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THE FREE PRESS.

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‘It grieves me much, replied the peer again,
Who speaks so well, should ever speak in vain.’

POPE.

REPORT OF THE SPECIAL COMMITTEE ON PUBLIC ACCOUNTS....*Concluded.*

The act of the 14th Geo. III cap. 88, embraces nearly the whole of the expenses of the civil government, the details whereof must be superintended by the provincial legislature, more particularly since it has been especially charged therewith, otherwise, what means the formal offer of the House of assembly of 1810, to charge itself with the whole expense of the civil government, then so violently opposed, on the acknowledgment of that important right in favour of the provincial legislature by his Majesty, after a consideration of eight years? Would the unimportant matter of *local establishments*, (a term then unknown in our official relations with the government, and which would in vain be sought for in the speech of Sir John Cope Sherbrooke, & of his grace the duke of Richmond,) have merited the refusal experienced by this house in 1810, such a long consideration on the part of his Majesty’s ministers, and the gratifying assurance of his royal highness, the Prince Regent’s satisfaction with what he deigns to call our “*liberality?*”

Another proof occurs, in support of what your committee have just advanced, demonstrating that all the revenues of the province are at the disposal of the legislature. It is as positive as it is recent: it is contained in an official document laid before this house on the 7th inst. which signifies to this house the approbation of his excellency the earl of Dalhousie, governor-in-chief of this province, respecting a petition presented to this house, for the remission of certain duties of *quint*. This matter then is also within the competence of the legislature.

Thus the opinion that the provincial legislature alone has the right of disposing of all the revenues raised in this province, rests upon public law—upon the unvarying & uniform interpretation of this house upon the private & public acts of the governor of this province since 1818—and lastly, upon a final judgment in the last resort, a solemn act of parliament.

Having considered the situation of the provincial legislature, since 1818, in consequence of his Majesty’s instructions signified

to the provincial parliament by his excellency sir John Coape Sherbrooke, your committee deem it their duty to examine how far that situation appears to have been altered by the message of his excellency, the earl of Dalhousie, governor-in-chief of this province, bearing date the 6th February, 1822.

His excellency Sir John Coape Sherbrooke, at the opening of the session in 1818, acknowledges no other expenditure in this province than that which is necessary for the support of the civil government, and calls on the provincial legislature to make provision for the same, without restriction. His excellency the earl of Dalhousie, in his message of the 6th of February, establishes two species of expenses, distinct and separate, one "in support of his Majesty's civil government, and of the administration of justice," with which his excellency declares himself charged, to the exclusion of the legislature; and the other, to defray "such local establishments, and objects of public charge, as form no part of His Majesty's civil government, and are not connected with the administration of justice." The latter portion is left to the provincial parliament.

Having applied to this message the attention the more serious, inasmuch as that official document puts in question the dearest rights of the provincial legislature, and of the house of assembly more especially; and inasmuch as his excellency has already several times referred the house of assembly to that message, your committee are of opinion—

That the house of assembly can not in any manner, acknowledge the principles laid down in that message—

That they can not acknowledge the distinction which is made between the expenses of the civil government, and those of local objects, foreign to the civil government—

That they can not acknowledge in the governor-in-chief the right of applying to objects, which he declares foreign to the civil government of this province, and to the administration of justice, the monies specially destined to these objects—

That they can not acknowledge in the governor-in-chief the right of applying any portion of the monies levied in this province, and destined for defraying the expenses of the administration of justice, and of the civil government of this province, without being thereunto authorised by the provincial legislature.

From this view of the subject, and the interpretation which your committee have given to the intention of His Majesty's government, when the house was called upon to provide for all the expenses of the civil government in 1818, your committee have stated the actual funds of the province, taking as a basis the balance as stated by the inspector-general of public provincial accounts, as at the disposal of the legislature at the end

of the year 1817, without relinquishing such claim as the province may have for such unauthorised payments, unconnected with the administration of justice, and the support of the civil government, as may have been made previous to that period.

This statement your committee annex to this report, where- by the sum of £163,702 10 0 $\frac{1}{2}$, appears to have been at the disposal of the legislature on the 1st November, 1822, against which is chargeable the expenses of government not provided for by special appropriation of that year.

The document shewing the amount of appropriated and un- expended monies, up to the 10th October, 1822, exhibits a list of sundry persons who have, from time to time, received pub- lic monies, by letters of credit, issued for public services, under various provincial acts, from whom no final accounts have as yet been received.

Your committee think it their duty to annex to this report a list (appendix A) of those public accountants, respectfully submitting to the house the necessity of urging the administra- tion to compel them to render their accounts, that the excess of such appropriations may return into the public treasury with the least possible delay.

Your committee find that the total amount of unexpended appropriations, up to the period above mentioned, is £38,728 10 10 currency, as appears by appendix B, annexed to this report.

DEBATES IN UPPER CANADA, ON THE PROJECTED UNION...CONTINUED.

It is but justice to give the close of Mr. Sherwood's speech because it shews a manly, liberal, and enlarged mind, and that at least *he* is an advocate for the union on account of the pub- lic and universal good, which he considers it will produce, and that party and interested motives, nor even the particular ad- vantage of Upper Canada, do not weigh with him in desiring it.

