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# THE FREE PRESS.

VOL. I.] MONTREAL, THURSDAY, 31st JULY, 1823. [No. 42.

*Non videmus mantice quod in tergo est.*

CATULLUS.

We see not in the front, what's done or meant behind.

"I can not forbear saying one word upon a *thing* they call a *bank*, which I hear is projecting in this town. I never saw the proposals, nor understand any one particular of their scheme: what I wish for, at present, is only a sufficient provision of *hemp*, and *caps and bells*, to distribute according to the several degrees of *honesty* and *prudence* in certain persons."

SWIFT.

## ABSTRACT and REVIEW of PARLIAMENTARY PROCEEDINGS of LOWER CANADA.

(Continued from No. 38.)

On Monday the 13th Jan. after some routine business, Mr. Taschereau presented to the House of assembly the report of the commissioners for interior communications for the county of Dorchester, and that part of the county of Buckinghamshire, which is in the district of Quebec.\*

Upon a petition being presented by Mr. Ogden, from Tho-

\* By the provincial statute 57 Geo. III. c. 13. passed 22d March 1817, the sum of £55,000 currency was granted for "the improvement of the internal communications of the province, which are of general interest, and which, under the existing laws, can not be effected; that is to say, to open or finish new roads leading from district to district, to open or improve the new roads leading from this province to other British colonies, to open or finish such new roads as it may be of general interest throughout a district to open or finish, to erect bridges over great rivers, to shorten or make new roads for the purpose of postroads, to improve or diminish the steepness of considerable hills or slopes occurring on the old highways, to improve the navigation of the rivers, and also the beaches of rivers, by constructing dams, canals, or other works for the purpose, and to procure plans, statements and estimates of such other works as it may be expedient to perform for establishing hereafter other communications" It is a general complaint that, in the six years that have elapsed since this act was passed, and commissioners appointed, notwithstanding the extensive nature of their

mess McCord, Esq. for leave to establish a market-place, &c. in St. Ann's Suburbs, Montreal, and its being moved that it be referred to a committee to report thereon by bill or otherwise, with all convenient speed;

Mr. Viger objected to the motion as unusual in its terms, and unsupported by precedent. The ordinary course on receiving petitions of a private nature was to refer them to a committee to report thereon. If the report was favourable to the prayer of the petition, leave was given to introduce a bill in conformity to the report, but it was contrary to rule, and might be extremely inconvenient, to permit a special committee to report by bill.

powers, and the considerable sum at their disposal, very little has been done, and some of the money laid out, expended upon objects quite foreign to those laid down. It would be desirable that such reports, of the commissioners that have been appointed as have been made to the house, (for I believe some of them have not reported at all,) should be collected, printed and published, separately; the public have a right to know what has been done with their money, and why so more has been done. For instance, in the county of Dorchester, for which the report was presented to the house, as above mentioned; it should be a subject of enquiry why the road paralel to the river Chaudiere which reaches, I believe, that is in a passable state, no farther than about Ste. Marie Nouvelle Beauce, has not been continued to the boundary-line, in order to meet the great road which has been cut, and I believe finished in 1820, from Anson in the state of Maine to the Canada line. No sooner was the act passed in Quebec which has just been quoted, than the inhabitants of that state set about making a new road to Canada seventy miles in length, which was cut out two rods wide, and the logs turned out and stumps dug up the width of one rod; with causeways in every part that required it, and a substantial bridge over the river Moose, which is the only considerable stream crossing the road. Expectations were held out that this road would be directly met by one, through Vandreuil, and Aubert Gallon seignories and the townships of Shepley, Dorset and Grayhurst, where it is now ascertained that most of the land is of a rich quality and well calculated for settlements, especially along the beautiful lake Megantic. By such a road a great thoroughfare between the capital of Canada and the great trading-towns on the sea coast of New England, would be opened; and even a much shorter and better route opened to communicate with Nova Scotia than any yet generally pursued. But whilst the American part of this undertaking has been completed these three years, all remains in statu quo on the Canadian side.

