

THE SCRIBBLER.

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Est modus in rebus, sunt certa denique fines. HORACE.

There are so many ways of doing things,
That satire sometimes tickles, sometimes stings.

"At length these fools that common error saw,
The lawyers on their side, but not the law."

ALFYN.

— *Digito que sint presentia monstrant.* LUCRETIUS.

With finger pointed at each passing folly.

A LETTER TO A FRIEND.

My dear Sir,

Your letter of remonstrance to me, on my having made both you, and two of your relations, objects for animadversion in the Scribbler, gives me occasion to do what I have long intended, that is, to explain my motives, and display the feelings which induce me, as occasion may serve, either to rally, ridicule, or attack, individuals who rank among my personal friends and subscribers, or to refrain from, or smoothe over, the matters that affect them, and afford food for satire.

In the preface to the second volume I defend the general system of personal satire I adopted about the middle of the first; I shall therefore say nothing more on that, than, that having taken that ground upon principle, I wish to adhere to it, as impartially and independently as circumstances will admit. My reputation for independence of mind, and fearlessness of consequences,

has been thereby established, so that it behoves me to maintain that character: but it is true, that a work of this nature can not subsist without a considerable number of friends and subscribers, and that amongst those subscribers, must necessarily be found characters as deserving of exposure as any I have displayed to the world. Hence it follows, that, in order to continue to administer those wholesome castigations, which I believe my pen has bestowed upon persons and manners in Canada, I must use a degree of discretion, in not lashing indiscriminately all who deserve it, or who have been recommended to my kind care, by their anonymous *friends*; and I can assure the public, that, with respect to all that have been attacked, I have almost invariably softened down, rather than aggravated, the representations that have been made to me. But whilst I hence candidly confess that I deem it politic for myself, and necessary for the interest of satire in general, to spare as much as possible, my private friends and subscribers, there are still lines to be drawn, and I should be very deficient in my public duty, were I to carry this so far as to leave them entirely untouched, and where gross cases occur, not even my own interest, nor the interest of the work, prevent me from stigmatising them. I have a description of subscribers, who, I know, actually take the paper for no other purpose than to avoid figuring in it; these I indulge so far, as to assure them, that as long as any thing does not occur that is too notorious to be passed over, they will remain in ignoble oblivion. But I expect a more liberal allowance from my real friends; I expect they will permit me, when occasion requires it, to give them a rub, and now and then

“a hit, a palpable hit, my lord,”

without, however, galling them too sorely. As to such exhibitions of them as tend to create nothing but harmless pleasantry, of which there are many, particularly in my reports of public and private parties, and of intended nuptials, I will not make any apology for them; for whoever takes umbrage at such things, I will liken to the

“fox who’d a wound, but could not tell where,
So he look’d at his tail, and found it was there.”

With regard to the legitimate objects of satire, they are almost innumerable. There are some matters that ought to be carefully abstained from, in the abstract, yet, when united to others, instantly become proper subjects of ridicule or reprehension. You will better comprehend my meaning on this point, upon referring to No. 65, where, in the instructions to my deputy-inspector-general, you will find personal defects, obscurity of birth, and poverty, stated as never, of themselves, being proper objects of reproach, whilst when allied to follies, faults and vices, they assume a very different character; to them I am inclined to add ignorance, the want of education, and even natural stupidity, but these are almost always accompanied by conceit, presumption, and impudence, and then ought not to fail of being exposed to censure and contempt.

Impardonable offences cognizable in my court, are, open irreligion, in which I include that vice of blackguards, profane swearing; barefaced whoredom and adultery, where no shame is practised, or veil sought for, for I do not seek to pry into private immoralities, except in cases where notorious slanderers and faultfinders, are guilty of the same excesses which they condemn in their neighbours, or where public sanctimoniousness covers private vice; the seduction and

abandonment of females; dereliction of public duty, partiality and oppression by public men; purse-pride, unfounded arrogance, and baseless pretensions; attempts to palm ignorance and impudence upon the world, as wisdom and knowledge; false pretensions to literature; the appointment of illiterate men to offices they are unfit for, and their presumption in assuming such offices. These are all offences of a major caste; those of a minor nature, such as prudery, coquetry, &c. amongst the women, dandyism, extravagance, &c. amongst the men, have always been the proper game of the satirist, & I need neither enumerate them, nor justify myself for bringing them to the bar of the Scribbler.

If you will take into consideration the principles and system, which guide me in that part of the publication devoted to personal satire, as detailed in this hasty sketch, I think you will allow that I have not been too severe either on yourself or friends; and I am convinced you will permit me to subscribe myself as before,

Your faithful friend,

LEWIS LUKE MACCULLOH.

