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La science du gouvernement n'est qu'une science de combinaisons, d'applications, et d'exceptions, selon les tems, les lieux, les circonstances.

ROUSSEAU.

EXTRACT FROM THE LONDON COURIER, continued.

"They are said to be anti-commercial. This is not true in the main; although, compared to the enterprising English and American merchants, it would appear so. In fact, the leading French Canadians are gentry of the old French school, having immense landed property. On the other hand, the only English* here who are opulent, excepting the governor and some few round him, have acquired all their riches in trade, and, although many are extremely rich, and live almost in a princely style, yet there is a certain "je ne-sais quoi," in the habits and manners of each, which sets cordiality and friendship, and, of course, confidence, at an immeasurable distance.† These parties were brought into collision by the introduction of the bill

* The constant recurrence of the word English in this letter, would lead me to suppose, either that it was not actually written here, where (until lately that the Canadian Spectator and myself have restored it into use in its original meaning,) the term British has been universally adopted; or that the editor of the Courier, has changed the expression from British to English, as one more consonant to his ideas of propriety, though it is, in fact, less descriptive of the actual state of matters.

† There is much truth in the general representation here given. The French Canadians are not anti-commercial at all, upon system or principle, but the generality of them are so; by their habits and pursuits. They are not enemies to trade, but they do not desire to be forced to become traders themselves, nor to have all their interests, their customs, their partialities, and enjoyments, laid prostrate before the genius of commerce; the lesser interest of the country made predominant over the greater. As to the opulent British in this province, though they do live in what may, by affected to be called "almost a princely style;" it is the princely style of Thames street, Fish-street hill, Watling-street, and other elegant parts of the city of London; which they are; and, y the writer of this letter can not describe the "je ne sais quoi," that makes the distance and difference between

for building gaols and court-houses. This bill, the importance of which was felt by every individual, in Lower Canada, was thrown out by the house of assembly, on the plea that they never would consent to bring any tax home to a man's fireside. They therefore wished to defray the expenses by port duties. This was objected to by the other side, and thus measures of the first utility are abandoned.* As the political barometer in this country at present stands it is impossible that any very beneficial measures will be adopted.† The governor and council may be said to be continually pitted against the house of assembly. The latter being almost exclusively Canadians, com-

the French Canadians and the British traders, I can ; it is the same distance and difference there is between the well-educated gentleman, and the illiterate upstart shopkeeper.

*This is an erroneous statement : it implies that the building of gaols and court-houses was abandoned. Not so : the Canadian interest, as it of right ought, carried the day on that occasion ; and I can not give aught better as a vote in this place than an extract from one of the letters of JUVERNA, a writer in the Canadian Spectator.

"One proceeding of the house has been arraigned as anti-commercial—let the fact speak. A direct tax on land had been proposed by those influencing government, to raise a fund for the erection of gaols and court-houses. This tax would have been unequal ; the collection would have been expensive, and would have created an establishment, giving patronage to those who proposed it ; a system of taxation would have been introduced abhorred throughout America ; most unsuitable and irritating to a new country ; most unwelcome to those who, yielding to the pressure of such systems, should have fled from cultivated Europe to the liberty of the desert—but patronage and mercantile immunity were sought, and this tax was pressed ; policy and liberty were understood, and it was rejected. The Canadian house of assembly, better imbued with genuine English principles than the proposers of that tax, rejected it ; and wisely raised a fund by duties at the port, and not by taxes in all our houses. Yet this considerate and constitutional decision, deserving the applauses of every man in Canada, has been termed anti-commercial !"

†It is but too true that the deficiency of English feeling and principles in the legislative council, throws too many obstacles in the way of the English views and measures of the house of assembly ; but the long list of acts (mostly, however, of a local nature, but including that for the erection of a new district, the inferior district of St. Francis, and the establishment of courts of judicature therein,) that have been passed during the late

mand at all times an overwhelming majority,* and of course feel little interest in promoting improvements which they con-

session, and have received the royal assent, is a proof that useful measures are not wholly stifled by party dissensions; and when, in addition, it is considered that the following highly important and beneficial acts, which had passed the house of assembly, were amongst those rejected by the legislative council, viz

Bill to augment the number of representatives to serve in the assembly;

Bill for the encouragement and promotion of education in the country parishes;

Bill to authorise an enumeration and return of the population of Lower Canada;

Bills to incorporate the cities of Quebec and Montreal; and

Four bills of indemnity for, 1819, 1820, 1821, and 1822: as well as that the really indispensable measure recommended by the house of assembly, by their resolution;

"That, under the existing circumstances of the country, it is necessary and urgent that the inhabitants of this province should have one or more persons to reside as agent or agents near His Majesty's government in England, to attend to the interests of this province, and from time to time to transact such public business as may be transmitted to his or their care."

