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# THE FREE PRESS.

VOL. I.] MONTREAL, THURSDAY, 27th FEB. 1823. [No. 19.

*Melius, pæus, prosit, obsit, nil vident nisi quod lubent.*

TERENCE.

Whether it be good or bad, profitable or hurtful, their eyes are shut against whatever they do not choose to see.

*Montreal, 4th Feb. 1823.*

MR. EDITOR,

You will oblige a large majority of the inhabitants of this city by inserting the following address

TO THE MAGISTRATES AND POLICE-OFFICERS OF THE CITY OF MONTREAL.

Gentlemen,

Permit me, on behalf of my fellow-citizens, and the public in general, to express to you that just sense of feeling, which a consciousness of the eminent services received at your hands, must necessarily have given rise to, in every honest breast. To your ingenuity, honesty, and philanthropy, the public, and especially the citizens of Montreal, are indebted for a system of police-regulations, specially devised by you for the security of their persons, and the protection of their property, which, I will venture to assert, stands, in many respects, unparalleled in the records of city-government; and bids defiance, as a *chef d'œuvre*, to the ingenuity of any country or people. Indeed, gentlemen, you are entitled to the exclusive merit of this curious and novel piece of workmanship; it is your own *in toto*.— And, when its peculiar qualities are duly considered, who, as a citizen of Montreal, the security of whose person and property is assigned to your especial care, can, for a moment, withhold that just tribute of respect to which such genius and political integrity, directed for his good, naturally lay claim.

It is not sufficient to speak of this system merely in the abstract; it is necessary to descend to particulars, in order to give the public a just conception of its merits, and to impress them with a proper notion of the extent of their obligations to you. Should I find it necessary, in performing this task, to notice things trifling in themselves, when separately considered, I shall make no apology for being prolix, because such things, as connected with a general system, are its constituent properties,

by a due knowledge of which only, can that fabric, of which they form the materials, be properly estimated.

How truly ridiculous, and inconsistent with common sense, must that system of police be considered where talent, honesty, and assiduity, are held to be the only passports to office, in comparison of yours, wherein every one, without regard to station, education, or ability, is deemed eligible! How simple, yet how incomparably comprehensive, is this system! When demolition is the object, it is customary to begin at the top of the edifice; when construction, with the foundation-stone; but as mine is neither the one nor the other, but merely comparison and illustration, I shall proceed to the consideration of such points only, without any regard to system, as will most directly conduce to the object in view.

In many other cities the absurd practice still prevails of appointing men of unquestionable character alone, as watchmen; of requiring them, when appointed, to patrol the streets through the night, to proclaim the hour, and the state of the weather, and, when the security of the citizen, or the safety of his property, are menaced, to alarm the sleeping inhabitants, and summon their fellow-watchmen to assist in the detection of depredators, by a rattle, a bell, a horn, or some other sonorous instrument, carried expressly for that purpose, to the manifest grievance of the drowsy and unwary cit, who, reposing in balmy sleep, or being robbed, is awakened to his very great annoyance, and protected to the prejudice of his repose. By your system, neither the one nor the other of these grievances are experienced. The watchman, it matters not what his character is, instead of patrolling the streets, at the risk of being *done* by some *vag* returning from a *spree*, or annoying the honest slumbering burgher with his shrill note—past twelve o'clock—fine mōr-ning! is permitted to spend the whole night in ease and comfort, to smoke his pipe, tell his story, or scheme mischief with his comrades, by a good fire, in a comfortable room, fitted up with all the conveniences of a smoking-club. How obvious are the advantages of this system! Here the watchman naps and smokes, and naps again, in perfect security, neither exposing his person to be assaulted by the blades of the town, nor endangering his health by the inclemency of the weather; the citizen sleeps undisturbedly, or is knocked down in the streets, has his pockets picked, or perhaps his house forcibly entered, and his valuables carried off, without the possibility of prevention. Beautiful system! how accommodating, how fraught with humanity! The watchman and the citizen enjoy repose. the thief follows his vocation, the losers are exempted from the additional loss of time and trouble in prosecuting, and the magistrates spared the painful task of consigning a fellow-creature to the house of correction, or perhaps to the gallows! I am willing to ascribe to

these motives, the adoption of such a benevolent plan, although I am aware that some detractors have asserted that by non-prevention of crime, more grist is brought to the mill of the police-magistrates, and their officers, and occasion given for larger accounts to be presented to government, for rewards for theft-taking and expenses in discovering stolen property; exclusive of the large stores that are occasionally accumulated at the police-office of articles *too numerous to mention*, taken from reputed thieves, for which no claimants appear, and which disappear from time to time by a *species of conjuration* that few can fathom the arcanæ of: for I hold this to be nothing but the envious slanders of those who have no share in the loaves and fishes.