In No. 79 I gave an account of the result of the suit brought against the editor of the New-England Galaxy for a libel upon Mr. Maffit, a methodist-preacher; in which an acquittal was recorded, as the truth of the allegations had been given in evidence. When the trial is published, the subject is of that nature, that I shall depart from my present plan of giving a review only of such works as relate to Canada, but include that, along with a few publications that have lain some time on my table, soliciting my attention. In the mean time, the case has elicited a number of

remarks in the papers, some of which I extract, as whatever relates to the maintenance of that glorious palladium of British liberty, the FREEDOM OF THE PRESS, whether it occur within the verge of British, or of any other, jurisprudence, can not but be interesting; and particularly to the readers of a work, like mine, so deeply tinged with personal satire.

The National Intelligencer says: "In a case lately tried in Boston, for a libel, the Judge decided, in the opening of the case, that, under our constitution, the defendant has a right, in all cases of libel, without the consent of the prosecutor, to prove, in justification of the publication, the truth of the allegations. This is a decision of great importance to the real and not the nominal, freedom of the press; and we do not see how, under our government, the law could ever have been differently construed."

The Metropolitan.—"We are much pleased with the remarks of Judge Quincy on the law respecting libels; they are directly in opposition to that odious practice laid down by British law-givers "*the greater the truth the greater the libel*.—Blackstone, who was one amongst the most learned, as well as the most liberal of the profession, lays it down, that "every libel is a breach of the peace, by provoking the person libelled to break it; which offence is the same, in point of law, whether the matter be true or false, and therefore, the defendant, on an indictment for publishing a libel, should not be allowed to allege the truth of it by way of justification." Thank heaven, we take a different view of the matter in our country—the truth should always be received, if not in complete exemption from punishment, at least in mitigation."

The Worcester Spy.—"Our object in this article is, principally, to excite inquiry as to the soundness of the general principles laid down by Judge Quincy, that, on an indictment for a libel, the truth of the allegations may be proved, *because* the intent and motive of the publication is matter of inquiry. Now the question will probably occur to most readers, how can proof of the allegations settle the intent and motive? Suppose the publisher of a newspaper should invade the privacy of any family, and proclaim to the world the faults and frailties of its members, would it, for a moment, be maintained, that "the truth of his allegations might be maintained, to shew that his intent was not malicious." Ad-

mit them to be true, and how is the malice negated? What right has a printer to expose a family, or any private man to public hatred, contempt, or ridicule? The cause why libellous publications are offences against the *State*, is, their direct tendency to a breach of the peace, by provoking the parties injured, and their friends and families, to acts of revenge; and the offence does not depend at all, as we can perceive, upon the truth or falsehood of the publication. The peace of the community is endangered by the *publication* itself; and by no means the less so, even if the allegations it contains be true. In the case, therefore, of the prosecution by the public, for a libel upon a private man, we are utterly at a loss to conceive, how proof of the truth of the allegations can afford the least justification of the offence. If the law does admit such a justification, then it holds out encouragement to the disturbance of the public quiet, to quarrels and to bloodshed; and it is hardly worth while for it to punish the petty breaches of the peace, the comparatively insignificant "assaults and batteries" of which it now takes cognizance."

I have, contrary to my custom, borrowed all this from the newspapers, that I may have an opportunity of confuting the sophistry, and legal subtlety, that is apparent in the attempt here made, to justify that execrable maxim, that truth is no justification of an alleged libel. In the preface to my second volume I defend the mode of personal satire I have had recourse to, upon grounds both of general benefit, and of the peculiar circumstances of time and place: but without taking it up there in a technical and legal light, I therefore wish to say a few words here on that part of the argument.

The whole of the reasoning upon which the maxim is founded, that truth is no vindication of libellous publications, rests upon what I conceive to be the erroneous principle laid down, as quoted, by Blackstone, viz. that the reason why libels upon private persons, are matters of prosecution by the *State*, (as well as at the same time of actions for damages by the individuals, a view of the subject which we are not now taking,) is because

