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Jacques F. J. L. L.
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THE FREE PRESS.

[Vol. I.] MONTREAL, THURSDAY 10th OCT 1822 [No. 1.]

To speak his thoughts is every freeman's right,
In peace, in war, in council, and in fight. *POPE-IBAD.*

In presenting a new periodical publication to the public, it is both customary and proper for the editor to give some account of the motives and principles that actuate him, the purposes he has in view, and the means and abilities he conceives he possesses for the accomplishment of the object intended — To begin with the last mentioned I have now been for upwards of a year before the public, as the writer and editor of the SCRIBBLER, a paper that has had its full share of obloquy and of applause, of enemies and of friends, of persecution and of patronage. Happily I have it in my power to appeal to its permanence and success, as a proof that it is more praised than condemned, that of even its enemies it may be said that

laudant illa, sed ista legunt.

though they may praise other things, they read this; and that the repeated, powerful and malignant attempts that have been made for its suppression, have all resulted in its greater prosperity, wider circulation, and more lasting reputation. To say more on this subject would be to betray too much those feelings of vanity, I can not but be conscious the approbation and indulgence of the public have awakened within me. Such as I am, as a writer, and a publisher, I am now known, my defects, and my merits, my weaknesses and my powers, and such as they are, I flatter myself they will upon the whole afford a pledge for the execution of the undertaking I am now commencing in a manner that will neither disgrace me, nor be unacceptable to the Canadian world.

Having pursued the system of excluding from the pages of the Scribbler subjects of a purely political nature, I have not been able to avail of, or insert in that work, several communications which solely related to politics, although worthy of the public eye. The present shackled situation of the public press in Canada, together with the independence of my principles, which has been both avowed & proved, & the fearlessness which I have evinced in my publications, have rendered me a sort of *derriere resort* for those who can not gain admission into the columns of the timid, the time-serving newspapers of Montreal and Quebec, which are any thing rather than the vehicles

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of public opinion, or impartial channels of the sentiments of individuals. His first suggested to me the expediency of publishing a weekly half sheet to contain a series of such political essays as I may be favoured with, along with such remarks, and illustrations as the subjects may appear to deserve. My object is not, however, to become a writer on political matters myself, that being a species of literature, to which neither my studies nor my inclination lead me, but chiefly to offer the FREE PRESS as a vehicle for conveying to the public the sentiments of others. Hence I wish the FREE PRESS to be considered as open to all parties, and I beg to invite the contributions of all ranks who feel an interest in the political welfare of the Canadas, and their inhabitants. My correspondents may rely upon my impartiality in the execution of my duty as an editor, whilst I of course reserve to myself the privilege of curtailing, altering or rejecting, such communications, as in point of language arrangement, or subject, may require the pruning-knife, or the scythe. Correspondents who are not masters of the English language may transmit their essays in French, faithful translations of which I will endeavour to present to the public. Their animadversions may extend to men as well as to measures, to characters as well as to systems, and whilst they may rely upon the most inviolable secrecy as regards their manuscripts, (which will never be seen by any but myself and one confidential assistant, and will always be copied out to send to the printers,) they may also be as bold and as energetic as they please, for I have not the fear of the Attorney General before my eyes, and utterly laugh to scorn all idea of being a afraid of prosecutions for libel, whilst I am publishing "the truth, the whole truth, and nothing but the truth." That execrable maxim, invented by tyranny and oppression, that "truth is no justification of libel," I boldly assert is as contrary to law, as it is repugnant to common sense, and I should scarcely desire a greater triumph than to have an opportunity of defeating before an impartial Jury, a libel for which I might be prosecuted, by proving it to be none, because it was the truth.

