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# THE FREE PRESS.

VOL. I ] MONTREAL, THURSDAY, 20th MARCH, 1823. [No. 22

*Stultum est amittere radices quas habemus, ut acquiramus novas.*  
THEOPHRASTUS apud PLIN.

It is folly to lop off old roots in order to acquire new ones.

—They have the power; and laws, you know, are intended to guard against what men *may* do, not to trust to what they *will* do.

JUNIUS, to Sir William Blackstone.

The practice of the junto of Unionists to transmit to all the papers in their interest, at one and the same time, copies of the same essay for publication, such as we formerly had as *Old Loyalists, Unionists, Britannia, &c.* and latterly *Plain Men, &c.* has brought to my recollection a ludicrous story of an Egyptian magician and his companion. The magician persuaded his friend to leave all his servants at Memphis, telling him they should not be at a loss for attendants. When they came to any inn, Pancrates, the magician, took a log of wood, and setting it upright, repeated a magical verse, upon which it walked about and appeared like a slave. This slave, upon being ordered, went about, prepared the supper, laid the cloth, and waited at table, and when there was no further occasion for his services, was turned into a wooden log again, by some other magical verse. Pancrates refused to impart the secret to his friend, but the latter having hid himself one day in a dark corner, he caught the first verse which consisted of three syllables; and on the next day, in the absence of the magician, he took up a log, and repeating the mystic syllables, ordered it to fetch some water: when it had brought a full jar, he cried, "stop, draw no more water, but become a log again." It was in vain, however, he reiterated his command "as you were." The perverse log continued his employment till the house was full of water.—Not able to endure this obstinacy, he, in a passion, took up an axe, and with two or three blows, split the walking log into five or six pieces. But he was now worse off than ever, for the polydemon phantom turned into as many water-carriers as there were pieces, who ran about drawing five times as much water as before. Nor was it till Pancrates returned, and changed

them back into wood that he was relieved from the embarrassment of his multiplied servants. So no sooner do you lay down one paper, tired with the effusions of one log, than, pop, up starts the same log in another paper, and another, and another, till you send them all to the devil in a pet. L. L. M.

It appears that the lord lieutenant of Ireland has lately cashiered an army of nearly two hundred *unservicable justices of the peace*, amongst whom are knights, generals, baronets, reverends, &c. &c. Query: would not a similar reduction of the establishment be an advantage to Lower Canada?

Mr. Baldwin's speech in the House of Assembly of Upper Canada, on the subject of the projected union, takes so just a view of the origin of that odious measure, the character, feelings, and interests of the Lower Canadians connected with it; the inefficiency of the plan, and the direful consequences to be apprehended from it, that a faithful abstract of those parts of it more immediately interesting to Lower Canada, is worthy of record and preservation.

He need not inform the house, he said, that a commercial faction in Lower Canada, long at work, had at length so far matured their objects, as to persuade His Majesty's government that it was expedient to repeal the act 31 Geo. III, that constitutional act, which was the safeguard, the best and only monument of our rights and liberties; they had even the effrontery to assure the government *that the people of the province desired the change*; an assertion that every farmer in the country knew to be false. The projectors and favourers of the measure, urged the great inconvenience suffered by Upper Canada in its finances; they exclaimed against the prejudices of the French Canadians, as being of a different origin, with different laws, language, and religion. Without any necessity for change, some speculative objects of imaginary advantage were offered in exchange for our constitution. He then paid a just tribute of applause to the talents, and foresight, of the statesmen under whose auspices that constitution was framed, Mr. Pitt, and Mr. Fox; and deprecated the exchange of a real for an ideal good. There were no doubt, occasional differences between these provinces but these differences could not be attributed to the constitution, which was faultless;\* and these he

\* In this Mr. B went too far; Q. E. D. for to constitutions as well as to literary compositions may Pope's distich be properly applied

"Whoever thinks a faultless piece to see,  
Thinks what ne'er was, nor is, nor e'er will be."