they provoke to breaches of the peace; now if one species of provocation be a prosecutable offence, why not others? and the law might as well say, that it shall be indictable for one man to strike or kick another man's dog, as "love me love my dog," is an old and true saying; for one cobbler to set up stall next door to another; or for two young men to fall in love with one lady; all of which have a notorious tendency to provoke breaches of the peace. But the real ground upon which libels against private persons are prosecutable as offences *against the State*, is that, by exposing to public contempt, ridicule, or hatred, any one individual of the community, you take from him that reputation which, if unscathed, would have entitled and enabled him, to fulfil the duties of a citizen, to become a useful member of community, perhaps a dignitary of the church, a luminary of the law, or an officer of state. If your allegation is false, you are doing a great injury to the State, and the State will punish you for it; whereas, if you prove your allegations to be true, you have done a benefit to the State, exactly in proportion to the injury confidence in, and the employment of, a profligate or improper person would have produced.— This argument might be carried to a great length; but if that be the true principle upon which libels are prosecutable by indictment, as a *public wrong*, no case can occur, in which proof of the truth would not be a complete justification; whilst when considered as a *private wrong*, and prosecuted by an action for damages, there are cases in which the truth would be no justification. It may suffice to instance the one put by Blackstone, of a man convicted of a robbery, sentenced to transportation, serving his time out, returning, and afterwards establishing himself in society, and

maintaining a character of unblemished reputation for many succeeding years: a malignant competitor in his trade, finds out the early part of his history, publishes it to the world, and deprives him of his livelihood: here the truth could be no justification; the man had expiated his crime, was, as it were, born anew to society, and both the malice, and the damages are apparent.

Prolific as the subject is, I must now quit it for others.

L. L. M.

Having begun borrowing, I indulge my inclination in copying from the Acadian Recorder (a very excellent paper, but one that has occasionally borrowed from the Scribbler, without acknowledgement, & so perhaps this too is borrowed from another,) the following lines. Notwithstanding my repugnance to punning, there is something very humorous in the jingling chain of puns that is introduced.

A VERSE FOR THE SLEIGH.

"How cold it is !." "Indeed, sir, cold ?"

"Yes, cold in every part."

"I can't agree, enough I see
At least to warm the heart."

"Warm ? I see nothing here to warm !"
Oh, how the story tells !

"And can you see, and still be cold,
A city full of BELLES ?"

"I hate a pun ! and I have done,
Leave frowning, why that wrinkle ?

"The bells of metal, sir, I mean
Those in our ears that tingle."

"O, shut your senses if you will
To all but bells that jingle;
But belles of mettle still there are,
Those in our breasts that tingle."

"Zounds ! with such fools I never meet
As punsters in my days !
I mean the sleigh-bells." "So do I
The BELLES, sir of the SLEIGHTS."

FOR THE SCRIBBLER.

'TIS BRANDY TUNES THE LYRE.

To a lady playing the harp lute.

O ! touch the trembling lute again
Once more that much loved strain awaken ;
It bids my heart a thought retain,
'Twould fondly cherish, tho' 'twere breaking.

It tells of happier days gone past,
Of hopes my soul once fondly cherish'd,
Visions of bliss, too bright to last ;
Alas ! alas ! they all have perish'd.

Sing on—yet, ere thy fingers stray
'Mong chords which surely they touch not ill,
Do, dearest love, I prithee play,
A solo on your brandy bottle.

SKIMMERHORN

Variations in the poetry which appeared in
the last number of the Scribbler, by
AN AMATEUR.

*For the last line in Sol. Sneer's Loveliest Moment,
instead of*

"Yet loveliest always is woman when weeping."
read,

But loveliest when into bed she is creeping.

*For the last line of Skimmerhorn's Loveliest Mo-
ment, instead of*

"Clench'd her small fist, and fell'd him like an ox."
read,

Sate down to darn her hose, and mend her smocks.

*For the last line in Nabocklum's Kathleen O'Neil,
instead of*

"And I will be deceived no more."
read,

Thou art a most confounded——— bore.

District of Montreal, January, 1823,

L. L. MACCULLOH Esq.

Having heard a good deal of the Berthier-assemblies, I determined to go to one of them, that I might be able to judge of manners and characters in various parts of the country. It is well, however, I was not accompanied by your late correspondent, the Ghost of Lord Chesterfield, as what I witnessed, would have instantly driven him back to the Elysian fields. I will not say any thing against the assembly-room, though it is small and low, for, I believe a better is not to be had in the place; but it was most miserably lit up, the candles being not only very few, but of very bad quality, and, being never snuffed, made the room look like a dungeon, whilst most of the ladies carried away part of the *tallow* upon their clothes. The assembly was well attended for so small a place, and the ladies were remarkably well dressed, and many of them very handsome. But what shall I say of the gentlemen? Before the dancing commenced, they were all huddled together in the outer apartment, where liquors were served, whilst they left the ladies solitarily seated in the dancing-room. Presently the numbers were handed round to the ladies, some of whom, however, I observed, took out a handful, and selected what number they liked best; but that I suppose is the Berthier method of drawing lots. Still, however, it appeared as if the ladies were to be left to amuse themselves, for there was no getting the gentlemen to leave their grog, and the repeated calls of the managers, "gentlemen take up your partners," were as little attended to as the orders of the commanding-officer, at a training of Yankee-militia. Nay, it was not until the master of the ceremonies literally dragged a gentleman into