Although, as before said, the FREE PRESS, is intended to be open to all parties, it is easy to foresee that its pages will be principally occupied by those writers whose principles are opposed to the present system that is endeavoured to be imposed upon the people of Canada by a very small proportion of its inhabitants. The government party, or those who uphold the unlimited power of the metropolitan country to controul and modify the legislature, and the constitution of these provinces, and who maintain the right inherent in the imperial parliament to coerce such provinces or persons as may be either refractory or not sufficiently subservient, have got possession of almost all the public presses of the country, and bear down all opposi-

tion The mercantile interest, as it is called, being entirely thrown into that scale, those English papers that are not directly under the immediate controul of government, are swayed completely to the same side of the question, by the preponderating motive of interest, for it is to the merchants alone they look for their profits both by the circulation of their papers, and the printing their advertisements. It is, however, a preposterous anomaly in civil polity (alluding to Lower Canada) that an insignificant proportion of the population, a transient, migratory, flock of birds of prey, for such may with great propriety, the bulk of our mercantile men be called, who have not, who can not have, any affection for, or concern in, the permanent welfare of the country beyond what their own miserable temporary interest may create, aspire, and assume, to dictate to, and controul, an immense majority of their fellow-subjects, consisting of the ancient nobility, the landed proprietors, the gentlemen, the farmers, and settlers who are permanent, resident natives, and who have no other country, no other interest, upon which to bestow their affection, and their attention, than that which they inhabit, than that which gave them birth. Yet this immense majority, the upper classes of which are by far the most enlightened, by far the most learned, by far the best educated, by far the most experienced, part of the community in Lower Canada, have neither voice nor head, neither a free press, nor leaders of note, for the chief men among them are not ambitious nor turbulent, and their language is not that of the government, not that of the army, not that of the adventurers who resort hither to enrich themselves, and is now endeavoured to be proscribed, as a preliminary measure to the proscription of themselves from all share in the legislature of the land of their nativity. It is obvious, therefore, that as long as the other English papers are shut against them, the FREE PRESS, being almost the only one by which the sentiments and arguments of the Canadian, or, as it has for party-purposes been denominated, the opposition party, can be laid before the public, it will be more occupied by writers on that side of the question, than by those on the other side, who have the whole range of all the other English papers at their disposal.

Born an Englishman,* and bred up with feelings as well of the staunchest loyalty to my king, as of veneration for the British constitution, and of pride in my native country, I have never theless, during the course of my chequered life, nearly one half

* As it might be wondered at how an Englishman got the prefix of Mac, though it is scarcely necessary to state in Canada, where I am so well known, that that is an assumed appellation, it may be as well to explain to my readers in general, that *Leems Luke Macculloch* is an anagram of my real name

of which has been passed out of England, learnt to "prove all things," and have also endeavoured to "hold fast that which is good." Hence I am not blind to the defects and evils of my country and its institutions, of my countrymen and their prejudices, and can perceive the excellencies and merits of other nations, and other systems, as well as of those which in my youth I admired, in my manhood approved, and to which in my age, I give the praise of being, all things considered, still the best that I know of. But I have been the more sensible of the defects that exist, and the evils that arise from time, distance, and circumstances, in the operation of the British constitution and government, when extended to colonies and conquered provinces, from having personally sustained oppression and injustice, persecution and proscription, in a colony and a conquered province. If therefore, my exertions are directed towards the detection and exposure of abuses, the resistance of encroachment, and the resumption of the truly free and noble spirit of the British constitution in these provinces, I hope the public will perceive in them not only veneration for that constitution, loyalty towards the monarch, and affection for and pride in the name of Englishman, but also a cosmopolitan desire to render all men, "of all nations, and kindreds, and people and tongues," happier, nobler, more independent, more worthy of the name of freemen, and more worthy to possess a FREE PRESS.

LEWIS LUKE MACCULLOH

Quebec, 20th August, 1822

— *Hæc dira meo dum vulnere pestis
Pulsa cadat, patriam remeabo in glorius urbem* VIRGIL