attributed to the want of proper attention on the part of both governments in superintending the revenues of the provinces: he was convinced those differences might and could be settled and amicably arranged in a much more satisfactory manner than by the present measure. Our commercial and financial relations with Lower Canada, might very easily be regulated without depriving us or them of the constitution. It was said that the anti commercial spirit of Lower Canada was injurious to Upper Canada. he could not perceive the injury. If the Lower Canadians were anti-commercial, it would rather affect themselves, while it left a wider field for others; and the fact was that the English settlers or merchants of Lower Canada had amassed immense fortunes, whilst the Canadians remained content and happy with more moderate things. But those gentlemen, the commercial faction, jealous that the Canadian gentry, respected by the people, and every day more and more approaching to the importance and weight of the English landed interest, should retain their influence in the councils of that province, have contrived this project in order to grasp this influence to themselves\* as more consoling to their pride, and, as they imagine, more commensurate with their wealth; and thus bring ruin on the country. Thus, in his mind, was the sole motive which influenced the projectors of this great, unnatural and calamitous change, which was about to befall these provinces; A CHANGE MOST FATAL TO OUR CONNECTION WITH OUR PARENT-STATE. Was it, he would ask, an anti-commercial spirit that led to the revolt of the late colonies, now the United States? No, it was a high-wrought commercial ambition, the very thing these innovators would recommend: not that he meant to charge them with this view or intention, but that it shewed the blindness and madness of the project, and he was sure, if it were carried into effect, would sooner or later, and perhaps at no distant period, LEAD TO A SIMILAR UNHAPPY RESULT. National prejudices were also brought in accusation against the Lower Canadians. To speak of national prejudices with contempt, argued a want of humanity, and, in a statesman, a want of wisdom. Every country had its prejudices.—

\*It might have been added too that they grasp at the property, the lands, and inheritances of the old Canadians; for thus they want a registry bill, that they may pry into family and hereditary titles, that they may select the fairest spots as doomed to change masters, fetter the proprietors by insidious loans on mortgage, and add acre to acre, farm to farm, and estate to estate, till there shall be no tiers etat, nor no noblesse, but only an oligarchical parcel of upstart traders in possession of the fair lands, and fiefs, and seignories of the original colonists  
I. L. M.

Proud England herself had her prejudices ; there was no nation without them.\* Those of Lower Canada were innocent. However strangers might affect to ridicule the prejudices of countries not their own, their prejudices were the very essence of the people's happiness, and ought to be respected. Were they to be angry with the Lower Canadians because they spoke French—the elegant and fashionable language of Europe? Were they to be angry with the Lower Canadians for the difference of their manners, laws, and religion? If wisely considered, all these differences but added to the sure foundation and long continuance of the British empire over the whole. The Lower Canadians were a people quite distinct from the people of the United States,† Within the last two or three years, between twenty and thirty thousand British emigrants came into Lower Canada, one half of whom went over into the United States, never to return ; whilst he believed, that since the conquest of the Lower province, not ten families had removed from that province ; on the contrary, they have ever remained faithful to their king, and attached to their constitution. Under the old state of things they defended the country, as gallant and honourable men ; when providence prospered the British arms, they yielded to the necessity, and have ever since shewn themselves capable of equal fidelity to their new sovereign.—That sovereign, like a British king, the king of a brave and free people, gave to his Canadian subjects a British constitution. And now, when this change of condition was silently effecting a change in their character, when it was about to change the Frenchman into the Englishman, or rather the Frenchman into the Canadian, (for there might be, and there was, a *Canadian character distinct from the French, and though not English, properly reconcilable to, and perfectly consistent with, English feelings, English connection, and the English constitution ;*) now when the constitution was bringing about this change,

*\* And is there any nation (for they too are a nation as well as the Canadians) that have stronger, more singular, more barbaric, and yet more rooted, national prejudices, manners, and habits, than the Scotch, who are absolutely the Marseillois in the hideous revolution their plots had prepared for Canada ?*

L. L. M.

*† It is that dissimilarity, the strong and marked distinction between the two races, that it ought to be an object with the political rulers of the British empire to keep up, foster, and invigorate, rather than destroy and dissipate ; as forming a strong, and indeed insuperable barrier, against which the most stupendous waves of American ambition and lust of extended territory, must break and be driven back.*

L. L. M.

a faction steps in, takes the alarm,\* and would deprive them of their rights, and break the public faith, merely to gratify private ambition.

(To be continued.)

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## POST-OFFICE-DEPARTMENT.

(Subject continued from last No.)