Which was ordered to be communicated to the legislative council to desire their concurrence; was unanimously refused to be concurred in by the council; it will be evident in what quarter, and from what baneful influence, the trammels originate, which are cast upon the progress of public affairs in this country.

*If the meaning of the writer here is, that the Canadians have an overwhelming majority in the house of assembly; he is correct; and so they ought to have; for they do, in number, in talent, in learning, in real property, and in genuine English patriotism, so absolutely overwhelm the rest of the population, that the latter can only be compared to a few tares in a well-cultivated, and abundant field of wheat. But if the meaning is, that, on questions of high political importance the Canadian interest has an overwhelming majority, it is precisely the reverse; for the house of assembly, as one branch of the legislature, stands opposed to two others, the council, and the governor, so that it is two to one against them, and they can never hope to carry a question, of vital importance, which may not exactly suit the views of the other two, but by modifying and frittering it away, so as to conciliate their good will, at the probable risk of losing all the good to be expected from the measure. It is true, that, constituted as our political machine is, the Canadians have an inert power of resistance against encroachment, in their prepon-

sider will chiefly benefit the English, such as cutting canals, opening roads, &c.*

(To be continued)

I resume now, from No. 33, the explanation I have long promised myself to make of my feelings and sentiments towards the Scotch, and which I consider as due to the many worthy, and excellent individuals of that nation whom I have had the pleasure of knowing, during the course of my chequered life, as well as to the numerous characters of exalted learning, valour, and talent, which adorn the annals, and grace the present times, of North Britain. The tribute of respect and praise is due to the illustrious of all nations and of all times, but we are not therefore to merge in the effulgence of their merits, the defects and follies of their country or their age, nor even be blind to the peculiarities or absurdities that may be observable in them. The Scotch, like other nations, have their merits and their demerits; and like all nations who have less recently emerged from barbarism than their neighbours, are more conspicuous in both, than those whose national character has be-

decease in the house of assembly, which, as long as they are true to themselves, is an insurmountable barrier to the ambitious views, and rapacious designs, of the oligarchic faction; and this, indeed, forms the only palladium of their constitution and their liberty.

*This is a most unjust and fallacious assertion. In the first place, how could the improvement of the country chiefly benefit the Scotch, (as usual English is here put for Scotch)—part of the community, who are entirely a transient, migratory set, who come here to exchange their indigence for wealth, and then to return to Europe? Can they be more interested in the improvement of the country, than the men who are born in it, who are to die in it, whose remotest posterity will be its inhabitants, whose inherited possessions will descend to their children, till time shall be no more? It is as contrary to nature, as it is contrary to fact. Not to dwell on sums voted by the house of assembly for local objects of improvement; let it be recollected, that in 1815, upwards of £ 8,000 was granted for roads, and improving the navigation of rivers; that in 1816, £ 25,000 was placed in the hands of government for canals; that in 1817, £ 55,000 was voted, for the improvement of internal communications; that in 1820, £ 10,000 more was granted for the La Chine canal, to which the former £ 25,000 was appropriated; and at the last session £ 12,000 more for the La Chine canal, and £ 50,000 for the Chamby canal, £ 2,100 for the improvement of agriculture, &c. &c. Does this shew little interest in the promoting of improvements?