"The French Canadians, he said, were remarkable for quick- ness of apprehension and solidity of judgement,* and they had already acquired a strong taste for English liberty from the long administration of the English criminal law among them, from the invaluable mode of trial by jury, and from an increas- ing and continual commercial intercourse with Great Britain, and their loyalty could not be doubted. This growing predi- lection, so praiseworthy and important, if properly matured, would become an habitual feeling and sentiment by a more in- timate and continued connection with the people of Upper Can-

* *Then why not give them credit for these qualities, in the firm and determined opposition they have given to the union?*

ada who were all English.* There was not the least danger of the Canadians of English origin becoming French, either in principle or practice, so far as relates to their municipal laws and adopted usages. An union would raise them still more in the estimation of their parent-state by increasing their ability of making themselves more useful to her in peace & war, & by their fidelity & warm attachment, proving to her, how much we appreciated the advantage of political identity with such an enlightened and great nation. It would greatly increase their respectability with foreign countries, who would then see a vast and extensive country, with all the great advantages of a good climate, and a peculiarly productive soil, possessing a respectable and enlightened legislature, whose energies and means would be abundantly sufficient to ensure the unvaried and rapid advancement of her political strength and consequent aggrandizement † If there ever was a state of affairs requiring an union, he thought it was the existing one between Upper and Lower Canada. He would not be misunderstood, he desired union with LIBERTY, but not without. THE RIGHTS AND PRIVILEGES of the people were more valuable than gold, and more desirable than power. No diminution, however small, of their rights and privileges could happen in the union which he advocated, but all of them would become more useful and extensive from the increased ability of the legislature to call them forth into action, ‡ and to widen their influence and effect for the welfare and happiness of the people. All the rights, privileges, and immunities whatever, granted to the king's subjects in both provinces, by the 3rd of the late king should be secured to them, without diminution, by any new constitution. Nothing short

* All, I will allow, of original British extraction, save the French in the Western district, and a few scattered Germans, and American Dutch, but one half of the inhabitants of Upper Canada are native or descended Americans, one fourth, of Scotch origin, and of the remaining fourth scarcely a moiety are English.

† Is not this tantamount to saying that the present legislatures of Canada, are neither respectable nor enlightened?

‡ What do you say, Mr Sherwood, to the probability of the increased ability of the legislature to abridge, stifle or annul those rights and privileges? Suppose, for instance, a majority of the united legislature should vote an address to His Majesty, to cause the civil law of England to be introduced into Lower Canada in all questions of landed or other property; or to cause the holy religion of Calvin to be preached in the Catholic churches; (neither of which, had the union taken place, would have been improbable contingencies;) would not such measures be very far from widening the influence and effect of the rights,

of this would meet his approbation * It was his humble opinion that the Canadas would never become a great and powerful country, or their inhabitants enlightened, unless their energies were united, their mutual animosities softened, their prejudices removed, and their connection with the mother country strengthened. Should the separate legislatures be joined, one and the same motive must actuate their members—THE PUBLIC GOOD.

"Each representative would, in that event, feel it an imperative duty to examine, and carefully weigh, the claims of all parts of the two provinces on the patriotism, justice, and equity of the united parliament. He must openly, in his place, and in the presence of the two Canadas, acknowledge it his duty to promote the interests of both, or he must be censured by the good, and despised by the wise; he would find it difficult to advocate falsehood, or to support error. They" (alluding probably to Upper Canada, altho' this part is rather obscure, seemingly from some typographical errors or omissions,) "wanted nothing but justice, why then should they fear? the moral and powerful operation of public opinion must be on our side" (probably meaning on the side of the unionists,) "and will eventually effect the discomfiture of habitual prejudice, and outrageous faction.† We have both right and interest on our side. Shall we abandon both? Shall we, with a reasonable prospect of doing ourselves good, neglect the glorious opportunity which now presents itself, and which, if allowed to escape, may never again return †

"If injustice and wrong should have followers in one branch of the legislature, public justice and right would find faithful adherents in the others,‡ and this admirable constitutional check

privileges, and immunities, conceded to, and now enjoyed by, the French catholic inhabitants of Lower Canada, under their own favourite systems of jurisprudence, and religion?

* *In the resolutions entered into at the meeting on the subject of the union, held at Brockville in November, where Mr. Sherwood presided the sixteenth is "That unless the proposed union-bill can be amended by expunging the exceptionable clauses, it is better, by far, that the provinces should remain in their present political state."*

† *This has already taken place in Lower Canada the powerful operation of public opinion has discomfited the outrageous Scotch faction, and the habitual tyrannic prejudices of the Scotch intriguers amongst us.*

‡ *Which Heaven in its mercy forefend!*

§ *This too has been nobly exemplified in Lower Canada, where public justice and right, have found faithful, and firm ad-*

would ultimately exhibit to the world at large, every proceeding of the parliament in its native, true, and simple light; it would reclaim the flagitious, undeceive the misguided, and encourage, and eventually support, the honest. The most frequent argument in circulation against the propriety of an union was, that they should be the victims of a faction regardless of equity, justice or conscience;* but this assertion appeared to him entirely futile. If the principle be true in part, it must be so in the whole, and then the same argument might be brought against all parliaments, and legislatures, which struck him to be too absurd to require comment.†

