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THE FREE PRESS.

VOL. I] MONTREAL, THURSDAY, 12th JUNE, 1823. [No. 34.

"Bold is the task, when subjects, grown too wise,
Instruct a monarch where his error lies."

POPE—*Iliad.*

Purposing in my next number to commence the *General Review* of the late session of the provincial parliament of Lower Canada, which I announced my intention of taking, in No. 25, I shall be happy to receive communications from any gentlemen, either of the Legislative Council, or of the House of Assembly, who may be desirous of calling my attention to any particular or prominent topics, debates, or proceedings. To such gentlemen especially as may be wishful to see their sentiments and speeches preserved, and promulgated, this Review, (which I hope to make both locally and historically, as well as permanently, interesting, and into which I mean to incorporate my own observations, as the subject awakens them,) will give an opportunity of benefiting their country, and posterity, as well as gratifying their own laudable ambition of appearing amongst the ranks of the enlightened legislators of a country rising every day in interest and importance. The more stable and respectable form in which the Free Press appears, as a political work, to be bound up and preserved in future as an octavo volume, when compared with the transitory, and perishable nature of the columns of a mere newspaper, must give it a preference, for the purpose of a record of whatever is material in the politics of Canada; and will, I trust, induce many honourable gentlemen to favour me with their assistance. I need scarcely add that it is perfectly indifferent to me whether the communications sent me are in French or English.

L. L. M.

Desirous of doing justice to all, I take the opportunity which the politeness of the editor of the York Weekly Register has afforded me, by sending me, in exchange, a complete copy of his paper from the commencement of the year, of retracting what I said in No. 18, with regard to the letter stated to have been read in the house of assembly of 1822 by Col. Robert Nichol. Upon the authority of the Observer paper, I stated that Col. Nichol having denied that he had received or made use of any letter from Mr. Richardson, was guilty of a jesuitical evasion, in as much as the letter he did receive and make use of, was from

Mr. Richardson's house of Forsyth, R. & Co. Now it appears from the Weekly Register of 30th January, (which I had no opportunity before of seeing,) in which the identical letter alluded to is published at length, that it was not one from that house, "although it really came from a gentleman no less eminent in the mercantile world" which, tho' the name is suppressed, we can not but believe to be the case, from the intrinsic evidence afforded by the commercial knowledge and perspicuity with which it is penned. This does away therefore with the charge of "jesuitical evasion," although not with that of inconsistency. But in this, as in all cases, I willingly correct whatever mistatement I may have made, as soon as it comes to my knowledge.

L. L. M.

A very *lengthy*, but verbose and flimsy, article on the political state of Lower Canada, has been continued in several late numbers of the Canadian Times ; which, replete as it is with false data, and falser consequences, is moreover, on account of its unfounded abuse, and gratuitous calumnies, against, what the writer calls the dominant Canadian party, not worthy of notice. Nor should I have referred to it, but for the sake of a single line, which relates to a matter I have formerly taken up, and which has not been animadverted on by others. Speaking of the difficulties attendant upon the prosecution of delinquents who are taken up in the Eastern townships, he enumerates among them, the ease with which culprits procure bail, and adds "Nor has the court ever thought proper to prosecute the bail." In No. 10 of the Free Press, I explained the cause why bail-bonds in criminal cases, that become forfeited, are never prosecuted, or prosecutable in any shape, in Canada ; and, the evil being a crying one, were it only because the giving bail in any criminal case here, is the merest farce, and tending to excite contempt and ridicule for the administration of justice, I challenged a contradiction of my statement by any gentleman of the bar. That not having taken place, the fact stands recorded *pro confesso* ; and since the judges, the crown-officers, the magistrates, and the lawyers all know that in taking bail they are only performing a childish trick to blind the vulgar and the ignorant, the remedy of this evil ought to be made a subject of the earliest consideration.

In No. 31 I made some remarks on the interference which, it appeared by the advertisement of the Agricultural Society of Montreal, had taken place in their concerns by His Excellency the Governor-in-chief. This matter was also noticed and animadverted on by the Canadian Spectator. In that paper of the 28th May, the editor reads his recantation in the following manner.