In regard to public works, not, as in other countries, do you follow the pernicious plan of commencing them at that season of the year that ensures fine weather for their completion, to the manifest prejudice, and very great annoyance of the jobber, and contractor, who are consequently deprived of all possible excuse for the imperfect discharge of their undertaking, or the protraction of it, until another job can be got; and whereby the opportunity of speculation is limited by circumscribing the period of employment. By your plan, however, these evils are most happily avoided; you generally commence public works at that period of the year, that must necessarily retard their completion at least for another-season, if not two; thus affording the citizen at whose cost these works are performed, the pleasure consequent upon delay, when he most ardently desires expedition; and to the undertaker, the pleasing prospect of having the same work to do over again, at no very distant period.

But, gentlemen, that on account of which the citizens of this place stand most indebted to you, is the very satisfactory manner in which you have accounted to them for the appropriation of public monies. You do not perplex the illiterate with prolix details of things, perhaps incomprehensible to their weak minds, nor weary the indolent by making them wade through long columns of pounds, shillings, and pence, before they arrive at the conclusion. That troublesome practice has been abandoned by you; let others pursue it; happily for public officers, it is done away in Montreal. What trouble and inconvenience are spared the public, by your simple, but yet admirable plan! And who would have thought that the merit of compressing into one single line that which, in other countries, occupies whole pages of foolscap, by the substitution of the single words, *sundry sums, expended at divers times and places, for sundry purposes*, was reserved for your genius to accomplish. In truth, gentlemen, the beauties of your system, take it all in all, bid defiance to illustration, its advantages challenge definition; and what is puzzling above all, the public are acquies-

cent it excites no surprise, nor is there any clue whereby the mystery can be obtained. The invention is your own, preserve the secret, and transmit it to your successors, for a better legacy you can not bestow.

If, in proceeding thus far with the task I have undertaken to perform, I should have omitted any thing material, I intreat your indulgence, I will endeavour in my next to make amends for present defects. I pledge myself to you that my best exertions shall not be wanting to bring your merit, in its true light, before the public, who, doubtless, will do you ample justice, and readily supply in imagination that which the slender talents devoted to your cause has been unable to perform.

#### PORCUPINE.

As a corollary, to the preceding letter, the remark suggests itself that a bill having been brought into the House of Assembly for *extending the power* of justices of the peace, it would be an highly useful and patriotic measure, to introduce a clause into it for *extending their sense and knowledge*, for unfortunately a great proportion of the four hundred and fifty seven justices of the peace that are appointed in Lower Canada, have both more power, and less sense, than they ought to have.

In my last number I was misled by the statements in the Montreal papers, that the Assembly of Upper Canada had voted a sum to *put their constituents in possession of their proceedings*, to suppose that the £100 voted, was to pay a reporter; I find, however, by the continuation of the debate on that subject which has since come to hand, that the motion to appoint a reporter] was got rid of, by one to place that sum in the hands of the clerk, *to pay for newspapers*; one, which Mr. Baldwin very properly observed, went to destroy the object they had in view, and which was therefore, very consistently supported by Mr. Nichol, the advocate of every measure that can tend to destroy the freedom of discussion, and of the press. Unless the £100 be expended solely in the two papers, that are printed at York, it can have no effect whatever, in *putting their constituents in possession of their proceedings*, for though I, as the editor of the Free Press may come in for a share of it, with, perhaps also the editors of the Halifax and New York papers, can I or they give any reports of the debates at York beyond what we may glean from the York papers? And again, if £50 be paid to each York editor, for a quantity of waste paper, to serve the members of the assembly for their necessary occasions, (for I can not see for what other purpose 100 copies at least of each could serve,) how could there either be any certainty that the editors will employ reporters at all, or, if they

do, that they will employ capable persons? In short, the plan that has been adopted; is perfectly nugatory, deceptive, and destructive of its professed object. I am anxious to see a better plan pursued by the House of Assembly of Lower Canada; on which account it is, & in order that they may be upon their guard against the insidious subtleties, which the enemies of political information and discussion have recourse to, that I have been more detailed on this subject, than otherwise its importance might seem to require. I can not, however, quit it, without giving the following extract from the reply made by Mr. Wilson, the original proposer, to Mr. Nicholas evincing the soundest principles of freedom, with the most judicious application of them, to the case in question.

