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THE FREE PRESS.

VOL. I] MONTREAL, THURSDAY, 27th MARCH, 1823. [No. 23

*Utilitatem publicam diuturna non convenit ludificatione
differr.* CASSIODORUS.

It is not meet that the common weal should for ever be
abused by deceitful practices.

Although the appointments, which it was the object of the
writer of the following observations to deprecate, have actu-
ally been made; and although I do not perfectly co-incide in all
he advances, yet as it relates to a matter, that is looked upon
by a considerable portion of the community, as one of no un-
important nature; and may lead to more mature consideration
in future, if not to a revision of the present measures, I give it
nearly as it has been sent to me.

FOR THE FREE PRESS.

Montreal, 8th March.

In truth it is to be apprehended, that my lord Dalhousie is
again on the eve of being led into error, by the intrigues of cer-
tain supposed great personages, who, it must be said, unfortu-
nately for the general weal, have the ear of, and but too free
access to, his Excellency. The business of the Sheriff of Que-
bec, which it is to be hoped may prove the last of similar un-
wise proceedings, should induce us to think his lordship would
weigh matters well, ere he decides, lest he should have the pain,
not to say the confusion, of retracing his steps; a public ac-
knowledgement that he is over easily persuaded, and listens
too much to the instigations of interested men, without exercis-
ing his own judgement. But to the subject of this communica-
tion

In the Governor's message to the House of Assembly of the
28th Feb. he calls the attention of the house to the necessity of
appropriating public funds in aid of the support of the Montreal
general hospital. With this we are not disposed to quarrel;
but most unwittingly the cloven foot of the promoters of the
business, was manifested a little before, when the Governor
says, "this institution promises extensive benefits to the pro-
vince at large." Mark what the consequence will be. Those
at the head of the hospital, with characteristic modesty, would
make of it a private concern, whereby to enhance their own
merits in the public estimation; and by monopolizing all the

medical students of Canada, make it a means of individual aggrandizement, and an avenue to fortune for themselves. And it is thus that they expect to succeed. Through the influence of a certain would-be patrician, a determined enemy of every thing that has not had the good fortune of having been brought into existence to the north of the Tweed, the Governor will commission the medical officers of this hospital, as the *sole* examiners of all those who wish to be admitted to practice the medical profession in Canada. This accomplished, no young man, however superior his natural and acquired abilities might be, who had not walked the Montreal general hospital & attended the lectures of the *learned* officers of this enlightened medical school, would pass this board in fact, none who had not been reared by these *soi-disant* lecturers would be admitted to the practice of the profession here.* The result would be that to these men all students of medicine must have recourse, and would have to pay extravagant fees for an education, which I maintain can be obtained quite as well, under the auspices of the other numerous and respectable practitioners of Montreal

* It might have been added that this intrigue, if the case be as it is represented, is one of the manœuvres adopted by the Scotch faction, for acquiring ascendancy in this country over the native Canadians. By these means they will almost entirely shut the door against the admittance of any French students to the practice of the profession, for I should like to see an answer given to the shrewd questions proposed about a month ago in the *Spectateur Canadien* in a letter from a Canadian country student, of which the following is a translation.

"I have just seen with much pleasure, in a late Montreal paper, an advertisement announcing the plan of a Medical Institution in this place. The names of no less than five physicians, are specified as being its founders. As I am from the country, and have not the honour of knowing those gentlemen, I should be very glad to learn in *what language* the medical officers of the general hospital, are to deliver their lectures? and, if I am to judge from the French translation they have printed of their advertisement, whether it is necessary for a young man to understand the principles of that language before being admitted as a pupil? or, will they give their lectures in both languages? To suppose that they mean to lecture exclusively in English, would be to admit that the French language is to be excluded from a public institution, in which the greater part of the pupils will be Gallo-Canadians, who are no more obliged than the professors, to acquire more than one language. When these questions are answered, I may propose others. In the mean time I remain

A COUNTRY SURGEON'S APPRENTICE.

and the country. I would wish to ask the officers of this "Medical Institution," individually and collectively, if this is not the plan over which they have been sitting in consultation so long and so sedulously, and which they are on the point of bringing into birth in all the ugliness of its native deformity.

