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THE FREE PRESS.

VOL. I] MONTREAL, THURSDAY, 26th JUNE, 1823. [No. 36.

Sed titulum libertatis post victoriam in servitutum verterat.
JUSTIN.

If a victory is allowed to be gained over our right, another succeeds, and nominal liberty, is changed into slavery.

EXTRACT FROM THE LONDON COURIER, *Continued.*

Voting the money for defraying the charges of the civil list, is annually a bone of contention. Last year, it was proposed by the governor to vote it during the king's life. This the assembly refused. The altercation was attended with considerable irritation, however, the assembly were resolved, and the consequence was that no money was voted at all. Then every thing was paralyzed, even the public schools were suspended.* It is evident matters can not go on long in this way—some alteration must take place—But how? is of more importance than some of the English senators imagine. The Canadians have always behaved loyally and well, but there is no knowing, if irritated, how soon they might court the alliance of our enter-

* The public schools in Lower Canada were established in 1801, and, however beneficial they might be to that trifling part of the population that speak the English language, they are worse than useless to the bulk of the inhabitants; principally from the appointment of the schoolmasters being exclusively vested in government. The Canadian part of the house of assembly have been willing to let this act, impolitic and injudicious as it is, as a general measure, remain on the statute-book, for the benefit of those for whose education it is solely intended and adopted; but have been invariably foiled in the several attempts they have made to introduce parochial school-bills, under which the choice of additional schoolmasters would be vested in the landholders of most consequence and influence in the respective parishes; this rational plan of education was successively adopted by the house of assembly, and rejected, or defeated, by the other branches of the legislature in 1818, 1819, 1821, 1822 and in the least session; so that it is wholly upon the zeal, public spirit, and liberality of individuals (which indeed are most extensive and exemplary,) that the education of the mass of the people depends, as the laws now stand.

prizing and ambitious American neighbours.* It is often remarked in the States that Canada will be the field where a second Washington will gather his laurels; but this event, I think, will never take place, if the good will of the Canadians is secured. Indeed, as far as I can learn, the people of Upper Canada, who are principally English,† are by no means satisfied with the proposed union on the plan the outline of which has been received in this country. The great distance between the present seats of government would entirely separate the representatives of the Upper Province from their constituents, added to which, the scale of pecuniary property is so inferior to the mother-country, that few members could afford the expenses attendant upon the performance of their duties. Thus, the sprinkling of monied men we have, must be elected, whether congenial to the wishes of the freeholders or not. Certainly this objection might be in some degree obviated, by changing the seat of parliament from Quebec to Montreal.‡

* This they will never do; at least they will never throw themselves into the arms of the Americans, and become incorporated with that nation. If the dreadful and deprecated alternative should ever arrive, when the Canadians must make their choice between submitting to the tyrannic dominion of the Scotch faction, and casting off their cherished connection with, and devoted allegiance to, their sovereign; they will not prove themselves unworthy of their name and station. Should that necessity ever arrive, they will aim at independent empire, and, whether, in conjunction with the rest of the British North-American colonies, or without them, they will, in assuming an independent rank amongst the nations of the earth, remain *English* in principle, *English* in heart, and ready to return even to *English* allegiance, whenever their constitutional rights and liberties are restored to them. The utmost they might do, would be, from the necessity of the case, perhaps, to accept the proffered aid of the Americans in the dreadful struggle; but this they would do, with caution, with jealousy, and repugnance, for oil and vinegar are hardly more irreconcilable than the Gallo-Canadian, and the Anglo American characters.

† See note to No. 34, p. 272.

‡ The English reader will feel more forcibly the force of the objections made to the union on this score, when he reflects that, if the united parliament were to have to meet at Quebec, members would have to travel a distance of between 800 and 900 miles one way from the western district of Upper-Canada, and upwards of 300 miles the other way from the eastern part of Gaspé; and if at Montreal, 700 miles one way, and near 500 the other.