MR MACCULLOH,

Fortunate indeed would be the situation of this country, if those who have entered it would return to their own native land, with the satisfaction of having put an end to the political disturbances that have agitated us so long. The future historian of the country, instead of recording deeds of avarice, meanness, and venality, would dwell with pleasure upon the actions and merits of such men, he would claim in their favour, from their fellow citizens, that esteem and affection to which they would be so justly entitled, and hold them up to posterity as examples worthy of imitation. But such men are seldom to be found. The far greater part of those who visit the *Wilds of America* are allured by the prospect of amassing treasure, alike regardless of the prosperity of the country, and of the welfare of its inhabitants, instead of appeasing our political troubles, they foment and cherish them. The others, but too well known by their low cunning and hypocrisy, and whose tongues, seldom

silent, like the harpies mentioned by the Roman poet, poisoning every thing they touch, have done more injury to the country than a whole host of barbarians would have been able to do, and who have succeeded in obtaining for themselves and their favourites all the places of lucre and advantage that are to be given away in this country, these, I say, are not the men to whom the colony can look up for protection. Taught, from their very cradles, to despise the men over whom they now reign with despotic sway, they have, upon all occasions, with pleasure and zeal, slandered the inhabitants of the country. They who, if Canada were this day ceded to the United States, would advocate the cause of rebellious America with as much zeal and acrimony as they now do that of the mother country, are the men in whom implicit confidence is placed. Their opinions are received as coming from the oracles of Canada, and whatever sentiments they are mean enough to attribute to its inhabitants, serve to ground the proceedings of the British Parliament.

Since the memorable period of 1810, have these men been attempting to enslave the colony. No calumny has been too foul, no representations too mean, no steps too daring, to achieve what, in the fulness of their malice, they have conceived the plan of. Calumniating the intentions of the best of sovereigns, these men have, with unrivalled impudence and audacity, misrepresented the motives and actions of the mother country, and if the affections of this colony have not long ere this been alienated from the parent state, they have not to reproach themselves with not having pursued their best endeavours that it should be so.

The history of our civil list fully justifies my assertions. They began by demanding one thing as soon as that is granted, another demand of a most extraordinary nature is set up. The Assembly of the Province is to be made a mere tool of, threatened, in case of disobedience, with the total annihilation of its power. It seems sir, they have at length obtained all they could expect. Their ambition is fully gratified, and, (if man can exult in such a triumph,) they may now boast of having reduced to subjection a whole nation composed of much nobler and better beings than themselves.

Far be it from me, sir, to deny the power of the British Parliament over the British colonies in North America. I cheerfully acknowledge its imperial character, in which, to use the words of Mr Burke, as from the throne of heaven, it superintends all the several inferior legislatures, and guides and controls them all without *annihilating* any. It is not this authority I call in question, but the truth of some strange reports that have of late circulated throughout this city.

We are told the two provinces are to be united, our mun-

cipal laws to be changed, and that the Imperial Parliament is to tax us, until the new legislature shall have provided the means of defraying the expenses of government. Bold as it may seem, I hesitate not to deny the right in any power to change our municipal laws, or to tax us, without our consent. It is not by mere forbearance or indulgence, that the old laws of Canada are continued in full force and effect. Sound policy recommended the measure at first, or it would not have been adopted. To say at this day that the articles of capitulation can be infringed, that the terms of the treaty, by which we became British subjects can be altered, without our consent, is to speak a language little consonant to the principles of a constitution, which breathes the purest principles of liberty, whose very essence is steadfastness in the maintenance of political freedom, whose characteristic is good faith between the monarch and the subject, between the governors and the governed. As to the other assertion that the Imperial Parliament intends taxing this colony, I say it is a language subversive of the constitution of the mother country, and which no true Englishman can hear without indignation and alarm. Yes, sir, it is you know a fundamental principle of the British constitution that the subject can not be taxed without being represented, and our jealous neighbours will tell us what were the immediate consequences of attempting a similar taxation in 1775. At that period Britain could boast of the talents of a Chatham, a Burke, and a Fox, and if the measures recommended by those celebrated champions of liberty and of constitutional rights, did not meet with that approbation in the great council of the nation, which reason and policy ought alike to have dictated, posterity is not the less indebted to them for their generous efforts. Should we, when the question is submitted to Parliament, be so unfortunate as not to be supported by the same talents and generosity; should English men forget the noble efforts, and successful exertions of their ancestors in the cause of liberty and freedom; it nevertheless, behooves every member of society to despise the unmanly accusations by which a few have hitherto forced the greater part into a compliance with their measures, and to raise his voice in favour of himself, his country, and those natural rights which are inherent to man.