Mr. Ogden could not perceive how danger or inconvenience could follow the adoption of his motion. It was the duty of a special committee, to examine the contents of petitions referred to them and report thereon, and his object at present was to enable the committee to report in such a manner as they thought expedient; if favourable to the petition, perhaps by a bill, if to the contrary, that they might be enabled to say there was no necessity for the market prayed for, or that this petition ought not to be granted. The petition having been received, something must be done with it; but, if referred to a committee in the manner he had proposed, the house were not at all bound by its report, whatever shape it might assume, any more than it was by having allowed the petition to be received. The question put from the chair, whether a petition should or should not be received, is not to obtain the opinion of members as to granting or refusing the application, but to ascertain there is nothing disrespectful in the paper. Mr. O. expressed his unwillingness, upon the mere *ipse dixit* of any honourable member, that his own motion was contrary to rule, to withdraw it, as he should rather wish to see the rule. He asked where would be the inconvenience if the committee reported a bill to erect a market as prayed for? Is this house, or a single member, bound to be of the same opinion? Not at all. If the committee should be adverse to the petition, my motion, said Mr. O., by the introduction of the words, "or otherwise," enabled them to say so, and I repeat that gentlemen ought to shew me that this is contrary to rules and precedents rather than assert it to be so. As they have not done so, (altho' I do not consider it of any great consequence in what manner the petition is referred to a committee,) I do not feel disposed to retract any part of my motion.

Mr. Stuart said. The question involved in the petition is one so completely new, that at first I was inclined to vote against its being received. The object of the petition is to obtain leave to establish what at present is unknown in this country, viz. a private market. I do not mean to say that the measure may not be a wise one, a very wise one, but it is a proposition altogether novel, and is one, tho' I have not considered the subject particularly, that, at first blush, I am disposed to vote against. The petitioner commences by assuring the house that

\* This is true in the abstract; but we all know, what effect papers, ready drawn, have upon any meeting. A bill ready drawn, and laid before the house would be much more likely to receive immediate concurrence without mature examination, than if, after a report is given in, a bill has to be prepared, by which, time for reflection, and opportunity for discussion, is afforded.

he has nothing more at heart than the prosperity of the city of Montreal, and that it is very much in want of a market at that spot where he possesses some land. It may be, and I dare say it is so; but I object to the mode in which the petitioner proposes to remedy the inconvenience. After trying our credence\* as to his anxiety to promote the public welfare, the petitioner prays that he may be permitted to establish a market? A public market? No. It is that he may be permitted to open a private market, to erect a market house, and build stalls, &c. but the whole to remain for ever his property. If, sir, this were an ordinary application, I should not object to the wording of the motion, "by bill or otherwise," but before coming to the ulterior point as to this market, I am anxious to decide the new principle proposed in the petition, viz. the establishment of private markets. It may be a good measure, but it is altogether a novelty in this country; for we only know of public markets. Those at Quebec, Montreal, and Three Rivers, are all public markets, and I must give some consideration to the expediency of erecting private ones, before I consent to the measure. The premises and conclusion of this position differ very materially. From the premises I expected the anxiety of the petitioner to benefit Montreal, was so great, that he intended to make a present of the ground to the corporation or town of Montreal, upon condition that an act to establish a public market should be obtained and carried into effect; but the conclusion is widely different. I do not say the motion before the house is contrary to rule, but, the petition being a novelty, it ought not to be granted of course, and I shall therefore move, in amendment, that the words, "by bill or otherwise" be struck out of the said motion.