"Much has been said about introducing the English language among the Canadians, by various means; and that, at a certain period, the debates of parliament are also to be in that language. The Unionists have endeavoured to prove that such a measure would tend to extinguish national prejudices; and hostility of feeling derived from difference of origin, and consolidating the population into one homogeneous mass.* This is devoutly to be wished for by every real friend of the provinces; but let us view it through a political medium. We all know that ignorance of the English language is the insuperable bar to any intimacy existing between the great mass of Canadian population; and our ambitious neighbours and rivals. Remove this effectually, and you throw down a stronger barrier than your whole militia, with the chain of posts from Lake Huron to the entrance of the St. Lawrence. Of all things this would be most obnoxious to the French Canadians. † It has been observed in the

* I deny that there exists any hostility of feeling derived from difference of origin: the French Canadians are liberal in their ideas of that nature beyond the example of any nation I ever saw or heard of: in fact, awake to the blessings of a free constitution, and feeling and seeing the benefits they partake of, from the gift of that constitution, and their connection with England, they seem always to feel a yearning desire towards the most cordial intercourse with their fellow-subjects of a different language and religion; but are repelled by the purse-pride of the Scotch parvenus amongst them, and thence, certainly, are unfortunately too apt to attribute the same repulsive manners to the whole of the British family, seeing so very few of any other portion of it, than those who are born north of the Tweed. As to the consolidation of the population into one mass, it is already, as respects L. Canada, as much as, from the nature of things, it can be: and that mass is French Canadian; as it ought to be, the few anomalous particles of Scotch and other materials, being little more than the usual proportion of dross there is in standard silver, of which 11 carats are pure, and 1 carat alloy.

† And most deservedly so. Along with their language must fall their customs, their laws, and their religion: if there are any things dearer than others to man, as a citizen, they are his religion, the laws of his country, and the customs of his forefathers; the free enjoyment of which form the essence of political liberty. But upon the same principle which I have before advanced as to their laws, and upon the same maxim, namely, that whoever has a right to the end, has thereby a right also to the means, I contend, that the Canadians have, by their original compact with England, the capitulation, a right to the free use of their native language in their courts and assemblies; for, if

British parliament,* that, as far as England is concerned, it would not matter if the Canadas were sunk in the ocean.— This alteration would assuredly be better for England than the country falling into the hands of the Americans, who, in such a case, would possess a line of coast stretching from East Florida to Halifax, for naval stations. What would then become of your cod-fishery, your fur-trade,† &c. and in case of a Northern confederacy, where would you look for shiptimber, if at war with the States? Setting aside your West India-trade, which would be thrown into jeopardy.

(To be continued.)

I have not yet acquired sufficient information as to the exact state of the suspension and difficulties that at present exist as to the importation of American produce, not enumerated in the Canada trade-act, my remarks on which must therefore also remain suspended. In the mean time, I would ask whether it is consistent with national faith, or even good policy, to start difficulties of the nature of those now raised, in the face of the following official notice which appeared in the government paper, the Quebec Gazette, in October last?

“Some doubts having arisen as to the operation of the trade-acts lately passed by the Imperial Parliament, regulating the inland and maritime commerce of this country, more particularly with respect to the admissibility of some articles not mention-

they have thereby a right to the free possession of their “property, noble and ignoble, moveable and immoveable,” that that free possession can only be maintained by the French civil law, and that that law can alone be understood, administered, and argued upon, in French, and by those who have studied that language; it follows that the same article of the capitulation which gave them those rights, gave them as one of the indispensable means of securing and retaining them, the inalienable right of a civil and legal administration of the laws, in the French language with all its concomitants and consequences, one of which inevitably must be that the debates in their house of assembly, and the acts, ordinances, and proclamations, they are called upon to obey, are bound to be promulgated in the French language. That an English translation of them be given, for the benefit of the few who have come among them that require it. *à la bonheur*, let it be so; but the English part is not, nor ever can be, as long as the majority of the inhabitants are French, the essential part of any official document in this country.

