

Mr R. Moorhead

THE SCRIBBLER.

Vol. V.]

22d JULY, 1824.

[No. 126.

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ROBERT JOHNSON.

Montréal 6th June, 1823.

THE SCRIBBLER.

Vol. V.] MONTREAL, THURSDAY, 22d JULY, 1824. [No. 126.

Quorum pars magna fui.

VIRGIL.

The greatest share of this I bore myself.

Inter strepit anser olores.

VIRGIL.

Amongst the swans, to hear a goose thus cackle!

Mores hominum multorum videt.

HORACE.

Of men and manners multitudes he saw.

Prodesse et delectare.

SYLVANUS URBAN.

To profit and delight.

ABSTRACT of REPRESENTATIONS and PRESENTMENTS, made

respecting the

GAOL OF THE DISTRICT OF MONTREAL;

WITH NOTES AND OBSERVATIONS.

During the session of the Court of Oyer and Terminer for the District of Montreal, held in May 1821, a strong and detailed representation was made to the Grand Jury, relative to the Gaol of the district, and the Grand Jury, having visited the prison and made the necessary enquiries, likewise called before them, and examined, the gaoler then in charge, his assistants, and the Sheriff. As it was, however, in contem-

plation to remove the then gaoler, and a person of a different character was expected to take charge of the prison, the sheriff promised the Grand Jury that the principal grievances should be redressed, attributing great part of the evils complained of, to the intractability and singular temper of the then gaoler. It was expressly promised, that, an alteration should take place, in the close confinement of the prisoners to their wards, and that, until a court yard could be appropriated for their use, they should be admitted to take the scanty portion of air and exercise, which the limited freedom of the hall of the prison, could afford. The indiscriminate exclusion of their friends from visiting them inside of their wards, was also to be abrogated or modified; and, in general, promises of a satisfactory change in the management of the prison, were liberally made, and too readily believed. Relying upon the performance of these professions, the Grand Jury abstained from making their presentment so ample as they had intended, and as had been at first drawn up, and confined it, as far as regarded the gaol, to the few remarks that will be found in the extract of their presentment, printed at the end of the following;

Abstract of a representation relative to the Gaol of the District of Montreal, made to the Grand Jury of the Court of Oyer and Terminer.—Sessions May 1821.

After a short exordium, the representation proceeds in these words:

“The community at large is interested in the matters which will be laid before the Grand Jury, in as much as the well ordering of a prison, the safe custody of its inmates, and the distinctions

that ought to take place between accusation and guilt, between misfortune and crime, and the moral consequences arising from the mismanagement of a gaol, have a weighty influence in the affairs of every country."

"The honour and reputation of this place, and of justice, require that the arbitrary, illegal, and oppressive practices, which will be exposed, and which are inconsistent with the mild and equitable spirit which ought to prevail wherever the blessing of British law extends, should be removed and prevented, and the blot incurred by the violations of law and right that have taken place, be wiped away, nor suffered to disgrace and deform the history of this rising colony."

"The evils that exist are to be attributed;

- 1 To the prison being the immediate and common receptacle of every description of persons, who are liable to protracted, or temporary, restraint of liberty, murderers, thieves, forgers, persons guilty of common assaults, nocturnal revellers, frolicsome youths, prostitutes, debtors on suspicion or in execution, run-away apprentices, nay even lunatics, are indiscriminately hurried directly to gaol, without any intermediate station whence they might disclose their situation to their friends, procure advice or bail, settle their affairs, or expatiate a trifling excess or trespass by reparation and apology.
- 2 To the bad construction of the building and inconvenient arrangement of its interior.
- 3 To improper management, and unjust and oppressive regulations, or rather, the want of any regulations at all.

- 4 To the circumstance of the sheriffalty being permanent, instead of annual or biennial; and an office of emolument and independence, instead of one of honorary distinction, and under the eye of the public.

“The first is an object principally for judicial interference, and being rather foreign to the immediate purposes of this representation, will be dismissed with the observation, that it is humbly conceived to be within the scope of presentation by the Grand Jury, to recommend, under the proper regulations, houses or stations to be established where debtors might arrange their affairs, petty offenders have opportunities of being summarily dealt with, and persons of respectability the means of advising with their friends, without the exposure, the contamination, and the rigour of instant incarceration. By the 2 Geo. II. cap. 22. it is enacted that no sheriff, undersheriff, bailiff, serjeant, or other officer or minister whatsoever, shall convey any person arrested and in their custody, to gaol or prison, within twenty-four hours from such arrest; and by 3 Geo. II. Cap. 27, it is only in case they shall “refuse to be carried to some safe and convenient dwellinghouse of their own nomination and appointment, so that such dwellinghouse be not the house of the person arrested,” that they may be conveyed to prison.”(1)

“The fourth head, although perhaps the root and source of the remaining two, is one that is alone referable to the legislature, and need there-

(1) The abuses that are practised in England in the spunginghouses, as the lock-up houses of the bailiffs, have been characteristically called, are notorious, yet even they, constituted as they are, are a real privilege to the debtor; and there is no doubt that regulations could be devised, which would prevent the evils that arise from them.

fore be no further attended to herein, beyond the mere mention of it."

"That the gaol is ill-constructed, badly divided, and worse managed, is evident from the constant repetition of grievances that have been made in the presentments of former Grand Juries, which, though as constantly promised to be amended, have, for the most part, remained unredressed, no doubt from the pressure of matter more important in the eyes of those to whom it appertained to give relief. (2) To prisoners, however, who are suffering in their persons, in their health, and in their minds, nothing seems so important as an alleviation of their miseries, a relief from their oppressions; which it is respectfully hoped will be accepted as an apology for importunity, and an excuse for querulousness."