In order to enquire into the right which the General-post-office in London assume to derive a revenue from the post-offices in the British colonies, we must look at the acts under which the revenue is collected. The act 9 Ann. Cap. 10 is the groundwork, and the additional acts on the subject, down to the period when the Quebec act was passed, of which the principal are 3 Geo. I. c. 7, which makes it perpetual and part of the general fund, and 4 Geo. III. c. 34, which enacts various regulations to prevent frauds and abuses, form the superstructure. The first thing that strikes the attention is in the preamble of the act of Ann, where it is avowed to be a revenue-act, one for raising a tax upon Her Majesty's subjects, "with little burthen to them" "to enable Her Majesty to carry on and finish the present war;" and, having subsequently been made perpetual, the surplus-revenue derived from the postoffice, after paying "the necessary charges of managing the said post-office, and the duties thereof," has always been appropriated to the general public service of the country. It being therefore, not virtually, but avowedly, a tax, or in the words of the act, a duty, collected from the inhabitants of the colonies, and certainly not one that can come under the denomination of "regulations or provisions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of commerce," which are the only *revenue-acts* that, according to sect. 46 of the constitutional act, the provincial parliament have "no power to vary or repeal," it is, in my opinion, competent for the provincial parliament to enact laws restraining, regulating, varying, and even *repealing*, with respect to this country, such parts of it as may be injurious, or inapplicable. And I take this to be the conclusive construction on this subject both of the Quebec and the constitutional acts, without reference even to the declaratory act of the British parliament, by which they renounced for ever all right of *imposing* any internal tax upon any colony that had a legislature, and by which declaratory act all antecedent ones that had that effect, were tacitly repealed as regarded the colonies: which forms therefore of itself also

\*That is the Scotch faction are alarmed at the Canadians becoming too English in their feelings, and sentiments; feelings and sentiments which are diametrically opposite to the despotic and slavish notions which they possess,

L. L. M.

of a sufficient ground for considering a duty raised by means of postage as one inconsistent with that pledge; for if the mother-country divested herself of the right of *collecting* the duties laid on under former acts, as well as of *imposing* new ones, she has equally divested herself of the right of *levying* any old internal duty, under whatever name; and I even contend that under the spirit of the act, by which also, "all duties that are or may be imposed for the regulation of trade shall be applied to the use of the colonies alone," all the sums of money that have been remitted from this country to the post-office in London, ought to be claimed back from the exchequer, in order to be appropriated for the use of the colonies. If this reasoning be correct, it would follow that the post-office acts, being revenue-acts, have no force in this country, and in fact that is my opinion; notwithstanding all laws made in England, prior to the Quebec act, which specify that their operation shall extend to the colonies, (as the post-office acts do,) are said to be binding here; this certainly holds good with respect to others (such as that of 14 Geo. II Cap. 37, by which banking companies in the colonies are declared to be common and public nuisances,) but not with regard to any revenue-acts, which are of course taken out of that rule by the declaratory act before mentioned. Now let us consider what consequences may be let in, if these acts are to be considered as operative here for raising a revenue.—The original act of Ann fixes all the rates of postage to be paid, & these have been augmented from time to time, partly from the increased expenses of the department, but chiefly, for raising an augmented revenue; so that the packet postage which by that act was one shilling, is now four shillings and sixpence: what is to prevent the postage from being increased, even internally in these provinces, to a rate that will drain double or treble the sum from the country which it now does? The present rates of postage afford, I believe, an annual surplus of nearly ten thousand pounds Sterling, including all the British North American possessions; where is the guarantee, or the power, to restrain it from being made to yield thirty thousand pounds, or more, at the will of the government at home? Surely this ought to be enquired into, and remedied. The money of the colonists is thus taken from them, and applied, amongst other things with which they have no concern, to the payment of sine-cure salaries and pensions at home, which are made chargeable upon that fund. Ought not the surplus of £10,000, or whatever it may be, to go in aid of the civil lists of the colonies, instead of going to swell the power and patronage of the ministry in England? I set aside the question of the expenditure of that surplus in making improvements in the post-office establishment, by better provision of horses, carriages, offices, and other objects of local importance for the "encouragement of trade, commerce, and correspondence;" which it might naturally be ex-