"We seize the earliest opportunity of acknowledging an error, into which, according to the information we have received, we unintentionally fell, in a late paragraph respecting his excellency. The paragraph we allude to is that in which we took the liberty of remarking on the sale of the bull *Eclipse* by the Agricultural Society, in consequence of *the disapprobation expressed by his Excellency*. At the time we wrote it we conceived that lord Dalhousie had exercised an exorbitant authority, in overruling a measure beneficial to the country, and that the Agricultural Society had practised an unfit acquiescence. We have been since better informed. *It seems* that a certain sum has been appropriated by the legislature to the Agricultural Society of Montreal, and that this sum is to be expended in premiums for rural productions of the district, and that no premium is to exceed £20. This being the case, the disapprobation of his excellency was not only justifiable but laudable.— We are well aware that lord Dalhousie, among many other estimable dispositions, possesses a noble passion for rural improvement, than which nothing can convey more pleasure not only to an enlightened, but also to a tender & benevolent mind: & we beg leave, with much respect, to say, that it is creditable to lord Dalhousie, that, in the instance before us, he constrained such a virtuous tendency to yield to the spirit and meaning of the law; although perhaps he might have better gratified himself *by a little artful management of the words*. We feel confident that lord Dalhousie will never designedly weaken the security of law under which every thing dear to us is sheltered, and that, if the province have to complain of any thing injurious and irregular in this respect, and that his lordship should at last become conscious of it, the province and his lordship will have the satisfaction of knowing that the blameable cause will be found somewhere distinct from him."

"We beg permission to say that we obey our own sense of propriety, in hastening to make an acknowledgement of our error at the earliest period that offered, after we became aware of it. It is our pride that we never knowingly mislead our readers, and we even consider that we expose ourselves to just reproach, when want of diligence or sufficient enquiry produces any misstatement on our part. We can never decline directing the public censure on any contravention of our laws and constitution: but we are fully sensible of the homage that is due to truth, and the respect which is due to virtuous and well-intentioned authority."

Agreeing fully with the editor of the Spectator as to the propriety of the earliest acknowledgement of error; that even the want of diligence or sufficient enquiry is a just cause of reproach when it produces misstatements; and that every hom-

age is due to truth, and respect to authority ; yet I have not been able to discover that I was wrong in reprehending in such strong terms as I did, the interference in question. If I did not know the indepeudeuce of mind and principle which actuates the editor of the Spectator, I should be inclined to have considered this paragraph (and certainly should have done so, had it appeared in any other paper,) as having been penned in consequence of his excellency *having expressed his disapprobation*, that any of his acts should be canvassed in the public prints ; and I should, in any other case, have been inclined to call the praises here bestowed upon lord Dalhousie, nothing but *flummery*. At all events I will say that it appears to have been written in a hurry, without due deliberation or accurate information, and with an evident struggle between a desire of making an *amende honorable*, and that of vindicating the justice of the blame before thrown on the transaction.

No other paper in Canada has taken any notice of it. The Agricultural Society have not deemed it proper to publish any detail, or retraction of their implied reflection on the governor-in-chief. The statute under which the money in question was granted to the society is not quoted, (query : is it yet printed ?) The suspicious deficiency of funds in the public chest is notorious. All these things leave the matter yet in a most unsatisfactory state of doubt ; so that I can not yet subscribe to the absolution from blame which lord Dalhousie probably expects I shall follow the Spectator in. I have not access to the act, granting the money to the Agricultural Society, but I will take it for granted it is as stated in the Spectator, although the editor does not appear to have examined it himself, or else he would not have said *it seems*. The notice that has been given of that grant in the parliamentary reports states it to be one of a sum of £2100, "for the encouragement of the agricultural societies of this province during the present year." Under these general terms, there is of course no restriction as to how the money is to be expended ; but, if, in the clauses of the bill, it be stipulated that the whole sum shall be laid out solely in "premiums for rural productions," then, certainly, the legislature have most injudiciously gone into minutiae which ought to have been left to the discretion of the societies, and have even entered their veto against any premiums being given for the exhibition of cattle, for ploughing, for manuring, in short for any thing but the mere crop. This I can not believe, unless I see the act and find it so. The next question is, has that money been paid out of the public chest ? I believe not, and that it is not intended to be paid, being a sum appertaining, according to the new-fangled nomenclature of the chateau, to *local* purposes and establishments, and not part of the perquisites of the privileged orders, who are to be paid in the first instance, and let all oth-