"By personal inspection, the Grand Jury are acquainted with the interior construction of the prison, as well as with the extensive premises on which it is built, and so large a portion of which is totally useless from the want of being surrounded by exterior walls. Were one of adequate height and strength, erected all round the ground

(2.) It is really a farce to observe, in the courts of Montreal, how little attention is paid by the Bench, to the presentments of Grand Juries. Time after time, session after session, year after year, the same representations are made, the presiding judge takes off his hat, addresses the Grand Jury, thanks them for their assiduous attention and regard for the public interest, and assures them their representations shall be duly considered, and communicated, where necessary, to the sources whence remedies are to be derived, &c. &c. all fine words of course, that appear to have no meaning, but to be like a tub to the whale, to blind the people; whilst the judges laugh in their sleeves, to think how gravely they humbug the folks; and the representations and presentments go to sleep, and are never thought of, or heard of, till another Grand Jury rips up the same old sore.

belonging to the gaol, ample room would be afforded for granting to the prisoners a portion of air and exercise, which, although in other places of confinement prisoners would consider no more than a right, those confined in the gaol of Montreal would thankfully grasp at as an indulgence and a favour. (3) Were this too the case the objections that exist to the division of the wards by centre walls running through them, would be, in a great measure, obviated, as the want of a free circulation of air, which is complained of as the result of that division, would not be so much felt, had the prisoners a yard, or court, or other space, where they might, at times enjoy air and recreation. The separation of the four original large wards into eight, by the introduction of those centre-partitions, though in other respects objectionable, gives an opportunity, not however availed of, for a judicious classification of prisoners, which it is very desirable to retain, and it is conceived that it would not be difficult to contrive both sufficient ventilation, and the admission of a large portion of light into the backwards, so as to render them much more salubrious and comfortable, than their present stagnated and darkened atmosphere admits of.

The ends of justice, morality, equity, convenience, and safety, all require a proper classification and separation of prisoners. The debtor and the accused felon, are here simply for safe custody; the convict partly for punishment, and partly for

(3) It is objected that the surrounding of the prison with high walls, would deform the appearance of Notre Dame Street, destroy the uniformity that exists between the Courthouse and the gaol, and spoil the coup'd' œil; but are these the reasons to weigh against the health of the prisoners, and fit amelioration of the system under which they are confined?

prevention of crime; petty and juvenile offenders for temporary restraint and reformation; but none are excluded from the pale of the law, none are without their respective rights; none ought to endure greater evils than justice and equity inflict in their respective cases, and, above all, none ought to be subjected to be ill treated, abused, injured, or further coerced, as the caprice, the passions, or the resentment, of those who are placed about them may dictate.

"It is humbly represented that the eight wards, as now constituted, afford room for the following arrangement;

- 1, Criminals under sentence of imprisonment, for grave crimes, or of unruly and refractory dispositions;
- 2, ditto, of a better description, and more worthy of indulgence;
- 3, & 4, Persons under criminal accusation, as above;
- 5, & 6, Debtors of different stations in society;
- 7, Petty offenders;
- 8, A spare ward, to be used occasionally, either as an infirmary, or as a close apartment for the reception of particular persons out of the other classes, the shades of whose cases may require either greater indulgence, or augmented restraint.

There is another description of prisoners that ought to be perhaps more particularly attended to than any, but for whom no apartment or provision whatsoever is made; that is, females. They are, and must be, very few in number, and two rooms partitioned off from the upper wards would suffice, one for debtors, the other two for any woman under criminal accusation. The want of any decent place for females, was lately felt, in a

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manner that reflects the utmost disgrace upon the police that could suffer it, by a lady of education and of property, of delicate health and polished manners, who, having been apprehended upon a charge which afterwards proved to be false and malignant, of being accessory to a felony, was, at eleven o'clock at night, dragged to prison, and thrust down into the house of Correction, amongst the most abandoned characters, naked, blaspheming, miserable wretches, without being allowed any bedding of any kind, not even a blanket, denied any refreshment, and even so much as a glass of water, (for the water works happened at the time to be stopped,) with nothing but the bare boards to lie on, and a dry loaf pushed through the iron bars to her, in the morning.(4)

(To be continued.)

Mount Royal 13th July, 1824,

MR. SCRIBBLER,

In the month of June 1822, a FIGURE NINE WITHOUT A TAIL, used the liberty of addressing you, describing his origin and family connections. His thus forestalling me, and taking the prerogative that I conceived alone belonged to me, created me much chagrin; for, having, with assiduous

(4) The brutal and unmanly treatment which this lady met with, has been, in faint colours, looking at the atrocity of the case, before exposed in the Scribbler; vide *Letters from Pulo Penang*, which are not yet concluded, but will be continued, till the whole of the shameful business is laid before the public, in its black and proper tints.

care, and intense application, compiled my own memoirs, I meant to lay them before the public myself; hoping thereby to acquire celebrity as an auto-biographer of note. I have, with great efforts, and contrary to my nature, been able to hold my tongue, or rather my pen, till now; but now I must "burst my cearments;" and should you, Mr. Scribbler, be good enough to insert the following sketch, as a sample extracted from my voluminous lucubrations, it will be esteemed a lasting obligation, by

Your obedt. servant,

JOHNNY THE BLABBER.

The learned, of every age, have met with many and inveterate enemies; frequently men of original genius, have lived obscure, and died neglected, although indeed it has too often happened that obscurity and neglect have been exchanged for notoriety arising from the voice of calumny, raised against them, in order to render them odious in the eyes of the public. Such alas! has been my unfortunate lot. It has been scandalously reported that my grandfather emigrated from Ireland to Scotland, as a beggar, and that he, like the rich man in the parable, died and was buried, but, unlike the rich man, was interred ignobly, the coffin being blackened with burnt barley-straw, neither my grandfather, nor the country, being able to afford any other decoration: such a falsehood is so glaring, that I need only, to refute it, inform the reader that I am descended from the honourable house of *Muck-come-o-he*.— My father remarkable for his bleeding abilities round the country, wore a blue bonnet in token of his honourable descent, and, as he was very fond of good living, was in the habit of purchasing

choice beef for himself, and, being possessed of a great deal of saving knowledge, fed his family on broze. This plainly refutes the slander propagated by the malicious, that he ate nothing but husks, fit only for the hogs. He trained me up in the fear and admonition of the rod, and severely chastised me for not confessing that I, in conjunction with my brother, had plundered a hencoop of its feathered inmates. My education was of the most polished nature, as my conversation at all times testifies; and, in consequence of my acquirements, I was qualified to keep and teach a school.