“If public justice did not dwell in a great, deliberative, legislative body, consisting of three separate branches, independent of each other, and one of them “(which?)” composed of the most enlightened, wise, & dignified members of the community, assembled to deliberate on matters the most elevated, pure and important, he was at a loss to determine where her earthly residence could be found. The supreme sovereign power of the state, or power of action uncontrolled by any superior.‡ must rest with some body of men in all nations, and it was devoutly to be wished for, that public justice might not be a stranger at such august assemblies. Such an occurrence was never heard of in Britain;§ and he trusted the legislature of United Canada would not form a disgraceful and solitary exception to a well founded general rule. Scotland and Ireland did not complain of injustice in the United parliament,|| why then should

herents and defenders in the House of Assembly, and, upon the great question of the union, in the legislative councils also.

*It is the falling as victims into the clutches of a “faction regardless of equity, justice or conscience,” that the Lower Canadians, too dread; and hence their hatred of the union.

†Mr. S. has here lost sight of all logical precision. He assumes that as a principle, which is only a fact; the question is not whether factions are or are not essential accidents appertaining to representative legislation, but whether a faction does or does not now exist in Canada.

‡This seems to be rather a definition of the Executive branch of government alone.

§What! not in Henry the 8th's subservient parliament, nor in the Long parliament, nor in the Rump, nor in the early parliaments of James II, nor in the parliaments that drove thirteen of the fairest provinces of the British empire into rebellion?

||But Scotland and Ireland both do complain; the former of her disproportionate representation, and the latter of almost every justice and oppression that a superior metropolitan state can inflict upon an inferior. I would never advise the unionists

the Canadas apprehend its approach? Let us then drive far off jealousy, suspicion, and prejudice, invite, caress, and entertain candour, liberality, and friendship; unite with our brethren of Lower Canada, and we shall become respectable, powerful, and opulent, but yet FREE."

(To be continued)

In the course of the debate in the House of Commons in England on the 25th February, on the subject of colonial expenses, Mr. Hume stated

"The expenses of the troops in Canada, amounted to half a million; of those in Nova Scotia, to £ 150,000—these, it must be recollected were the accounts of 1820, and they were not furnished to the house until 1822. To this mode of account he objected; he looked for annual accounts. At the conclusion of the last war, the policy, with regard to the colonies was entirely altered. Previous to that time, all the colonies which came into our possession, either by cession or conquest, were governed by legislative assemblies of their own creation; at the conclusion of the war in 1763, all the colonies of which we possessed ourselves were governed in that manner: this mode of government he conceived to be, the best check in distant colonies, but since that period, the internal policy of these settlements was regulated by orders in council; under the authority of these orders, a revenue to the amount of one million was raised; this practice he maintained to be contrary to law. It was not easy to ascertain the large sums raised in this manner: still more difficult was it to investigate the colonial expenditure. It was a principle when colonies were unable to defray their own expenses, instead of being a source of advantage or benefit, they were a drain and a nuisance to the mother-country. Such was the situation of many of our foreign colonies; and for his part, he thought that if the colonies possessed by England were severed from her, and restored to independence, the strength of this country would be improved by the event, and she would still continue to supply them with every article of consumption. He would ask if it was not notorious that America, since her separation, had been a greater consumer of our manufactures than she had, or could have, been, during her dependence on this country? If Canada were called on to govern herself, we should be at once freed from half a million of expense; and—what he considered even of more consequence, from the necessity of defending Canada, in any future war with America. It would therefore, he thought, be wise of government to consider whether it would not be for the advantage of this

to allude to the Irish union, "Il ne faut pas parler d'une corde dans la maison d'un pendu.

country that Canada should be set free, in which case she would take more of our manufactures, besides saving the expense. The more free countries there are in the world, the more must British commerce flourish. When the colonies are free, Britain will still command their trade, by which alone she can be benefited."

Although this opinion points to the same end, as that which I have formerly expressed, it proceeds on a different principle. Mr. Hume considers the giving independence to colonies in the light of getting rid of a burthen, but I look on it, in that of acquiring additional strength, power, and advantage, by means of the strict connection, firm alliance, and mutual favourable privileges, which the empire, and its numerous sovereignties abroad, would entertain with, and from, each other. Amongst the essential stipulations under which such declarations of independence should be made, a prominent one would be that of perpetual defensive alliance between the parties; and in that case, the consequence Mr. Hume considered so important, namely, that of England being relieved from the necessity of defending Canada in any future war with America, would not follow. I am, however, glad to see this speculative opinion broached in parliament. Since, on all hands, it is agreed that the time will come, when a separation must take place, let it be looked to long before, and considered in all its bearings, so that it may be accomplished in such a way, as will secure and augment the honour, the glory, the advantage, and the prosperity, of the proud and noble country of which I say with the poet,

"England, with all thy faults, I love thee still."

L. L. M.

The subject of the general hospital, as also the communication of a law-student, are unavoidably postponed.

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