“In a free country, every subject has a share in the government, and, therefore, every subject has not only a right, but is in duty bound, to enquire into the manner in which justice is administered, and into the public measures proposed or pursued; because, by such enquiry, he may discover that some of the judgments pronounced, or the measures followed, tend towards the overturning of the liberties of his country; and, by making such a discovery in time, and acting strenuously, according to his station, against them, their effects may be disappointed.”

On the subject also of the want of precedent being urged against his motion, he shrewdly observed that, “gentlemen talked very loudly of precedents, and brought forward the alledged rules of the British parliament to defeat his motion; but he would ask those gentlemen, if the precedents at home, and the rules of the British parliament had guided them in their decisions upon other cases? They well knew that they did not; and he was sure they would not on future occasions, where it might be convenient to overlook them. Where, he would ask, would those gentlemen who assumed so much parliamentary knowledge on the present occasion, and who appeared to talk more about precedents than any other individuals, find a precedent for paying a sheriff for doing his duty? No where at home. It was contrary to all precedent to pay a sheriff any thing for his services; yet those honourable members who opposed the present motion, did not think it unprecedented or unparliamentary, to vote annual salaries to those officers, although it was, furthermore, well known to the House and to the country, that the emoluments of their offices were amply sufficient to compensate them. They had also district-schools for the education of young men who were bred up to the law, and when such institutions were supported by the House, contrary to the precedents of England, he did not expect that, in arguing the present question, there would be any mention of precedents.”

Is not this also equally and forcibly applicable to Lower Canada?

L. L. M.

THERE WILL BE NO UNION. This prophetic assertion is both dismaying and annoying to the Scotch faction; and they harp upon it as grating to their feelings, and make many feeble attempts to hide their chagrin and conviction of defeat, under very palpable distortions of language and sentiments attributed to the British ministry when that subject has been agitated before them. But we ought to do like Hotspur, get a starting, and teach it to cry, *no union, no union*, and let it haunt their conclaves, and their desks, their morning rides, and midnight pillows, and that from a more charitable motive than induced "the Percy" to wish to present his chattering bird to Bolingbroke; for the more they are used to that funereal cry to their hopes, *there will be no union*, the better will they be able to bear the shock, when the dreaded catastrophe arrives, and all their dreams of despotic oppression, and foul controul over the free natives of these provinces, fade into thin air. Drowning men catch at straws, and, in defiance of Lord Londonderry's positive declaration in parliament that "the union was a measure in which the government had no concern," (which one of their organs actually had the ideotism to alledge was spoken in a fit of insanity,) the papers in their interest, attempt to argue, from an extract of a letter to Mr. Commissioner Robinson, to Major Hillier, dated London, 27th August 1822, both that the hateful union-bill originated with ministers, and that they are "resolved to pursue it with avidity in the ensuing session." Before pointing out the fallacy of the conclusions they draw, from premises that ought to be considered as having a bearing almost the direct contrary way, I will just point out what I conceive to be the real meaning, both of that unfounded assertion (to call it by no worse a name) that the governor was advised to make in his opening speech, namely "that His Majesty's ministers had proposed the union-bill to parliament," and of that expression of Lord Londonderry's that is in direct contradiction to that assertion. The bill was never thought of by ministry, but (the eggs having been sent over from the junto here) was hatched in a private conclave of those London merchants, Inglis Ellice & Co. and M'Favish Fraser & Co. who are also the parents of the late shameful act that has been passed for the regulation of the fur-trade, and who, (and I speak from experience, for I know them all personally,) invariably aim at the prosecution of their own private views in whatever they recommend to government. I will not at present stop to enquire into, or detail, the means by which those two houses acquired the ear of government, and have been, excepting the official reports transmitted by the Governors of Canada, for a series of years, almost the only channels through which representations have been made, or information sought, respecting Canada, whilst it may readily be conceived that those representations