After some further conversation the motion as amended, passed *nem. con*

On Tuesday the 14th. After some preliminary business, among which was the presentation by Mr. Cuvillier of the report of the commissioners of the La Chine canal, the house proceeded to the order of the day on the motion of Mr. Taschereau to change the quorum, by reducing it from 26 to 15. The house resolved itself into a committee of the whole to consider of the subject; Mr. Clouet was called to the chair, and the question upon the motion being put, Mr. Louis Lagueux, after a few preparatory remarks, proposed the number 19 as an amendment.

These propositions occasioned a short but animated debate in which Messieurs Blanchet Cuvillier, Oldham, Taschereau, and Bourdages, took part. Upon motion of Mr. Bourdages, that the chairman do leave the chair, report progress, &c. the committee divided. Yeas, 23, Nays, 5. Leave was given to

\* I think I should have said "taxing our credulity."

the committee to sit again on Tuesday the 21st, and the house adjourned.

Wednesday, the 15th January. Mr. Taschereau moved for leave to bring in a bill to renew, for a limited time, the act of the 57th of His late Majesty to facilitate the administration of justice in certain small matters therein mentioned in the country-parishes

Mr. Taschereau moved that a bill to continue the act for the trial of small causes in country-parishes by commissioners, about to expire, be introduced.

The introduction of this bill was opposed, and the arguments urged were; the notorious abuses that had crept into its practical application—the litigious disposition which it tended to create amongst a peaceable peasantry—the room for extortion by bailiffs and others, which it afforded; a bailiff was the person who incited to prosecution, and plainly because he was to reap advantage—the unfit persons which had been appointed, and which no foresight could prevent from being appointed—the general ignorance of law—and finally the general principles of the bill itself. On the other hand, those who were for its introduction maintained, that the principle of the bill was good—that no specification of abuse was given, and broad assertions ought not to be listened to—that it had been of essential relief to the poor; a labourer, it was said, had a debt of one or two dollars, the cost, by loss of labour, and travelling to a court of justice would amount to as much as his debt, and he preferred losing, and in most cases, did lose, the sum, which was of essential value to him—it protected the poor against the wealthy and vicious—that the objections were by no means such as to warrant the rejection of the bill entirely—that it was capable of amendment, and, if it had been productive of abuses, they might be removed—that, even if the bill were incapable of amendment, they could not wish to see it done away with entirely, but that it was essential to supply it with some other, and that provision should be made to give justice to all and protect the poor and ignorant man from extortion and oppression—that the cases coming under the cognizance of the commissioners were all of the same nature, and of the plainest kind, and on which every man of very common intelligence and integrity, could not fail to decide justly—and that parliamentary usage required that a bill for renewing an act, should proceed to its proper stage for discussion.

Upon a division there were, nays 13, yeas 14: the bill was read a first time, and ordered for a second reading on Saturday following.

[To be continued.]

In a letter relative to Banking Institutions in Canada, publish-

ed in the beginning of last year, under the name of *MARITIME MASK*,\* it is said

"That banking-establishments may be rendered eminently useful in all commercial countries, when under proper management, and sufficiently under the surveillance of the mercantile interest and of the government, not to be able to dictate to either, can not be denied, whilst on the other hand they may, if conducted on contrary principles, be productive of incalculable evil, and become, what I think I shall succeed in proving ours to be, both in law and in fact, common and public nuisances."

"The main objection is to the very essence of them, that is, to the association of a number of mercantile individuals for the purpose of monopolizing all the money, and exchange business of the country, and controuling the whole remainder of the trading-community. 'Reform it altogether,' is the only way. Put the laws in execution for their suppression, and hold out encouragement for individuals, or partnerships of from two to six persons, (to which number the British laws have wisely restricted all private banking-societies,) to establish banks upon the same principles as the country-bankers in England, and private bankers in London."