I had scarcely begun to learn the ways of the world, when misfortunes begun to crowd upon me. The first I experienced was in digging for coals; when, unluckily, having mistaken the latitude and longitude of my coalpit, I entered and dug upon my neighbour's property; and the law-suit that followed entirely ruined me. My character next was assailed, a bad woman, one Mrs. Hames, conveyed a horse-crupper of hers into my pocket; and, after having kicked up an uproar about it, drew it, to my utter mortification, from my pocket. But not cast down by these heart-rending incidents, I embarked for Canada; and determined to act the gallant. I commenced operations by laying siege, in due form, to the enchanting and attractive person of Mrs. Diteson; but, after attempting to take the citadel of her virtue by storm and surprise, was repulsed, and my efforts proved all abortive. Not daunted, however, by this defeat, I, like a true soldier, resumed the campaign in another quarter. A most particular friend, and intimate acquaintance of mine, general Breastbone, kept one of those obliging females, sometimes found amongst the fair sex, who will ac-

cept gold for the use of their bewitching persons. This frail fair, I determined to attack; and the particulars are fully set forth in the farce of "Johnny and the world," which I mean to have performed at the theatre in Mount-Royal, and of which the following is a sketch.

Scene I. - General Breastbone is from home. I boldly enter her apartment, and find, to my utter astonishment, that she is black! I make a low bow, and inform her I am agent for the colonel, tell her I receive letters, that all monies will hence forth come through my hands: I add an eulogy on the colonel's character, and conclude by requesting a kiss. She recoils and chides me, and I leave her with disgust.

Scene 2. She repents, and walks down to the Cross: comes unperceived by me whilst sitting on the bank of the river; seizes a bottle of rum from between my legs, which I had been refreshing myself with, requests to have a look at the colonel's letter, finds out I never received any, upbraids me, calls me an impostor, accuses me of stealing pork and butter in Scotland, concludes by telling me I ought to be hanged, and exit in a rage.

Scene 3. I feel much vexed. Having got a grant of land at Brocktown, arrive there, receive three months rations, pack all up, return to Mount-Royal, enter upon speculation, condemn every mans character, visit the Castle of Folly, get kicked out, curse and swear all the way home, find the Scribbler lying on the table, damn him heartily, scold the wife, and go to bed.

Scene 4. My beloved wife gives me a lecture upon reform, I promise amendment, get my Sunday clothes brushed to go to church to endeavour to be more an elder. - Commence a black-

pudding manufactory, turn quite domesticated, put up a signboard intimating that I sell eggs and potatoes, and black and white puddings by the inch or yard; invite my friends to a supper, get all drunk, roared and sung tremendously, and the chorus is

Hey! for bobbing John,
 Hey! for stony batter,
 Keep your wife at home,
 Or else I will be at her.

So much, Mr. Scribbler, for the farce of "Johnny and the world." And I will now only add another anecdote or two regarding myself. One day when I was standing on the parade-ground at the Champ de Mars, the regimental band was playing foreign tunes, when I said to a gentleman standing near me, "what the Deevil for winna thae bougers play Scotch tunes for?" The gentleman, probably to banter, told me that if I made application to the proper officer my wish might be gratified. Upon this, I primed my beak with beggar's brown, cocked my hat, and walked up to a man with a fine sword, and a red coat, redder than my nose. I tapped him on the shoulder, and said, "What the Deevil in hell for winna ye gar them play Scotch tunes; we are no acquawnt wi them foreign dirt o' music." "Get away you blockhead," said he, and upon my retorting, he ordered the serjeant-major to bring a file of men, who actually drove me off the ground, by charging bayonets, and took the advantage, when I was scrambling up the declivity, to touch me pretty smartly behind, to my great pain and mortification, and to the high entertainment of the bystanders. I have been so often ill treated that I do not know where my misfortunes

will end. At this very moment, I am abused and dunned for four dollars, which I subscribed, in order the more decently to inter a late deceased clergyman; but I am rather too deep for them on that score, because I know very well it is a plan to put it in their own pockets; and it would be better if Mr. Rab Drumhill, the plank-dresser, who called upon me for it, would attend to his own business, for he may rest assured he shall never handle my cash.

“Such are the varieties of life.”

MR. SCRIBBLER,

I send you an imitation of a little poetic effusion of Dorat, the original of which is, as follows.

*J'aime assez ce monde magique,
 Ou l'heureux prisme des erreurs
 Prete a tout ses vives couleurs :
 J'aime ce peuple fantastique
 D'enfans poursuivant les honneurs ;
 Ces graves sots qui s'etablissent
 En juges, en reformateurs ;
 Qui recompensent, qui punissent,
 Se nomment rois, législateurs,
 Et de leurs rêves s'applaudissent.
 Que tu dois être regrette,
 Au milieu de cette féerie,
 Amour, bienfaisante folie,
 Seule illusion de la vie,
 Qui ressemble à la vérité
 O, doux et consolans mensonges,
 Bercez moi jusqu'à mon réveil :
 Puisque la vie est un sommeil,
 Rendons nous heureux par des songes.*

IMITATED:

The magic lanthorn of this world I love,
 Where brilliant colours blend, and phantoms move.
 As thro' the prism, the varied scene I view,
 The passing figures breed reflections new.
 I love to see fantastic men who follow,
 The world's vain honours, glittering and hollow.
 "Men are but children of a larger growth,"
 Toys, baubles, rings, and counters, please them both.
 Then to behold those solemn rogues, who 're named,
 Judges, divines, reformers, statesmen famed,
 Who aim to punish, to reward, to rule,
 Whilst each but proves himself a glorious fool.
 Men make their kings and princes of such stuff
 And legislators too, quite *quantum suff.*
 And all do nought but dream, and then their dreams
 They palm upon the world for noble themes.
 Whilst thou, fond love! the folly of the wise,
 Art lost amidst the bubbles vain that rise
 Around: thou art the only true illusion,
 All others give but trouble and delusion.
 O! with thy flattering deceptions sweet,
 Be thou my guide and prize; for sure 't is meet,
 Since life is but one sleep, replete with dreams,
 And where nought is, but only as it seems,
 That, leaving to the rest, pride, wealth, and fame's annoy,
 I dream of my dear girl, of love, and endless joy.