and informations were necessarily nothing else than those of the few Scotch traders with whom they were connected; but proceed to explain that, although Mr. Ellice, the only member of parliament in those firms, is an opposition-member, the other partners in them, (all Scotchmen,) are leading, loyal, men in the city of London, and have constant intercourse, and considerable weight, with ministers. Now it was previously privately communicated to, I believe, lord Bathurst first, and by him to his colleagues, that such a project would be proposed in Parliament, and that it was strongly recommendable by the increased power, patronage, and command of funds it would throw into the hands of the crown, by setting at rest the question of the civil-list, and deciding it in favour of the views of government.— Upon this being shewn to be the case, ministers, rather eagerly, said they would support it, if brought in; and Mr. Ellice, who is otherwise a strong advocate, for the people's rights, and an enemy of whatever bears against them, was blinded by the advantages which would accrue to his Scotch friends, both on this and on that side of the water, and consented to be the introducer and advocate of the measure. It was therefore a measure in Lord Londonderry's words, "in which the government had no concern," that is, in its projection or introduction; but as, in addition to the personal motives weighing with them as being calculated to increase the power and patronage of administration, to an incalculable and indeed unconstitutional extent, very gross misrepresentations were added, that it was an object highly desired by all the people of Canada, and they were, upon the whole, led to sanction it by their support; so the assertion that ministers proposed it to parliament, may be so far defended, inasmuch as, by their subsequent approbation of it, when it came before them, they may be said to have adopted it as their own.

But to dissect those parts of Mr. Robinson's letter, on which stress has been laid, as shewing that ministers were actually the proposers of the bill. He says that the under-secretary of state declared that "it originated entirely with His Majesty's government, and was not at the instance of either province," and this was in answer to the suggestion that it was a measure urged by Upper Canada, thro' its agent, in opposition to the interests and wishes of Lower Canada. What was this but stating the fact, that it was applied for by neither of the provinces? no one here ever said it was; it was only a few interested, partial, domineering, Scotchmen who applied for it; and the statement of its having originated with government, was nothing more than that ministers had adopted and sanctioned the project of the state quacks, who have endeavoured to undermine our constitution. But Mr. Robinson further says, he has no doubt "as to the present determination of ministers to pass the bill during



next session." Only look at the date of the letter, and when we reflect that the bill was postponed, for the avowed purpose of giving the people of Canada an opportunity of expressing their sentiments on the question, & that these sentiments have unequivocally, decidedly & triumphantly been expressed against it, (for, the ten thousand signatures of *learned* and *well educated* pedlars, shop-boys, swappers, cutters, and counterfeiters, are as a drop in a bucket,) can the idea be for a moment tolerated that the then *present* determination of ministers, which was founded upon the erroneous conviction they were then under, that it was a measure both desired by, and desirable for, the people of these provinces, will be their now *present* determination? But the words and figures following are of themselves a complete refutation of the consequences, so ingeniously attempted to be twisted out of Mr. Robinson's letter, namely, "dated London, 27th August, 1822."

I can not conclude this article without strongly recommending to the public an attentive perusal of the "Considerations upon the expediency of the Union," submitted to Lord Bathurst, by Mr. Robinson the Attorney-general and agent of Upper Canada, printed amongst the other papers relative to the mission of that gentleman, by order of the House of Assembly of the Upper province, and republished in the Canadian Spectator of 19th inst. It is replete with temperate discussion, and fair argument, warped a little, as might naturally be expected, by views more immediately connected with the separate interests of Upper Canada, than with the general welfare of both provinces; but deprecating the union upon the grounds of its inefficacy to attain even the objects for which its proposers maintain it to be the *only means*. It is too long for me to reprint, but it ought to make part of any collection that may be made of the documents, and essays, relative to the present political state of these provinces, two of which appear to be upon the anvil agreeably to the advertisements issued. L. L. M.

*It is proposed to collect, and publish, by subscription, in one vol the proceedings of the constitutional meetings in Lower and Upper Canada, with the speeches delivered on those occasions; and the official documents relative to the projected union; together with a selection of the best essays that have appeared on the subject, in the Canadian papers.*

*Office of the Gazette Canadienne, 27th Nov. 1822.*