the assembly-room, to stand up with the lady who had drawn number 1, that a set could be formed; nor was there much of a set till the gentlemen had swallowed a sufficient quantity of liquor, to give them courage to take a fair lady by the hand. I could not but greatly pity the poor ladies, condemned thus to be annoyed with the fumes of leewards, whiskey, and blackstrap, (for I can say nothing in praise even of the quality of the liquors,) as well as with the *reels* of their uncourteous partners. Tea and coffee, were served in the course of the evening, with bread and *pork*. It was curious enough to see some of the fine-dressed ladies refreshing themselves with large lumps of pork and bread. I was a little scandalized too, at seeing some of the ladies, lolling on the beds, after every dance, in full view of the gentlemen.* Part of the company retired about three o'clock, but part remained till daylight, and finished with the cushion-dance.

There are many respectable families in Berthier, and I hope this exposure will make them more select† in future in their assemblies; and that they will not allow gentlemen to get drunk, or

* This must have been, I presume, in an adjoining retiring-room for the ladies, who might certainly as well have shut the door.
L. L. M.

† I hate all *select* things in the present accepted sense of the word; select parties, select assemblies, select books, and select men; it is equivalent to unsocial, proud, little, conceited, envious, illiberal, and tyrannical. At all *public* balls or assemblies, no *selection* ought to exist, except as to the exclusion of the illmannered, the illdressed, and the intemperate. Whoever knows how to behave, whether an officer of the army, a merchant, a shopkeeper, or a mechanic; whether the wife of a justice, or the daughter of a cobbler; all ought to be equally admissible; treating each other, and treated, with equal politeness. *Private parties are very different things.*
L. L. M.

in fact any thing but a moderate quantity of negus to be served, and let the ladies have their share; for I neither saw any thing handed round to the ladies, besides the tea and coffee, nor was any gentleman gallant enough to offer it.

If you insert this, I will, in a future letter, give you the names of all the gentlemen who get drunk at these assemblies, and the ladies who loll on the beds.

A SPECTATOR.

FOR THE SCRIBBLER.
CARD OF ACKNOWLEDGMENT.

The two gentlemen from Upper Canada beg leave to present their thanks to the managers of the late rout at Fort Stark, as well for the civility and attention paid to them on their introduction, as for the polite manner in which they were taken leave of.

N. B. It is a rule with the *Creamers*, that one may as well have the game as the name, but it failed them, however, in this instance. They came *Old Soldier* over us, ran us hard, and rather crowded us. Yet who knows but an opportunity may ere long offer at *Stant's* for sweet retaliation.

There was a scarcity of *Fat*, barring some suet-bags which danced on wires. There was nothing resembling either jollification or sociability. Neither the *female salute*, Mrs. Waddle's *saleables*, nor Mrs. Lovatt's *Tip of the Mogullian fly*. The jolly hostess, tho' not accommodating, was nevertheless courteous. The chief pleasure we received, was from gazing upon a pretty Miss *Funnymore*, who, by the bye, though a desirable object, appeared at the close, rather sulky. Query. Who was it peeped into the *green room*? Something further directly.

SNICKERSNEE & DIBS.

Cataraqui-en-haut, 1st Jan.

Plattsburgh, Jan. 10, 1823.

MR. SCRIBBLER,

Observing in your last number, that you intend devoting a page or two of your miscellany, to what may transpire on this side of the Canada line, perhaps the following effusion of some poetaster (which I accidentally picked up while going to my work,) may possibly amuse some of your readers, and your insertion of it will oblige

A MECHANIC.

O Pot and Kettle, how ye rail,
And call each other sooty tail:
So snobs and suttlers cast a slur,
On tradesmen and mechanics, sir;
And thus soliloquized Stool-Pigeon,
In self-conceit, none e'er so rich in.

'O Plattsburgh Ladies! dear! how fine!

'I'd rather ogle you than dine.

'What e'er Stool-Pigeon may request,

'They will not fail to be his guests.

'T is I that am the man, they say,

'To take my waggon, or my sleigh,

'To tip and toss, and drive so handy,

'And I'm the man for wine and brandy.

'They all, with one consent, will say

'To their poor husbands, you may stay

'At home, and suck your horns or thumbs,

'Pigeon's our man, see! here he comes!

'His dandy-coat how neat it fits!