MAURICE MASK.

FOR THE SCRIBBLER.

CLARINDA, OR THE ADULTRESS.

CLARINDA cast her eyes on young LORENZO ;—
 The glow of passion kindled in her bosom ;
 A lawless fire thro' all her veins ran riot—
 A fire unholy—'twas the flame of lust.
 He caught the glance, significant and bold ;—
 Its obvious meaning could not be mistaken :—
 He felt his heart beat strong in unison
 With hers—he urged his suit, nor was denied.
 “ Meet me,” he cried, “ in yonder covert deep,
 “ When silver Luna mounts her nightly car,
 “ When every eye is closed, and even jealousy
 “ Forgets his hated object of suspicion.”
 Clarinda's fame was fair ;—no slanderer's tongue,
 With venom tipt, had ever sported with it :—
 Herself was fair—her husband, kind and generous,
 View'd his Clarinda with a heartfelt pride.
 Ah ! false Clarinda ! did no eye behold thee,
 Thou faithless wife ! when, at the midnight hour,
 Softly thou left thy warm connubial bed,
 Out from thy unsuspecting husband's arms—
 Thy sleeping husband—for the foul embrace
 Of rank lasciviousness ?—Did not the eye
 Allseeing of the judge of heaven and earth
 Trace all thy steps, and mark the guilty deed ?
 Ah, thou adultress ! wilt thou steal again,
 As silent, back, and lay thee, all defiled,
 Body and soul, beside thy lord, and with
 Polluted lip, proffer the wonted kiss ?
 Will not the presence of thy injured husband
 Summon thy conscience, and array thy crime
 Terrific 'fore thee, while thy wretched breast
 Receives the pointed dagger of remorse ?
 Will not the lovely smile of innocence,
 Perch'd on the blooming face of each fair babe
 That calls thee mother, tell thee thou art unworthy
 To taste the pleasures that a mother knows ?
 Will not the sun of glory that looks down
 Pure from the sky, and lights our lower world,
 Bring accusation on his golden beams,

And tell thee thou art hateful in his sight?
 Canst thou behold a friend; but conscious guilt
 Will tinge thy cheek, and straightway whisper thee,
 That every look is guided by suspicion,
 And every word the prelude to thy shame?
 Or canst thou ever hear that vice contemn'd
 Of which thy conscience doth accuse thee, but
 Each word severe seems but a sentence past,
 While punishment comes galloping behind?
 Will not each matron's merited good name
 Reproach thy infidelity, and plant
 The seeds of rankling envy in thy breast,
 Which, if not pruned, grow up to deadly hate?
 And fear'st thou not the tale may still be told—
 That ever active rumour yet may spread
 Some plausible surmise, that chance may lead
 To circumstances, that shall bare the truth?
 O then, Clarinda! see thy doom fast sealed!—
 Behold thyself an outcast from the world—
 Detested—hated!—like a flood, destruction
 Forlornly sweeps thy ruin'd house away!
 Of late, the head of a fair family;—
 Beloved—respected by thy numerous friends;
 But thro' thy treachery forever lost,
 While, where they stood, behold a fearful void!

MENALCAS.

Mount Royal, 8th July, 1824.

DEAR MAC

Notwithstanding your reiterated complaints of
 intercepted Scribblers, and obliging post masters,
 the following plain, unvarnished, tale, will shew
 that intercepting letters is practiced on other
 occasions. I will "nothing extenuate, nor ought
 set down in malice."

Mr. P. Rice ranked in England amongst the
 first rate engineers, but, by a succession of unfor-

fortunate circumstances, attending some weighty speculations, in which he was deeply involved, together with some failures, he found himself suddenly reduced from a state of affluence, to comparative poverty; and he was induced to leave his native country. It was a few years ago that he came out hither, and received most flattering encouragement from the great men, who have the controul of public affairs in our cities. With them, however, the old saying holds good, "kissing goes by favour." True and genuine merit is never looked at by them. In short, Mr. Rice found he had to struggle under a greater load of difficulties in this, than in his native land. He found the words and promises, both of individuals and of public bodies, little else but shadows. After a long struggle to support his family, he sunk under the pressure of his worldly cares; and his remains were, last winter, consigned to the silent tomb, in presence of a few real friends: but amongst them I marked a Judas. Mr. Rice left a widow, and an amiable daughter to lament their irreparable loss. The father, on his death-bed, begged Dominic Dandriff to take charge of his daughter, until her relations in England, (who are rich,) should send for her and her mother. Mark how well he fulfilled his trust. In the first place, the poor girl was not allowed to see the earthly remains of her parent, before they were to be forever consigned to mix with their kindred dust; neither was she permitted to mingle her tears with those of her afflicted mother. No, sir, she was sent by the old Dominic to Oak-river, as an assistant in Dr. Burgher's school; her salary finding its way to the pocket of the Dominic, who conceived that the poor helpless widow, and her daughter, could live on moonshine, and clothe themselves with cobwebs:

Miss Rice felt extremely anxious to see her mother, and wrote to her kind guardian, for permission to come down for that purpose. On receipt of her letter, he wrote her an answer, threatening her with inevitable ruin, "if she dared even to write to her mother." She, however, justly considered this as too great an extension of authority; and did write an affectionate letter to her disconsolate mother, and, at the same time, *dividing her shawl, sent one half, in a parcel, with her letter.* You no doubt anticipate that the demishawl, the gift of filial affection, came very opportunely to her widowed and lonely mother.— But in this you would find yourself mistaken. It was destined to grace the shoulders of *Domina Dandriff* herself; the *Dominie* having given directions to the post-man at Oak-river, that all letters and parcels directed to Miss Rice, at that place, as well as those from her to any other person whatsoever, should be sent to his establishment in this city. By this diabolical plan, both parent and child were deceived, and nearly heart-broken, at this apparent unfeelingness of the one, and want of duty in the other. The daughter could not make her escape, and the mother was in such a bad state of health, as prevented her paying her a visit. The daughter was further so closely guarded, (for what cause yet remains a mystery,) that, if any person called to see her, *Dr. Burgher* denied her, and insisted on receiving the message. O, Mr. Scrib, if we could only find them out, I conceive that we have a number of bastilles, inquisitions, and, of course, inquisitors too, in this free country, so contrived as to keep out of the reach of justice.

This state of things continued for some time, until a gentleman, going to Oak-river, on busi-

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ness, and being intimately acquainted with her late father, naturally called on Miss Rice, but Dr. Burgher told him, that he neither could not, nor would not, permit any person to see her.— The gentleman, however, conceiving from his manner, that there was something wrong, and having a sound and convincing argument, in the shape of a horsewhip in his favour, gained his end; and thus came out the whole of this abominable transaction. The poor girl, almost distracted, insisted on leaving Dr. Burgher's house, as she now had a friend by her side, the only one who spoke like a gentleman in her presence, since she had been immured within the doctor's walls. He, accordingly, conducted her to her mother, and they are now living together, under the protection of a few respectable neighbours and friends.

But this is not all: Dominie Dandriff sets up a fictitious claim against both mother and daughter, so as to protract their departure to their native country; where they fondly anticipated to be relieved from a load of care, in the society of their family and friends.

As you are an acknowledged friend and champion of the fair sex; please insert this scrawl in your next blue book, and in advocating the cause of suffering virtue, you will oblige,

Your friend,

TIMOTHY.

DOMESTIC INTELLIGENCER, No. XLII.

MR. GOSSIP,

Please give insertion to the following and oblige
A FRIEND.

The celebrated attorney of Triflavia, would do well to take a manual of politeness, for a companion, the next steam-boat trip he makes to Government, City; as the study of such a *vade mecum* would deter him from traducing the character of His Majesty's consul at *Nova Eboracum*; who is a gentleman who, so far from permitting, with impunity, the pettifogging *grand voyer* to give the insult, which he boasts of having done, would not probably demean himself by pledging the little lawyer in wine. It is likewise to be hoped that the *repentant lady*, whom he took under his protection, on debarking at Triduvia, will give him a lesson or two upon *reflection**

MORE ANON.

*On board the Steam-Boat Lady Brookshire, }
off Triflavia, Wednesday, 14th July, 1824. }*

* Averse as I am to *extract* (not *from extracting*, according to the new and improper phraseology,) from newspapers, I am inclined to break thro' my rules, and republish the following extract from the Quebec Mercury of the 20th instant, (just come to hand,) which appears to me to be a counterpart of the above. It seems strange that a paper like the Mercury, which, joking aside, is certainly as good a vehicle of authentic and useful information, as any in both provinces, should have gone so far out of its path as to give insertion to such a paragraph.

“ SINGULAR DISAPPOINTMENT.—The Steam-Boat Lady Sherbrook on her last trip from Quebec to this city, had on board amongst other Cabin passengers a female who was known by a gentleman on board, and who had been brought up by a family at Quebec as their adopted child: upon being interrogated by the gentleman who was acquainted with her, he ascertained that she had deserted her paternal home, and placed herself under the protection of a man who was a steerage passenger. Enquiry was then made, who this man was, when he proved to be a trader from Saint Albans, U. S. where he has a wife and family. Upon this being communicated to her, and the absurdity of such an unpremeditated

P. S. Apropos, speaking of *gentlemen*, (N. B. I do not mean the aforesaid attorney) did you see the following curious decision, in one of the Scotch Courts of law, so renowned for *equitable, learned, and clear judgements*?

At a Court of Session, held Nov. 9, 1709; John Purdie, fined by the Justices of peace of Mid Calder, in £100, Scots for fornication with Christian Thomson, his servant, conform to the Act of 38 Parl. 1661; (he being the eldest son of an heritor or landholder, and so a *gentleman*, in the construction of law,) when charged for payment by Thomas Sandilands, collector of those fines, he suspended, * upon this ground, that the fine was exorbitant, in so far that he was but a small heritor; and the act of parliament imposeth the £100, upon *gentlemen transgressors*; and as all heritors are not gentlemen, so he denied that he had the least pretence to the title of a gentleman. And farther, he had married the woman he offended with, which lessened the scandal, and was ground to mitigate the fine. The lords sustained the reason of this suspension † to restrict the fine to £10, Scots; because, *suspender has not the face or air of a gentleman.* Supplement to Morrison's Dictionary of Decisions; vol. 5. pp. 57, 58.

clopiement, she consented to go ashore at Three-Rivers and return to Quebec: When the boat reached that place, she was smuggled ashore, and as her enamoured swain was in a different part of the boat, he did not find out his disappointment till the boat had conveyed him "far from his dearie." But his surprise and chagrin may be easily imagined when he found out the trick which had been played upon him."

I shall not be sorry to receive communications on the above subject, both from *the disappointed swain, and his dearie.*

L. L. M.

* One of the bastard words used in the Scotch barbarous law-jargon, meaning *demurred.*

L. L. M.

† *Anglice*; the lords allowed the propriety of this plea.

L. L. M.

DIALOGUE

Scene, a well known store: Enter JUNO, a noted character, and another lady. JUNO, (*leaning over the counter, and whispering,*)—I say, have you got the two last numbers of that book?