The law of lord Dorchester regulating the practice of medicine in Canada, is completely set at nought by the very injudicious nomination, generally, of the examiners, whom, I scruple not to say, are swayed from their duty by interest and caprice, and often times by jealousy and malice; and who have always manifested an invincible repugnance to every thing that is Canadian. Young men of six years' study, and much experience, have been repeatedly sent back from the medical boards of Quebec and Montreal, while others, very blockheads, the *apprentices and favourites of the examiners*, have been admitted, though they had studied but two years. An instance of this nature very lately occurred at Quebec. A young man who had been two years under one of the gentlemen of the board, (who has more than one official situation connected with his profession,) rather in the capacity of a clerk, vending medicines behind the counter, than as a student, was presented for admittance: and would have slid through well enough; but his medical patron happened at the same time to refuse granting a certificate of capacity to an eleve of one of his brother-examiners; who in return would not sign the other's on that account: hereupon the business was compromised, and both were passed and licensed, the one a two-years old apothecaries shopman, the other, though of longer standing, a mere dunce. Another case among many that could be adduced, is that of an Hibernian: rough and uncultivated as the bogs of his native land, and more conspicuous for characteristic *naiveté* and drunken habits, than for his education and propriety of conduct, yet did he get a certificate of his capacity to practice in *all* the branches of the profession; though the only account he could give of himself was that he had served as lob lolly-boy on board of a man of war, and had assisted in clearing the cockpit after an action. But to enter into particulars would be to disclose a most nauseating scene of injustice: a scene that will be often acted over again, if the legislature does not interfere, and by a wise and more efficient law, better regulate the practice of physic in Canada.

My sole motive for coming in this shape before the public is; to warn our Governor to shun the snares set for him by certain wily men, who, under the broad canopy of pretended humanity, would hide intentions at once unjust, cruel, and oppressive; and all this, chiefly to serve the turns of some needy and restless adventurers from the northern part of the British Isles.

With your permission, Mr. Editor, I will again resume this topic, in a less desultory manner. But, in the interim, to save

the parties the blush of a palpable contradiction, if they, as they are wont to do, stigmatise this production as a mass of falsehood, I will caution them that, as they demean themselves, I shall, or shall not, proceed to prove what I have advanced against the medical boards of this province. I have, however, thrown the gauntlet, and they are quite at liberty to take it up.

A FRIEND TO TRUTH.

MR. MACCULLOH,

In your no. 20, you introduced the subject of the cultivation of tobacco in the Upper province, and the favourable results that may arise from its being assiduously pursued. Allow me to suggest that colonial objects of that nature, connected with the Canadas would, in addition to merely political, temporary, or local municipal matters, make the Free Press a more interesting work than it is; and give it a permanent character of utility that would permit it to survive the agitation and determination of the grand political question, the union, which brought it into existence. If you are inclined to improve upon this hint, I may have opportunities of transmitting you occasionally pieces of information, that if not peculiarly valuable, may at least be novel, and interesting, and develop some features of this almost unknown, and little explored, country to the world.

CARDO.

I greatly approve of this idea, and shall not only be glad to hear again from Cardo, but invite communications of the nature of those he alludes to, from all who may have it in their power to give such information.