'How well his broider'd collar sits!

'Team, harness, all, how smart it looks!

'We will not mind those 'saucy chucks.'

'But softly to myself thinks I,

'How e'er I brave it saucily;

'Those vile mechanics in this town,

'Who swear aloud they 'll pull me down,

'I must not meet them in the dark;

'They 'd not respect the ladies' spark;

'I'm sorry now I ever said it,

'I wonder how my gizzard bred it,

'To call mechanics over, when

'As much as me they're gentlemen.

'For if they e'er should see my knee,
 'Which much would shock my modesty,
 'As much as any fair lady ; }
 'To all the town they'd state with malice,
 'I'd worn my knees all to a callus,
 'With tapping heels and mending boots,
 'When leather aprons were my suits.
 'At Louis' house I once did board, }
 'Where by mechanics I was bored,
 'To rank above whom then I soared ; }
 'With them I'd not associate,
 'For smell of leather I did hate ;
 'I'd rather live on *pork and beans* ;
 'So off I went to Mr. G——ns ;
 'And swore, if ever 't was my boast,
 'Of Plattsburgh ton to rule the roast,
 'I would not have at the assemblies,
 'Lowlived mechanics, or their families.
 'And thus I got into this scrape,
 'Which frets me so it spoils my shape.
 'But here's the ladies ; with a smile,
 'Now I'll bamboozle 'em in style.'

Will you, good sir? said two arch girls, who listen'd,
 And laugh'd till their sweet eyes with moisture glisten'd,
 We Plattsburgh dames, tho' of a gamesome stamp,
Won't be bamboozled—so,—be off to camp.

FOR THE SCRIBBLER.

The first Epistle of Titus.

Behold my brethren, I pray unto ye take heed unto the words of my writing, and to the maxims I inculcate.

Be thou sure to forget all those by whom thou hast been served.

Even in the days of thy youth, and of thy adversity ; if any one hath lifted thee up out of a pit ; warn him not of that into which he is falling.

Rather if thou perceivest a friend that is drowning, stretch forth thy foot, and place it upon his head, that he may the sooner be released from his sufferings.

Remember not the faces of those who did thee good ; and turn a deaf ear to their remonstrances, when thou art grown strong and rich.

So shall ye be able to build high places unto the lord ; and offer sacrifices unto vanity. Yea thus will arise Castle-Follies, and Methodist chapels.

Lo, I speak unto ye in a parable.

In days of yore, came a young man from a far country, even from the land of cakes, where prevaileth the Scotch fiddle even unto this day.

And he was poor and needy ; and an old man of the name of Slapsly, came out to meet him ; and he sojourned with him many days, and sate at his board, and ate of his meat, and drank of his drink.

Now Thomas desired to go unto the great city of Hochelaga, and the old man paid his passage, and provided him with money to support himself.

And in course of time, Thomas became rich, and did build houses ; but poor Slapsly died one day and was gathered to his fathers.

Now it so happened that the old man desired to have some sugar, to make him comfortable before his death ; and he said unto his wife, arise, and go unto Thomas, for the sugar.

And Mrs. Slapsly did as she was desired, but she had no money, and Thomas would not give her trust for one pound of sugar.

Now three days after, the angel of death visited the poor man's mansion ; and Thomas followed him to the grave with the other mourners.

Go thou, now, therefore, my son, and profit by this example.

Gentlemen coming to buy one Scribbler and borrow two, will please put the change in their pockets to pay for one : it will save trouble to both parties.

TO CORRESPONDENTS. CASTIGATOR in reply to JONAN, will certainly have a place: It will be necessary to soften some of his expressions, as was the case with his antagonist. PARIS and A SPECTATOR, received, and will be availed of.— JAMES CLOCKSTRIKE is unintelligible.

M. will oblige me by an address to which I can direct for him.

JERRY. Nothing more welcome.

T. W. at the post-office Montreal.

In order to accommodate my Quebec contributors, a letter-box is fixed at the Scribbler-office in Palace-St. into which they may drop their communications, without fear of their being pried into by the rascality of the deputy-post-master general or his agents.

Correspondents are reminded of the propriety of their communications being post-paid, and that those who address the Editor at Burlington, should not only pay the postage to the lines (without which no letter for the U. S. is forwarded from Canada,) but also the whole way.

A religious paper, to be called the Christian Register, is proposed to be published in Montreal, semi-monthly, in 8 Octavo pages, at 10s per annum, payable half yearly. The association by whom it is set on foot, mean to apply the profits of the work, if any, to benevolent institutions. Apply to W. Hedge, Secretary to the association.

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