pected ought to be the first object to which such surplus might be expected to be applied, because it can not be looked for that, where there exists no interest or connection between the taxer and the taxee, (that is, between the General post-office in London, and the public in Canada,) there should be any other view on the part of the taxer, than to make the tax as productive as possible, without reference to the convenience, or accommodation of the persons who pay it. The General post-office department in London is conducted on the most liberal scale, and all the regulations with regard to the internal conveyance of the mails in England, are admirably adapted for expedition and the accommodation of the public: but they can not see across the Atlantic, they are not here, to judge of the mode in which the plan upon which the post-office on this side is conducted, operates. This matter has before been an object of public animadversion; in Feb. 1819, amongst other observations that appeared in a Montreal paper, it was remarked, that, "if the sums arising from the post-office, which have been sent to Britain for the last twenty years, had been, as they ought to have been, expended in these provinces, complaints of impassable roads, and continual delays, and vexations attending the receipt of letters, and more particularly of newspapers, would not be reaching us from all quarters. When sometimes these irregularities have been complained of, the only reply vouchsafed by the post-office has been, "point out where the evil lies and it shall be remedied." With due submission, we would humbly suggest, that it was the duty of the post-master to institute such investigation. If the parties aggrieved could of themselves ascertain the felonious acts so continually practiced by *breaking open sealed packets containing newspapers &c.* they could have recourse to a prosecution at common law, without any appeal to the postmaster. It is precisely because they are *not* able to penetrate this labyrinth of mystery, that they implore the aid of a public servant for a clue to discover the iniquity." To apply to Mr. Sutherland to discover the iniquity, however, would be like applying to the butcher to know who killed the calf; for, in my case, it has been under his sanction, by his directions, and under his orders, that the iniquity has been committed. But here the inefficacy or inapplicability of the acts relative to the post-office, as well as their partial operation, will most strongly appear. Being made to extend to His Majesty's plantations and colonies, they enact that the penalties to be incurred by those of the public who infringe upon the privileges granted to the post-office, shall be recoverable "in any of His Majesty's courts of record,"\* whilst the penalty of £20, which is imposed upon any person in the service of the post-office for opening

\* *A subtle lawyer might indeed argue that as Sect. 19 of*



detaining, or delaying, any letter, &c. is alone recoverable in the courts at Westminster or Edinburgh consequently such persons who trespass against the enactments that are in favour of the post-office, are punishable in this country, and those who trespass against the rights of the public, are not so by statute, although I can not but believe they would be punishable by common law.

With respect to the remedial suggestions, there appear to me to be three modes which the provincial legislature might adopt.

1. To pass an act to *repeal*, with regard to this province, (a power which the constitution gives them) such parts of the post-office acts of the British Parliament, as relate to the colonies; and to establish their own post-office, modelled upon the regulations of the other, as far as they may be applicable to the country, fixing their own rates of postage, appropriating the revenue to be derived from it, and enacting *that all newspapers shall go free.*

2. To establish a concurrent provincial post-office,\* and regulations for the more quick, as well as more economical, conveyance of letters, so that the preference would be given to the provincial post, above the general post, a revenue raised, and by degrees the general post worked out of the country by means of competition.

3d. To petition the Imperial parliament to repeal and alter the acts relative to the post-office, in all cases in which they do not suit the circumstances of the country, and particularly as to the application of the surplus-revenue derived from these provinces, and the free conveyance of papers.

Each of these modes has its advantages and disadvantages, and reasons for and against it; but the discussion of these I must defer till another opportunity.

L. L. M.

*the 9 Ann, directs the recovery generally of the penalties imposed by it, in "any of her Majesty's courts of Record" that those imposed on the post office people would be equally so, altho' by Sect. 40 and 44, they are limited to Westminster and Edinburgh; or on the other hand, that altho' Sect. 19 gives that general power of recovery, yet as Sect. 29 (the only one in which any penalty is specially imposed upon any act committed in America,) the penalty for ferrymen for obstructing or delaying the mail, is recoverable "in any court of record in the colonies," none but such a particular penalty can be so recoverable.*

\* This is not merely a theoretical plan. In the seven United provinces, before the French revolution, although there was a Staats-post, that went through the whole, each province had its own post besides, called provinciale bodens, or provincial messengers, the postage by which was about 3-4 of the other.

[PRINTED AT BURLINGTON, VERMONT.]