L. L. M.

MR. BALDWIN'S SPEECH, *Continued.*

It was said that the union would remove the differences between the two branches of the legislature in Lower Canada; but why was Upper Canada to be involved in these differences? But as far as he was acquainted with the history of those differences, they originated with the Executive Government and Legislative Council of that province, in demanding from the House of Assembly a surrender of rights and privileges, which if they had surrendered, *they would have forgotten their duty to themselves and their constituents.* These differences were not founded in any hostility to British connection. Lower Canada had always manifested a spirit of loyalty, and attachment to His Majesty's government highly honourable, and equal to any part of His Majesty's dominions. After some observations on the delusive nature of the advantages to Upper Canada held out as likely to follow from the Union, Mr. B. proceeded to

speak of the bill itself; and he was surprised how such a bill could have been introduced into a British parliament. By the 31st of the late king, which was their constitution, they had themselves the right to make laws for their peace, welfare and good government, reserving certain powers to the king and parliament of the mother country to legislate in particular cases. *The Imperial Parliament could not constitutionally alter this law WITHOUT OUR CONSENT; for if so, we had no constitution at all, the provincial legislature would have no rights nor privileges, nor the people any security. Indeed the Imperial Parliament having reserved this bill for the purpose of giving the provinces an opportunity of expressing their sentiments, was a clear proof that THEY WILL NOT ALTER THE 31ST OF THE LATE KING, WITHOUT OUR CONSENT.*

As to the clauses of the bill, he was sure most of the members were greatly alarmed at them: the country at large had expressed their decided opinions. The introduction of executive officers into the House was shocking, was monstrous, it shewed suspicion and want of confidence, insulting to the people's representatives; the extension of parliament to five years was highly objectionable; the limiting of the privileges of the House of Assembly was most injurious; if their privileges were to be limited and defined, they would lose their just weight and influence in the legislature; * the increased qualification of members, and indeed almost all its clauses, were aimed against the liberties of the people. *It was evident that the persons who drafted that bill had little regard for the principles of the British constitution; an imperfect knowledge of the character of His Majesty's Canadian subjects, AND NO IDEA OF CIVIL LIBERTY.* The proposed limitation of the representation to sixty members, however the population might increase, was invidious; *there was neither wisdom, nor good sense, nor justice evinced by the framers of that monstrous bill;*

**It is one of the principles of the British constitution that neither the privileges of the Commons, the general privileges and powers of Parliament, nor the King's prerogative, can be exactly defined by written statute. It is only in their broad features that they are all provided for by Magna Charta, and the bill of rights; every thing else is wisely left to the determination of natural sense, justice, and policy, or in other words to the common law of the land, and the usages of the realm, thus always affording abundant scope for the struggles of each part of the system against any encroachments of the others; and awaking, producing, and disseminating a collision of sentiments, arguments, and proceedings, which constitutes the very essence of liberty, under a well regulated government.*

L. L. M.

the proportion of the representation to the population could not be meted out by time, compass, and arithmetical calculations. What would be an ample representation in one country, would not be so in another: in some countries, as in England, perhaps, one member for one hundred thousand might be fair and sufficient, but such a proportion here would only return a house of two members, which would be absurd. The removal of the legislature of Upper Canada would also be a great evil to that province: the Executive must follow the Legislature to Montreal or Quebec; and the expenditure must necessarily be in Lower Canada this would not only depress the value of property in York, but also in all the upper parts of the province.*

To conclude; as to the differences between the several branches of the legislature of Lower Canada, he would request the House to remember they were called on to accuse the assembly of the Lower province, for *supporting their rights in refusing permanent civil lists*—that they were called upon to accuse the assembly of the sister-province, for *resisting direct taxation* for the purpose of internal improvement, in order that the greater revenue might be at the disposal of the Executive. He reminded the house that they were called on to accuse the sister-assembly for maintaining their rights in raising and appropriating the public money; he would ask them if they were prepared to surrender their rights when they met in the joint legislature. He hoped not. He hoped that the constitution would be the rallying point; they were sent here by the people to be the guardians of that constitution; it was entrusted to their hands in confidence of their fidelity, and he trusted they would never surrender that sacred pledge. If they voted it away this day, it would never again be placed in their hands: it was not a question that would recur every session, on which members might debate and hesitate, might veer and vary, and resolve and re-resolve again—the fatal step once taken could not be recovered. He begged the house to remember the whole country was opposed to an union; and that, if they voted for it, they would vote against the wishes of the people.—Lower Canada also, to a man, disapproved of it; their council and assembly have remonstrated against it, and with what satis-

*It has been contended that matters of local and personal interest ought always to be kept out of sight in the discussion of questions of public expediency; but I say, no. What is the interest of the public, other than an accumulation of all the local, personal, and private interests of all the component parts of that public? every one of these has a right to be heard and weighed; and it is then for the major weight of these aggregate interests to bind the minor.