* By, I believe, that *very sound* politician, the *Bostonian*, admiral Sir Isaac Coffin.

† *Already lost by the impolitic and oppressive act of 1821.*

ed in the schedule A of the Canada-trade-act, and the liability of others to pay duty on being exported to other colonies or to Great Britain, we are glad to have it in our power to give some information on these points. The principal officers of the customs here have been advised, on taking a legal opinion on the subject, that all articles which could be legally imported, by land or inland navigation, prior to the Canada trade-act, may still be imported, by land or inland navigation, although not specified in the schedule A annexed to that act. *The important article of ashes is therefore to be considered as admissible AS FORMERLY.*" (The rest of the notice, relates to the liability of such imported articles to pay duty on being re-exported, and not bearing upon the matter at issue, is omitted.)

The innumerable cavils, loopholes, abuses, and interruptions, that take place in the commercial intercourse between Canada and the United States is occasioned by the unstatesmanlike practice, which has, with respect to her colonies, been invariably adopted by the Parliament of England, namely, that of legislating in detail, for distant and almost unknown provinces, without even a slight knowledge of, or under very erroneous, imperfect, or interested, representations relative to the local, temporary and personal, interests, situations, and habits, of the different countries and places that are affected by their enactments. This fertile topic must, however, remain for a future opportunity.

L. I. M.

In resuming the subject of the CHARRIVARRI from last number, the first observation that occurs is that I stand alone amongst all the Canada publishers;

"Amongst the faithless, faithful only found;"

in vindicating the custom itself, in reprobating the wanton and wicked outrage committed by the parties who fired upon the populace, and in condemning the magistrates for barrassing and imprisoning the innocent, whilst they suffer the guilty to escape, or go at large. It is true the last numbers of the *Canadian Spectator* have not reached me, but that of 4th June, immediately after the event, is entirely silent respecting it. I am not surprised that the *Herald*, the *Courant*, and the *Times*, all unionist-papers, should take the side they do; but that the *Spectateur Canadien* should, instead of an original article, have only copied an invective against the custom of the Charrivari from the *Gazette Canadienne*, seems very strange, as I look on that paper, and the *Canadian Spectator* as the only two constitutional and anti-unionist papers in Canada, and as such, I should conceive, bound to exclaim against whatever tends to restrain or obliterate the ancient French customs, and destroy the distinctive national character of the French Canadians. To the writer of the following letter, I have to apologize for

making use of it in this place, instead of in the Scribbler, to which it was addressed: he will, however, no doubt perceive that I have done so from a wish to separate the serious from the ludicrous.

June 1823.

TO THE PUBLIC OF MONTREAL.

I am happy to find one public paper in this province, whose conductor stands manfully forward to reprobate and resist usurped power, unbiassed by bribes, unawed by threats. Nor is it less a source of gratification to find him ever willing, solicitous, and prepared, to right the injured, to repress aggression and insult, and exhibit the oppressor and aggressor in the vestments of scorn. To this fortunate medium do I resort with exultation, to expose the counterfeit and bastard personification of justice which has been displayed in this place on a late deplorable occasion. On whom ought the heavy hand of justice to fall? On those who, if even they were acting in an irregular and unauthorised manner, which I am by no means inclined to admit, were comparatively trifling offenders, guilty at most of the slightest shade of breaking the peace, for as to a riot, that, every one, who is conversant with the law of England, knows, can not exist without a *previous intention* of committing some act of violence, or upon the perpetrators of that deed, which the coroners inquest, one of the sacred guardians of British rights, has declared to be murder, and upon the accessaries, and abettors, amongst whom stand foremost the evil advisers of the illfated absconders, those who spurred them on to the deed, who *furnished them with arms and ammunition, and urged them to fire*. Who these are, if you, the public, do not know, I can tell you,—And I can tell you too that one of them,* instead of being taken up, and secured to take his trial, has been allowed to be a chief accuser and witness against those unoffending individuals belonging to the Charrivarri, whom the magistrates, with their accustomed injustice, have harrassed with prosecutions. These advisers and abettors, I say, are the men, who deserve the execration of the public, as they will have the imprecations of the widow and the fatherless. Listen to the heartrending exclamations of the weeping widow and disconsolate mother; to the deserved curses of the beggared orphans of an unfortunate parent, O ye men of evil! and then if it be possible, lull your unruffled consciences to sleep. Or, if ye are allowed, by the partiality of the magistrates to hug yourselves with congratulations for your impunity, at least do not add to the awful consequences of your demoniac advice, the crime of persecuting innocence by rancour and perjury. JUSTICE.