The lady of the house. (Holding down her head;) Hush—there is the lady herself, (*pointing to the* “*Muse that inspires my pen, the Grace that spreads a charm over my labours, and the Goddess, that approves and rewards my toil.*”*)

JUNO (*looks strange,*) Oh! good morning!

The Muse, (rising;) I should think that ladies, who appear in such style, and are so flounced and furbelowed, could well afford to pay for the Scribbler, instead of coming slyly to a fancy-store, to borrow it, and read it by stealth.

Juno and her companion, exeunt, abashed, and without saying another word.

Shortly will be published, an essay on Fitting caps on In two parts. The first, comprising reflections on the facility with which those for whom the caps are made, can put them on, if they choose; with directions for ascertaining whether they belong to you or not; and a digression on the dexterity of those cunning ones, who, though they know they belong to themselves, shift them away to other people's heads. The second, will exemplify how eagerly and freely persons, who were never intended to wear caps, will catch at them as they hover in the air, intercept them from their right owners, and clap them on their own heads.

The whole illustrated by examples in point from the SCRIBBLER, DOMESTIC INTELLIGENCER, and other authors of celebrity, who have treated at large on this interesting subject.

By BILLY BUTTON-SHOE, Esq.
N. B. *Rags are not Masons.*

*Viz. Preface to the first vol. of the Scribbler.

Mr. Screech-Owl's adventures to the South.

There is one Mr. Screech-owl lives in this city, or near it, who travels once a year, to collect curiosities: they say: but if he goes twice he never repents, as he always travels at another's expense. He brought back, the last time he went, feathers, flowers, gownpieces, and waistcoats; but what is most curious, he brought back an old maid. This old maid was brought for certain purposes, which she certainly did not understand. She was handed in, very politely, by Mr. Screech-owl, but was not handed so politely out. He then took her to a store, where a watchmaker lived the next door; she was left there for sale, but not being disposed of, by a certain time, he sent her back to the place whence she came; and certainly that was right. Now there was a young person engaged to make up those dresses for a certain lady; but Mr. Screech-owl coming home one night, said he saw a man, who told him, he had been informed, by one who had it from a stranger he met, that this young woman had been seen, by some one or other, in the street,—drunk—to the great injury of her character. Now this, notwithstanding the authentic mode in which it was propagated, proved to be a notorious falsehood; but he was pitied and forgiven, on account of his late misfortunes; for he'll sit down, and howl like a wolf, and will say, "my poor parrot is dead, I have lost my old maid, and my owl is flown away! Ah lackaday! lackaday! When I first saw this owl, I was at a stand to know what breed he was of; but by his detestable voice, and his going out a-nights, I concluded him to be the screech-owl, which I have since found out to be the case.

RIDDLE.MY-REE.

SELECTIONS FROM OTHER PAPERS.

From the Trifluvian Reporter.—A late elopement and marriage, has been much the subject of conversation in our small circle. Young Mr. Lightball,* and Miss Waggoner, having

* The family from which Mr. Lightball is descended, were the *marquisses de Leste Monde*, but the confessor of one of his ancestors, persuading him that the name was too *mondain*, it was changed to *Leste Coyon*, (by the bye, rather more *mondain*), and then aglicised into Lightball.—*Edit. Dom. Intel.*

made their own amorous arrangements, the Doctor, as is usual with japas, when wooers have light purses, or no purses at all, refused his consent; and then, according to established custom, followed a hasty elopement, a hurried marriage, and a quick consummation, (and, *on dit*; the lady is quick too already :) then too, following the usual rule, came the tardy consent of the old gentleman, when he found he could do no better; and the natural consequences, such as honeymoons, births, squallings, household cares, sweets and sour, perhaps horns and wranglings, (which heaven forefend,) will no doubt succeed, as thus, as Horace says:—

Labitur et labetur in omne volubilis ævum;
Still flows the stream, and thus will flow forever.

But, *que diable*, why will people now say any thing for or against this marriage, yet there are so many nothing-to-do gentry here, and so few subjects to talk of, that some will even yet cry out against the doctor, and others against the successful wooer. For our parts we cannot think Dr. W. altogether right in having, in the first instance, encouraged the visits of the young gentleman, and afterwards refusing him his daughter; and we certainly condemn the behaviour of those who called themselves the doctor's friends, and were enemies of Mr. L. when he arrived from Mount-Royal in the Steamboat.

The old halfpay captain in Royal-street, is recommended, when he next receives a cask of *strong-beer* to make use of it with more discretion; for the other evening, having to go down stairs to open the door for his servant-girl, he missed his footing, and, tumbling headlong down, considerably damaged his head, legs, thighs, arms, &c. "Help, help!" cried the poor girl out side, "my master's killed! my master's dead!" Soon arrived Doctor Peut-etre, who, after phlebotomising, composed a lotion, with which he phlegmatically and philosophically, directed the servant girl, to rub her master's *whole body*. The delicacy of the lady became instantly alarmed; she screamed aloud, and declared she would not obey his orders: however, the doctor having assured her, first, that the operation would have no physical or moral effects, otherwise than operating as a cure for the bruises sustained, since he had himself experienced that rubbing the flesh did no harm at all; and secondly, that it would be necessary to repeat the friction no more than two or three times; it is supposed, she carefully, punctually, and successfully, (without reference to the case of corporal Trim, and the Beguine nun,) performed her task, for in less than three days her patient was seen walking in his garden.

From the Twirlingtown Spy.—MR. EDITOR, Sir,
 --Do you know that you are a person of great consequence in this place? At least every body is trying to discover who you are, and how you came to be able to furnish your papers to Dicky Gossip, and L. L. Macculloh, both, you know, proscribed parties in this select place, as you too will be, if they find you out. "Who's the wicked editor of this Twirlingtown Spy?" asks one wisehead of another; "who sends him these things?" "Ob, its him," says one, pointing and whispering, "he takes the blue book"; "No, its him," says another, "he takes t'other paper," "No its him," says a third, "he transacts his business;" "No, no, I know who it is," says Tom Fool, "its yonder lad" and so they go on, guessing and calculating, till their wise noddles ache, and their buttered brains grow dizzy. So no more at present, from your humble servant, to command,
 WILL WHIPPLE.