come more equalized by the attrition of circumstances, characters and events. Before I came to Canada, I never met, in society with any Scotch men but such as bore the stamp of learning, education, and liberality. Indeed the diffusion of literature amongst the Scotch, and the better opportunities afforded to the middling and inferior classes for education, gave them a proverbial character, wherever I before knew them, of knowledge, whilst their natural activity, enterprise and shrewdness, adapted them in the highest degree, to become the companions, the friends, the esteemed associates, of the best, and most enlightened of those amongst whom they were dispersed. Before I came to Canada, I had the highest esteem for them as a nation, and entertained the warm sentiments of friendship for several individuals with whom I had associated; but, lamentable was the reverse when I found what sort of Scotchmen form the great bulk of the British inhabitants of this province. They are generally men who have had no education, beyond that of the first rudiments taught in a charity-school; widely different from their countrymen who visit the southern part of Britain, and become able, worthy, and agreeable members of society of the state, and of the republic of letters, men who shine equally at the bar, on the royal exchange in the pulpit, and the convivial circle, who participate in the toils of the statesman, and share both the dangers and the glory of the army and navy.— Here, without any other desire or pursuit at first than that of amassing riches, you may, perhaps, find one in twenty who has had so much of a liberal education to have got as far as the Roman classics, and one in fifty, whose soul has become expanded by the cultivation of letters, and fitted for the rational intercourse of men of sense. But these are so rare, that they are actually ashamed of being supposed capable of thinking any thing else worth pursuing than how to make a fortune. They are shy and afraid of showing their love of books, they hide themselves when they indulge in it, for fear of the ridicule of their illiterate and ignorant countrymen, whose god is gain, and whose excellence of wisdom consists in the talent of being able to overreach in trade with the greatest dexterity. Whilst these, miserably deficient as they are in every intellectual perfection, and an exception, (and certainly to me a strange one, yet it is undoubtedly the fact,) to the generality of their countrymen in that respect, yet possess all their natural activity, enterprise, and shrewdness, which degenerate into low cunning, and bustling trickery, by which they soon become wealthy, at the expense of the cheated and confiding Canadians, who, in their turn, they teach to be equally tricking and cheating with themselves, and who, before these strangers flocked in such numbers amongst them, were a guiltless, strictly moral, and honourable people and are so now, wherever they live remote from the trading-towns that are infested and overrun, with the adventurers

from North Britain. That this is a true picture of the great bulk of the Scotch who are in Canada, every one but Scotchmen will acknowledge; nor is it in the least overcoloured.—When I came to Canada, and was told the British inhabitants were chiefly Scotch, I flattered myself, judging from what Scotchmen at home generally are, I should fall amongst a people, of literary acquirements, liberal tempers, and social disposition; but I can not speak the ineffable and unutterable contempt I have for the wretchedly ignorant, prejudiced, illiberal, and meanly proud animals, who form the upper classes of the Scotch-Canadians. With this reaction on my mind, added to the savage, bloodthirsty, and iniquitous, persecution I have sustained at the hands of the agents of the late North-West Company, all but one (an honourable Canadian, who never interfered in my prosecution,) illiterate, low-bred, Scotchmen; and when I perceived, as a party-writer, that it is to the intrigues and sordid ambition of such men as these, that the anti-English, and insidious plan of the union was laid, for destroying the liberties of both provinces, and throwing the whole prostrate at the feet of a domineering faction, who in their turn would lick the feet of their rulers; considering all this, it is no wonder, I should make the distinction I do, between the Scotch nation, and the Scotch faction; between the Scotch in Europe, and the Scotch in Canada, and that I should, in my political writings, (sometimes I know with a colouring, heightened by party zeal, which can not fail to be the concomitant of all such discussions,) stigmatise the latter, as a set of despicable, and contemptible, but dangerous, enemies of the country.

E. L. M.

When, in my last number, I noticed the vile and reptile-like sentiments which the editor of the Montreal Herald, had expressed with respect to the custom of the Charrivarri, namely, that it ought to be prohibited because its votaries were *anti-unionists*, I little dreamt, that the *illegal* and *undefensible* opposition that has been made to that custom, would have been carried to that sanguinary and dreadful excess which has lately proved to be the case. It is a warning-voice to the French Canadians, and let it not be lost upon them. They may now plainly perceive that it is the intention of the *unionists* (for it must become a party-question) to destroy, along with their constitution, laws, and language; their customs, usages, and favourite amusements, if not by form of law; then by force, and main strength, by the bullet and the sword. Let it be a warning to you, Canadians; do not let these intruding upstarts dictate to you, upon your own soil, which of your local habits, your pastimes, your exercises, and ancient privileges, you shall abandon at their nod, and which they will suffer you to retain.

In a subsequent number, and as soon as I can find space, I mean to maintain the following propositions.

That the *Charrivarri* is an ancient and immemorial usage, practiced in many parts of old France, and introduced and observed in most of the French colonies, particularly in New-France, extending, even to this day from Quebec to New-Orleans, every where where there are any congregated numbers of the descendants of the old French settlers.