I am, Sir, your obed't servant,

OBSERVATOR.

This letter, having been written previous to the arrival of intelligence of the failure, or rather the suspension, of that measure so obnoxious to the greater part of the inhabitants of Lower Canada, the Union of the two Provinces, some observations and expressions in it, seem rather out of date. As, however, there is no doubt but the insidious proposers of that impolitic

and injurious step, (impolitic and injurious at least in the way attempted to be prosecuted) will renew their efforts in the next session of the Imperial Parliament, the attention of the inhabitants of both Provinces ought to be kept alive to it, and the discussion of its merits and demerits continued as if it were even at the present moment hanging over our heads. The danger is not destroyed, it is only removed to a greater distance, by which its advocates flatter themselves that their opponents will be lulled into security; and that, if the question be suffered to rest, they will have an opportunity of doing, what they attempted to do this year but have failed in, namely taking the Parliament and the nation by surprise, and forcing an unconstitutional act down their throats, before they could either chew it or taste it.

L. L. M.

MR. MACCULLOH,

If you can afford space in your pages for the following remarks on a portion of English history memorable in the annals of the constitution, I think they will be read with interest at the present conjuncture.

PUBLIUS.

Nescire quid accidit ante natus fueris, est semper esse puer.

CICERO.

Of all the monarchs who endeavoured to introduce arbitrary power, no one was more zealous, no one less capable, than James II. His bigotry rendered all his schemes abortive. Voltaire says that the antipathy of the English was so great to popery that this bigoted king might have gained his ends if he had endeavoured to introduce mahometanism in its stead. To this assertion, however, it is impossible to subscribe, for those who were averse to popery as considering it the corruption of primitive christianity would have been more averse to a religion which was intended entirely to abolish it.

When James cast his eyes upon the continent he perceived despotism triumphant almost every where. The Swedes and Danes, who had once been as free as the English, had submitted to the yoke of arbitrary power. But he forgot that his ancestor had been brought to the block by an irritated people; that his own brother had been an exile some years in consequence of his father's despotism; and that after his restoration, walking in his father's steps, he had sown the paths of government with thorns, which would otherwise have produced nothing but roses.

Though he knew that in England a king could do nothing without the concurrence of parliament, he boasted, at the very dawn of his reign, of his being independent; and as a menace to compel them to grant him his demands for the civil list, he told them that "the best, if not the only, way to engage him to meet them often, would be to use him well."

The cruelties he made use of to terrify those whom he could

neither corrupt nor persuade to desert their liberties, were written in characters of blood by the chancellor Jeffries, who had been lord chief justice of the king's bench, and recorder of the city of London. This man had been petitioned against both by the metropolis and the parliament, for discouraging petitions and remonstrances against grievances under which the nation laboured. Under so servile a chancellor it was not difficult to condemn every measure that was opposite to the ministry, were it ever so just or ever so legal. It need not therefore be wondered at that the petition of the seven bishops against reading the declaration for the suspending power in the church, should be pronounced to be *publishing a seditious libel against His Majesty and his government*. This has always been the language of the ministers in similar cases. The bishops were sent to the tower. Their triumphant passage to the place of their confinement is described at large in the histories of this reign, and the perusal would force every lover of liberty to exclaim, "O might I be confined in the same manner, that my confinement might operate as theirs."

The frowns of royalty being unable to stop the torrent of petitioning, the ministry had recourse to finesse; and to counterbalance the cries of freedom, brought forward the approbation of sycophants. Addresses poured in as fast as petitions, perhaps rather faster, for he who is bought to profess friendship, generally overacts his part. But when the voice of petitioners was stifled, the sighs of liberty were disseminated by the press. As it was in the power of more people to see the critical state of liberty than to feel it, these publications opened the eyes of many, who were before supine; and the torrent, which had been restrained, overflowed every barrier that could be opposed to it by ministerial power.

(To be continued)

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N. B. Owing to the present state of the communication between Burlington, Vt. (the residence of the Editor) and Montreal, the Free Press can seldom be delivered till Friday morning.