L. L. M.

faction of mind, he asked, could the members for this province enter the assembly of the Lower one, obtrude themselves into their councils, and occupy their seats against their wishes — He hoped upon the whole, the House would not approve of so disastrous a measure. For his own part, he sought no change; he only wished that the government and constitution might be permitted to remain as they were, untouched and unaltered — This was the path of peace, and he trusted it would not be departed from. He then moved a set of resolutions in conformity with the views he entertained of the subject.

The singular, unexpected, and, in my opinion, highly improper, result of the deliberations of the parliament of Upper Canada, on the subject of the union, is known to the public — By it they declare themselves not called upon to pronounce their opinion upon a question which was recommended to their attention by His Majesty's representative, because the country has expressed the general sentiments that prevail respecting it by petitions and memorials. They appear to have forgotten that as well as legislators, they are also of counsel for their constituents, the advocates to plead at the bar for them on any questions that may arise between them and the Imperial government, or any foreign body; and that the people are entitled to their advice, and opinion, as well as their votes. L. L. M.

POST-OFFICE DEPARTMENT.

(Continued from last No.)

Resuming the consideration of the remedial suggestions with which I concluded my last essay on this subject; the first proposition, namely, for the provincial legislature to repeal, by their own authority, such parts of the post-office acts as are incompatible with the state of this country, although I am fully convinced it is within the competency of the provincial legislature, considering both the letter and the spirit of the constitutional act, I look upon as an unadvisable measure, under present circumstances. The discreet exercise of any power, and occasionally to refrain from asserting that power which may be not well relished by others with whom it may interfere, is as much a part of sound policy, as the firm maintenance of any right, when it is called in question. The House of Assembly of this province, are now playing a game for the deepest stake, the very existence of English liberty in this country, which hitherto they have conducted in the firmest, and most dignified, as well as in the most conciliating manner; and to repeal or alter a British act of parliament, although it would be radically remedial of the grievance complained of, might seem an assumption, shewing a disposition to withstand the supreme superintending authority of the Imperial parliament over the colonies,

which, as long as it does not infringe upon constitutional, chartered and granted, rights, all here are willing and desirous of acknowledging

The principal objection to the second proposal, namely to establish a concurrent provincial post-office, is, that it would be a kind of race run between two establishments for extent of custom, which, however well it might suit a speculative individual or company, might be considered, as an unbecoming feature in a provincial government. If, however, the utility of it can be maintained, I do not consider that objection as very forcible; and one great good would be derived from it, inasmuch as it would try, and set at rest, in an indirect manner indeed, but yet indisputably, the right I claim in behalf of the provincial legislature to repeal or vary any acts that may not be applicable to the state of the country as before said. For the act of 9 Ann. enacting that no *body politic* or corporate, &c. shall carry letters, &c. excepting the general post office, or, in other words, giving the exclusive right of conveying letters for hire through the whole of the British dominions to the general post-office, the establishment of such a provincial post, would, if not opposed at home, (for in this country, if it once passes into a law, there exists no power that can oppose it,) establish the right I contend for, *sub silentio*; and if opposed, it would place the matter fairly at issue, whilst, (always supposing the law to have been regularly passed by the three branches of the legislature,) the plan would be in operation here; its benefits would become perceptible, and its effects in counteracting the abuses that now prevail in the post-office department, as well as in raising a revenue applicable to local purposes of improvement, would form the most forcible arguments with which to combat the objections made to it at home; arguments which would have the more weight from being practical instead of theoretical.

[To be continued.]

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