impudence to insult, by threats and bribes, those honest and firm individuals, who wished to preserve their rights and liberties." "They were told that this house was the only constitutional organ of the people; he would like to know at what period these honourable gentlemen made this wonderful discovery: surely not last autumn, when they were haranguing the people upon the necessity of an union, and driving emissaries through the province for the purpose of obtaining signatures to petition to the British parliament, and signing their own names to those petitions with the letters M. P. attached to them. All that time the honourable and consistent declaimers told the people it was the only safe and constitutional method to make known their sentiments by petitioning the British parliament; but the Montreal influence having failed without doors, they want to try its strength within and pronounce their own proceedings to be unconstitutional and absurd."

A notice has appeared in the Montreal papers, signed by H. GRIFFIN, as Secretary to the AGRICULTURAL SOCIETY, by which the public are informed, that "in consequence of his excellence, the governor in chief, having expressed to the agricultural committee for the district of Montreal, his DISAPPROBATION relative to their purchase and importation from the United States of America, of the young bull Eclipse, originally intended for general and public use, as having been considered essential for the improvement and amelioration of the breed of cattle, in which the country throughout is so extremely, and visibly deficient, THEY HAVE THOUGHT IT NECESSARY, and have WITH MUCH REGRET, disposed of this uncommonly fine animal, without incurring any loss;" and that, "he is, therefore no longer to be considered as public property, or under the controul of the committee." And the present proprietors, (who are they?) advertise the bull at ten dollars for the season. There must be something very much amiss in this transaction, and it behoves the public, and especially those who are contributors to the Agricultural Society of Montreal, to probe it to the bottom. If the Earl of Dalhousie has interfered in the manner, more insinuated than expressed, so as to compel the committee of an Agricultural Society to retrace their steps, and to dispose of *with much regret*, a valuable animal, intended for general public, and; (I suppose) gratuitous, use; to dictate to a society of which, I believe he is no other than an honorary mem-

ber,\* as he is of the Quebec Agricultural Society, under the title of patron, and as such could have nothing more than a single vote, if even that, I do not hesitate to say he has exercised a highly improper, arbitrary, and proconsular power, which it becomes no governor under the British crown (that guardian and protector of the independence and liberty of every man, and body of men, under its dominion,) to assume; and on the other hand, if the committee of the Agricultural Society have timidly and servilely, against their better judgements, and with much regret, bowed before the nod of the governor-in-chief, and consented to deprive the public of an essential advantage, merely because the great man of the head of affairs has expressed his disapprobation at what they have done; they are unworthy of their situations, and ought to be removed and replaced by men of more sturdy and independent principles.

No explanation whatever is given of the cause of his excellency's disapprobation, and only two possible motives suggest themselves to me. The one is an illiberal and despicable prejudice against the bull, because he happens to be imported from the United States of America; and the other and more probable one, because there is no money in the public chest. Now I live in a guessing-country, and I guess that, in consequence of there being so miserable a defalcation in the public chest as noticed in my last, the agricultural society have been told they can not get the money they ought to receive from government; so that, rather than what little there is left, should not go to those who share the loaves and fishes, and who do not, according to the unconstitutional disjunction set up, belong to the local establishment, the general and public benefit which the agricultural society had in view, when they purchased the bull, must be sacrificed. Here you see again, Canadians, the practically ruinous consequences that arise from your legislators not having the complete controul of all the monies raised in the province; and how much it behoves you and them to stand firm and unshaken in your determination to uphold and maintain that right, steadily to refuse the permanent, and lumping, grant of a civil list, and to abide all consequences, be they for weal or woe, for misery or happiness, for connection or separation,

*\*I have in vain searched in the Quebec Almanack for a list of the president, officers, and committee of the Montreal agricultural society: it is not to be found there, although those of the Quebec, and Three Rivers agricultural societies are inserted. The compilers of that almanack will, no doubt, supply this omission in that for next year, as well as the civil-list of Upper Canada, which ought to be an essential part of a British American Royal kalendar.*



for life or death, rather than give up that only palladium of your rights and liberties.

These reflections have been called forth on the spur of the occasion, and I shall be happy if such a proper, constitutional, and liberal, explanation, can be given of the circumstance, that has dictated them, as will enable me to retract and disavow what I have above said both as respects the Earl of Dalhousie, and the committee of the agricultural society; but I repeat that it is loudly required of both that they should pay due deference to public opinion, and unfold the whole of the transaction, and the causes and motives that have actuated them, or else they must stand branded respectively with proconsular despotism, and trucking obsequiousness.

L. L. M.

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