That it is in itself, when not accompanied by any riot or acts of violence, not only a harmless, and innocent, but a laudable, proper, and moral custom; and a political benefit, inasmuch as it visits with an adequate punishment, (that of temporary ridicule,) the political crime, which is arraignable at no other tribunal, of unequal matches.

That the common law of England, which in this case must be the paramount decider of the legal question, is specially built upon ancient and immemorial usage, and under it whatever is proved to be a custom for a time "whereof the memory of man runneth not to the contrary," becomes a law. a law permissive, in contradistinction to a law obligatory; that is no man is bound to take part in a *Charrivarri*, but no man can legally prevent it.

That therefore unless it be shewn that there is some written statute to restrain or prevent such practices, they are strictly legal, and no one can or ought to be molested in them, provided, as before said, no acts of violence are committed.

That, the attempt to make the act, commonly called the Black act, to bear upon the *Charrivarri*, is as idiotic as it is audacious, rendering those who haul it in on the occasion, as contemptible for their shallowness of intellect, as they are execrable for their tyrannous endeavour to twist the law, to serve a particular purpose: that act having been made to restrain and prevent deer-stealing in the enclosed chases in England, and particularly in Waltham chase, and Epping forest near London, and being both *de facto* and *de jure*, utterly inapplicable, and of no force whatever in Canada.

That the police-regulations in Montreal, under which there appears to be the shadow of a right to restrain and prevent *Charrivarri* meetings, are in themselves illegal, void, and a non-entity, there being a radical defect in the framing of them, that when it is pointed out, will shew they are *in toto* invalid, and to be considered as *non avenu*; and independent of this, that, even if they were legally binding in other points, there is no authority in the assenting body whence they emanate, to enact any regulations that are contrary to the liberties of the subject, the common law of England, or established usage. Besides it will be recollected that it was proved in the House of Assembly that Mr. Thomas M'Cord took the house by surprise, and cheated them into an acquiescence with the bill under which these regulations derive their sole legal authority.

That it is a part both of the duty and policy of strangers who come to settle in a country, to follow, and submit to the estab-

lished customs of that country, as well as to its laws.

That the Grecian games, the Roman Saturnalia, the Venetian Carnival, the Spanish bullfeasts, the English May games, and an innumerable number of other national customs, are all akin to that of the Charrivarri, and were, or are, no more proper or legal than that is.

That in the result of the late melancholy occurrence at Montreal, (into its details I shall not enter, as a legal trial of the real criminals; it is to be hoped will take place, to satisfy the public irritation, and therefore it is proper to abstain from them, until the facts are proved in evidence.) the magistrates have, as far as my present information goes, acted in a diametrically opposite way to what their duty and justice required, and that they ought to have been diligently employed in seeking after, and both securing for trial and screening from popular vengeance, the perpetrators, abettors, and accessories, of the murder, which a coroner's jury have declared has been committed, than in taking up, examining, detaining, and imprisoning, the unoffending parties who are the aggrieved side; if they had let the guilty escape, they ought not to have turned round and attacked the innocent. If they found it necessary to do something to redeem the opinion of their inefficiency and inactivity, it ought to have been the demolishing and rioters of the ensuing evening, whom they should have sought after; who, although actuated by an excusable spirit of maddened revenge for the sanguinary outrage that had been practiced, were breakers of the law, offenders in deed and in spirit.

That these events ought to be warning voice, first to the self-willed fools who will not pay tribute to popular custom, and an ancient legal and laudable mode of having their folly gently rebuked, not again to dare to attempt to put down that custom by blood and murder; and secondly to all true Canadians to resist the oppressive rod that is endeavoured to be held over them, nor ever to let another ill assorted match take place without a Charrivarri, and if attempted to be prevented in that legal and proper pursuit, to resist, *vi et armis*, all attacks that may be made upon them to take them prisoners, or to disperse them; as I tell them that no magistrate, officer, constable, watchman, or any other individual, has any right to do so, until after the riot act has been read.

And, finally, that it ought to be taken up in the next session of the House of assembly, who I hope will not suffer the ancient and praise-worthy customs of their forefathers, to be trampled upon by a set of factious and upstart Scotchmen, stiff-necked Americans, and unprincipled, and imbecile trading justices.

L. L. M.