These observations are fully exemplified by the injurious consequences that have ensued to the public, both in Lower and in Upper Canada from the establishment of the various bubbles or schemes that have been denominated banks, and some of which the government have (in my opinion most injudiciously and impolitically) sanctioned by granting them acts of incorporation. But in no instance has the evil been carried to a greater height, or its effects been more seriously felt than at Kingston. The pretended bank there, (as it is now justly termed in the official advertisements relative to it,) having stopped payment after little more than two years of ricketty existence, it was deemed necessary to make some legislative provision for remedying the evils arising to society, and preventing or diminishing the loss to individuals, by the misconduct and fraud of one or more of the principal parties concerned: for it was discovered that a sum of nearly £6000—had been embezzled, and could not be accounted for. From all I can collect, the

\* The editor of the Free Press does not now hesitate to avow himself as the writer of the above pamphlet. It was written and published at the time he was in prison at Montreal, a period which he always alludes to with pride; but not having been printed under his own superintendance, it has many errors of the press, some of them of a very inexcusable nature. He has a few copies on sale, corrected with the pen, which may be had at the Scribbler and Free Press office, Montreal, price 2s. 6d.

president of the association, one Benjamin Whitney, appears to have been the chief, if not the sole, criminal: yet, like all other men in these provinces who have acquired a certain rank and station by wealth or favouritism, and who have been guilty of what meaner rogues would swing for, he remains at large, unprosecuted, though not unaccused, unpunished though not undespised. It has been proved that he obtained by a fraudulent and false representation, £8000—of the Kingston bank notes from the bank of Canada in Montreal, of which he took £2000—to his own use, and, at a meeting of directors held for the purpose of enquiring into his conduct, it seems that he defied them, and took advantage of the £8000 being still in his possession to make it a condition of its restitution, that they should cancel the security he had given to the association for the cashier, (on whom he wished to lay all the blame of the defalcation;) to this shameful proposal, it appears, the directors acceded, and instead of causing him to be apprehended as a felon, as they ought to have done, were themselves guilty of compounding felony. But the proceedings of that meeting have been hushed up; well they may—they are disgraceful to all parties.

Previously to entering into a discussion of the inconsistent and unintelligible bill that has passed the legislature of Upper Canada for regulating and liquidating the concerns of this pretended bank, it may be right to take a view of some of the intrigues by which its introduction was preceded.

One of the directors, C. A. Hagerman, Esq. who has played the most conspicuous part on the occasion, and who joins to a great ambition of monopolizing all offices and public situations within his reach, an equally large proportion of anxiety to curry favour with those he considers as great men, and able to further his views; upon the affairs of the bank becoming, as it were, desperate, seems to have had an understanding with the hon. George H. Markland, the present presiding commissioner, to get him and his relations appointed as managers of the whole concern, frequently throwing out hints to the directors, and finally proposing it at a full board. The proposition was explicitly and immediately negatived. But Mr. Hagerman was a member of parliament, and we find the same individuals, whom he then proposed are all three, the present commissioners.

*(To be continued.)*

It is with great satisfaction I have perceived in the Niagara Gleaner of the 12th instant, that a plan has been formed for connecting the navigation of Lakes Erie and Ontario by a water communication from the Grand River to the Chippewa, and from the Chippewa to what is called Twelve Mile Creek; and notice has been given of an intention to petition the legislature

for an act of incorporation of a company, with permission to raise £25 000 for opening the Canal.

That public-spirited individuals should project and undertake similar enterprizes, is highly desirable; and they ought not to be discouraged by the reflection that they can be productive of comparatively very small benefit, as long as the miserably short-sighted policy is adopted at home, and re-echoed here, by which the transit of American produce thro' the Canadas is trammelled, discouraged, and even prohibited; for it is impossible but the time must come when conviction will be brought home at last even to the imbecile planners and promoters of such unwise restrictions, *that to impose the slightest duty, (unless for the sole purpose of raising a necessary revenue, which can not otherwise be raised,) upon any kind of American produce, coming in any way into these provinces, is a political folly of the most absurd description.*

L. L. M.

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PHINEAS, on the militia-muster. is better adapted for the Scribbler, and will appear there.

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