O! ye of little faith! Do ye not know I have a familiar spirit, whom I send forth, when I so will it, like the dove from the ark, to glean what may be found on the surface of the waters; and that I have no occasion to employ agents, or correspondents, or subscribers, as long as human nature is human nature; for there are plenty who, tho' they see not the beam in their own eye, are both eagle-eyed to discover a mote in their neighbour's and trumpet-tongued, to communicate it, when they know there is a ready channel, thro' which censure and satire can be directed upon those around them, without their being themselves discoverable.—*Edit. Twirl. Spy.*

*Printed and published by DICKY GOSSIP,
 At the sign of the Tea-Table.*

The question as to the celebration of marriages by the different denominations of the clergy, being much the subject of discussion and reflection, at present, in Upper Canada, it may receive some illustration from a case (Beer, vs. Ward,) which was lately argued in the Court of Chancery in England.

Application had been made for a new trial at law, on the ground that the Chief Justice, in charging the jury, had not laid down the law properly. The case involved a question of legitimacy, and the objection to the judge's

charge was his assertion that, previous to the Act, 28 Geo. II, commonly called "the marriage act," a marriage celebrated at any time, in any place, and by any clergyman, nay even without the intervention of any clergyman, would be valid. Mr. Hart, opposed the application, and supported the opinion of the chief justice. He went through a detailed history of the manner in which marriages were performed in England, previous to the aforesaid act; and showed, from the authority of Bracton, who lived in the reign of Henry III, that before the time of that prince, it was looked upon merely, as a civil contract, that no clergyman was required to be present, and no religious rites were necessary; that Pope Innocent III, the contemporary of Henry, who was an ambitious, young and active pontiff, was the first who ordered that the ceremony should be performed by a clergyman, and that a mass should be celebrated at the time. The priests of that day, eagerly seconded the views of their pontiff, who strained every nerve to extend the church's power, but the English people, with that firmness and obstinacy, with which they have always resisted novelties, till they clearly saw that their adoption would be beneficial, refused to submit to these new institutions. Accordingly we are told, by the same author, that the common law did not require the existence of those ceremonies to render a marriage valid, and the only consequence of the papal decree was subjecting those to ecclesiastical censure, who refused to comply. It appeared further from the same Bracton, that a latitude was assumed, in their matrimonial engagements, by our English ancestors, which was wisely given up in modern times. It seemed a plurality of wives was allowed, giving however, the preference to her who was married in the face of the church. "*Item sciendum quod plures quis habeat uxores, sed tamen præcipua erit, cum qua matrimonium contraxit ad ostium ecclesiæ**;" and she alone could receive dower.

* When first I began this work in 1821, the general want of any liberal and classical education, amongst the imported part of the community in Montreal, was so notorious that I invariably added a translation of all the Latin quotations or sentences I employed. After the lapse of three years, during which I flatter myself my writings have tended to awaken and

Here a great number of cases were quoted to prove that the law of England remained, till the period above mentioned, namely 26 Geo, II, precisely similar to what the law of Scotland is now: That *verba de præsenti*, saying, "I take this lady for my wife," with subsequent cohabitation, constituted a legal marriage: that the intervention of a clergyman was not necessary; and that, where a person in that character did officiate, it was immaterial to what communion he belonged.

The application for a new trial was very properly refused, and the legality of the marriage in question, thereby established.

L. L. M.

BLACK LIST, No. I, Continued.

LEVY B. BORUCK, late of Montreal, New-York, Philadelphia, and other places, now of "nobody knows where." owes about, \$18.

CHARLES SWAINE, formerly D. A. C. G. at Quebec, owes for the first volume, and part of the second; gone to the West Indies, without paying or leaving any orders.

JEAN VIENNE, of La Chesnays, owes li. 4—Halifax; subscribed to the Scribbler while the author was in prison, offered to pay in advance, which was then declined; has since had numerous applications made for payment, to which he has paid no attention.

extend the desire, and emulation, of at least having "a little learning." I feel that it is no longer so absolutely necessary as I considered it at that time, to translate every thing; and I now sometimes save myself that trouble, trusting that if some of my immediate readers still require it they will now readily find at their elbows, some one to translate for them; a thing which at the period alluded to was really not at all to be expected.

A. A. DAME, of Riviere du Loup, owes l1. 12s. 6d. Halifax; subscribed in same manner; has several times written to have his account, which has frequently been sent him, but has never remitted.

N. B. It is hoped, others whom I have yet refrained from noticing in this way will take warning, and consider that, though late, their turn will come to be exposed, if they do not pay or remit. See notice on last page of the cover.

L. L. M.

(to be continued.)

TO CORRESPONDENTS. Pressure of matter and shortness of space compels condensation. Many communications received, are under consideration; among others are JOHN ARGUS, (marked for insertion;) TOM SLYBOOTS, (partly,) AN DANTE, (ditto;) YOUR'S DITTO, (very little of it;) PHILO-EXPOSITOR, and several others, (wanting keys;) ANTIPATER, (rejected.) ST. LEWIS SUBURBS, prepared for this number, but shut out, for want of room, in the next.

Complaint having, from more quarters than one, been made to me, of an unwarrantable liberty which some person or persons, maliciously, and impudently, have taken with a number of the Scribbler, (122) by mutilating and defacing part of a page therein, previous to it being delivered to the Subscribers in Montreal, generally; and, not being able any how to account for the folly and presumption betrayed by the person or persons who have thus dared to destroy and deface, not only the property of others, but also the information I thought proper, in my quality of censor, & inspector-general to convey to the present & future

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generations; I nevertheless feel myself compelled to make up the defective state in which the copies of a number of my subscribers may, in consequence, appear, by printing, at the close of the present number, an exact copy of the page so defaced and mutilated, being page 149; and in order that it may be cut out, and used to perfect the volume, by pasting it over the defaced page, I leave the following page blank;* suggesting to Mr. Stair Dalrymple Gairdner, Mr. Walter Peddie and one John Baird, who seem to be implicated in this impertinent transaction, the propriety of having a gallows painted on the said blank page, then and there to commit suicide by hanging themselves thereon, exposed to the derision and scorn of the public.