*A name was given here in the communication received, but which, for obvious reasons, is suppressed. L. L. M.

Mem. *The other letter which Justice announces, her intention of sending shall receive similar attention.*

In turning the tables upon justice, as has, on this occasion, been done in Montreal, and prosecuting the innocent instead of the guilty, the truth has been exemplified that

“Forgiveness to the injured does belong,

But they ne'er pardon who have done the wrong.”

But I have some questions to ask,

1st: Is it true, what has been mentioned in the papers, that besides John Swails, a sailor also lost his life, having been severely wounded, and afterwards died in the hospital: and if so, whether a coroner's jury was not summoned upon his body, if they were. what was their verdict, and if not, why not?

2d. Did the military, acting under the command of the magistrates, at the time, or have they since, dispersed by force, any assemblage of persons in the streets; and if so, was the riot-act previously read, *each time*?

But the climax of this “strange, eventful, history,” is that a meeting, it appears, was held at the court-house, by a requisition of the magistrates of “well-disposed citizens,” for devising the most efficient means of preserving the future *peace of the city*. These “well-disposed citizens” consisted almost exclusively of Scotch and Americans, and might, in fact, have been called a meeting of unionists; and at this meeting the chief of the union faction, the Hon. John Richardson, speechified, according to custom, and it is really a wonder that his immortal harangue, has not, like others of the same stamp, been copied from the original draft, and published in the newspapers. With all the oratorical powers, for which he is so eminent, he reprobated in strong terms the practice of the Charrivarri, as having been productive of so much mischief, but said not a word of the indefensible outrage against the *peace of the city*, which had been committed by the opposite party. The *peace of the city* indeed! it makes one boil with indignation to think that those who did break the peace, and that in a sanguinary and fatal manner, escape without reprehension or remark, whilst those whose conduct, at the very worst, can only be said to have had a tendency to provoke a breach of the peace, are hunted, and stigmatised, and prosecuted, and talked down, by such men as the Hon. John Richardson, *cum suis*. Look to it, I say, Canadians; this is another symptom of that determination to crush, oppress, and eradicate, your customs, liberties, laws, language, and existence as a nation, which is the characteristic of the Scotch cabal, whose head and organ has made himself again so busy about affairs that he ought not to intermeddle in.

L. L. M.

PLAIN TRUTH is rather too personal for this work. But, his observations being important, and to the point, shall find a place in some shape, either in the Scribbler or Free Press.

Owing to the difficulty of procuring returns, subscribers at Quebec and elsewhere, are respectfully apprised that, in future, the same plan will be adopted generally which is pursued in Montreal, namely for payments to be alone made upon production of receipts signed by the proprietor, S. H. Wilcocke, or upon a general letter of authority from him, subsequent to this date. They are requested therefore, not to pay upon any other acquittance, as none other will hereafter be allowed.

LEWIS LUKE MACCULLOH.

Burlington, 16th June, 1833.

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P. S. AMERICUS, and A FRIEND TO TRUTH, are just received; their communications will appear in next number.

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