LET THOSE WHOM THE CAP FITS WEAR IT.*

L. L. MACCULLOH.

* To make up the quantity to my other subscribers, I will endeavour to make compensation in a subsequent number by condensation of more matter in smaller type.

* At the origin of this affair, I considered it as arising from the puppyism of an insignificant underling belonging to the Herald-Office; but I have since reason to apprehend that it really belongs to persons, more worthy of being "damn'd to everlasting fame," in my pages. The change of property, and consequently of editorship, has thrown that concern into the hands of Archibald Ferguson, esquire, and David Chisholm, esquire, both natives of the land of bagpipes and brimstone, and therefore, of all British subjects, least capable of having any thing to do with English literature, English feelings, English habits, or the English language. Mr C. has already been so severely lashed in my writings, that it is a pity to add to the writhings and wry faces he has been obliged to make in secret, (for openly, having the fear of the Hon. Tory Loverule before his eyes, he would not dare to be supposed to know even of my having touched him up,) which adds, of course, much to the torture. But as to Mr. F. his turn is yet to come; and thus I begin:

Hold up thy head thou boasting sign-board of a gentleman; thou mean inveigler, thou base suborner, and briber of thy brother-tradesman's servants, (for alas! with all thy pretences, thou art, and never wert, aught, but a *tradesman*;)—It is thou, I find, who, in a low lived, underhand, manner, hast drawn away from me, by promises of higher wages, one of my printers, whom thou knewest was my chief dependence for the mechanical part of the business, and whom thou moreover knewest, was engaged with me for six months. But perhaps thou wert commanded by King Loverule, in order to embarrass, if not put a stop to, the Scribbler, so often in vain attempted, and with thy natural cringing temper, bowed down before the great man's nod. But, I do not grudge thee any good thou canst ever derive from any vagabond runaway from my office. If, Mr. Ferguson, this statement is not true, or that you have any thing to say in justification, or palliation, whatever you send me for insertion, shall be published, and I will make every suitable recantation and apology.

I take this opportunity of reiterating my assurances to my friends and correspondents, that they may rely upon strict secrecy as relates to their communications, and place the most perfect confidence that I never suffer any person about me to have the least clue by which they can discover *who my correspondents are*. I do so, because some of my dishonest and fugitive journeymen, who have gone to Montreal, (and I am loth to degrade myself so much as to take even this notice of them,) have falsely boasted that they know every thing of the kind, keys, hand-writings, and characters. The world will know which to believe, a man of known and tried secrecy and honour, and such as they; I declare that, in no case, could they ever guess as to who wrote to me, or who did not; and tho' they may and must, occasionally, have seen and printed from other hand-writings besides my own, it has only been in cases of not the slightest consequence, and as to which the writers themselves would have been perfectly indifferent. As to knowing who the characters are meant for that are depicted, I should be sorry if I drew likenesses so incorrect as not to be recognised even by the comparatively ignorant and illiterate.

CIRCUS,

OPEN EVERY EVENING IN THE WEEK.

Messieurs WEST & BLANCHARD,

Have spared no pains or expense to make the Circus deserving of the encouragement of a liberal and enlightened public.

THEATRICAL PERFORMANCES are exhibited, (according to the bills of the day,) every evening, a handsome stage having been erected, with new scenery, dresses, decorations, &c. and several eminent performers engaged for the purpose.

HORSEMANSHIP, VAULTING, OLYMPIC FEATS, GROUND AND LOFTY TUMBLING, TIGHT-ROPE DANCING, SLACK-WIRE, BALANCING, and a variety of other entertaining feats, are introduced between the performances.

An admired comedy, and an amusing farce, are presented every evening, with occasional songs, pantomimes, and ballets.

Doors open at 7, and performance to commence at 8 o'clock precisely.—Tickets to be had at the Box-Office of the Circus, at the Bookstores of Mr. Jos. Nickless and Mr. James Brown, and at Mr. Bennet's Lottery-Office—Box, 2. 6d. Pit 1s. 3d.—Children to the Boxes half-price.

The Managers beg to suggest, that by purchasing Tickets in the day time, it will save ladies and gentlemen much trouble and inconvenience on entering the Circus in the evening.

The liberal and increasing support which the entertainments of the Circus have received from the inhabitants of Montreal; while it is flattering to the Managers; and is also, they humbly trust, a proof that their efforts have, in some measure, merited success; is likewise the most powerful incentive to future exertion, and will ever demand both assiduity and gratitude.

NOTICE

THE title page, preface, dedication, (to the Swinish Multitude,) and index, of the **THIRD** volume of the Scribbler, are now ready for delivery, at this office, and at the Scribbler Office, Montreal, to subscribers who have had the whole of that volume, *and have paid for it, GRATIS;* and to others for one shilling Halifax. Similar appendages to the **FOURTH** volume, will be ready in a short time.

It is found necessary to add to the conditions of the Scribbler, that henceforward subscribers who wish to discontinue it, must give three months notice; and no subscription will be allowed for less than six months.

Those who have not paid up, or remitted their arrears, to the end of the fourth volume, will please to observe that the Scribbler will not be sent to them, till they do. To take away every excuse, they are informed that remittances in bank notes, directed "S. H. Wilcocke, post-office, Montreal," will be sure to come safe to hand, and be punctually acknowledged.

Agents for the Scribbler at the country places in Canada, are requested to use their exertions to collect what is due, both of arrears, and the advance on the present volume, and remit as above. Some agents are so neglectful that it will perhaps be necessary to form a Blacklist, also of those who neither collect nor remit, nor even write.

Rouse's Point, 13th May, 1824.