ers —— go hang. I ask whether if the whole of the money devoted by the legislature for the agricultural society of Montreal, were now in the hands of the committee, they would not have enough and to spare, both for the purchase of Eclipse, and for their intended premiums for cattle as well as rural production? Let them speak out. They have, by their advertisement, preferred a bill of indictment against lord Dalhousie, to which he has pleaded guilty, by admitting the fact, but has entered a plea of justification. Let us, however, look farther into the case. The funds of the agricultural societies are not, I take it, alone derived from money granted by the legislature, but also from the contributions of individuals; can it for a moment be conceded that either the governor, or even the provincial parliament, have the power of dictating the precise mode in which those contributions shall be expended? Let this be answered. But, put the case, that the agricultural society have no funds but what they derive from provincial grants, and that those provincial grants are specially and solely appropriated, as represented; yet, if the agricultural society depart from the letter of their instructions, it is not the governor, it is not lord Dalhousie, it is not any individual, that has a right to controul them, and cause them to retrace their steps. Whatever his motives may be,—I will allow them to be praiseworthy, (tho' I can not yet see how;) whatever his disposition may be—I will allow it to be excellent, (I know no public man, as far as report goes, that has a better;) whatever his intention may be never *designedly* to weaken the security of law,—and I will, for argument's sake, allow that there is no *design* in this, beyond what is avowed; yet I say, that by assuming the dictatorial and inquisitorial tone, which, there is no gainsaying it, he has done, on this, and other, occasions, he *does* weaken the security of law. The agricultural societies are responsible and incorporated bodies, and are answerable to the house of assembly, not to the governor, for the administration of the trust reposed in them. It is at the next session that the reports and accounts of the society will have to be produced to the house of assembly, and to be approved of, or condemned, by them. By this premature, and *ex parte* condemnation of their proceedings by the governor, they are virtually accused of misconduct and *misapplication of public money*, and with what grace the latter accusation comes from the quarter whence it does, the public will have their own opinion. The society will not only have, in their next report to justify, (for they can not present an account without setting off on the creditor side the proceeds of the sale of Eclipse, against the amount of his purchase on the debtor side,) but they are bound in duty to the public to explain the whole transaction, and either substantiate their charge against the governor, or take shame to themselves for

having so acted as to call forth on his part, a *vigour beyond the law*. If my lord Dalhousie be allowed thus to interfere in the internal administration of public bodies in the province, look at the consequences. All governors may not be so upright, so virtuous, so tender and benevolent, as his lordship; suppose the bill had passed restricting the banks from dealing in foreign bills of exchange; and that, nevertheless, it came to the ears of a future governor, that one of the banks had accommodated an officer's widow with cash, for her draft on London, for her half yearly little pension, then, following the precedent laid down by lord Dalhousie, he might, instead of directing an *ex-officio* information, or other legal proceeding, to be instituted on the occasion, by which the matter might be determined according to law, issue peremptory orders for the books and accounts of the offending bank to be laid before him, and the money to be required back from the poor widow. However widely different the cases may be in motive and effect, they are parallel in principle; and there is no sounder maxim, or one more essential to be observed in politics, than *obsta principiis*. Let that be the motto of our practical politicians, and Canada will be worthy of her high destiny, as the nobles' appendage of the British crown.

I had intended in this number to have also remarked upon the impediments that have been attempted to be thrown in the way of the navigation and intercourse between Upper and Lower Canada, and between Canada and the United States, in the first place by the seizing of the Durham boats at Coteau du-Lac, as mentioned in some of the papers; and secondly by the intimation from the customhouse at St. Johns that potash will be seized there, if brought in, from Lake Champlain in any but open boats. In the former case, the governor and council have exercised a legitimate authority in ordering the release of the boats, and they would do the same, in directing the admission of potash at St. Johns upon the same footing as heretofore, for there is a broad distinction between such an interference, and arrangement *pro tempore* and until the legislature can have an opportunity of remedying the evil, and that which has just been discussed. The one, is controlling the conduct of officers immediately under the crown, the executive giving instructions to its own subordinate departments; the other, is coercing the trustees of the public, the executive ordering and directing those who are alone and immediately under the legislative power. I am, however, induced to defer my observations on these singular occurrences, until I receive more full information both as to the circumstances attending them, and the legal grounds assigned for the measures adopted by the revenue officers. I am told, that an old provincial act or ordinance has been raked up, in virtue of which potash can not be brought

into Canada by water from the States, excepting in open boats, that that act had been repealed, but that again the repealing act had been repealed, reviving therefore the former one; which yet has never heretofore been acted on. In addition to my own enquiries, I shall be obliged to any correspondent who will give me all the information he can on this subject.

What does the new editor of the *Herald* mean by saying, in his notice to correspondents, in a late number, "that, in the warnings which the author of some verses, entitled the *Charriavary*, holds out to the public, "of the dangerous and turbulent spirit it encourages, we think he has omitted the real cause why it should be prohibited, we mean, that the votaries of it, are ANTI UNIONISTS?" Does he mean that a national and favourite custom, setting aside its merits or demerits, ought to be put down for no other reason than because its advocates are opposed in politics to the domineering Scotch union-faction? This is indeed a motive and conclusion worthy of that narrow despotism which pervades that insignificant, and illiterate, but overbearing and ambitious, part of our community.

In the London Courier of 31st January, an extract of a letter, said to have been written in Lower Canada in November last, has been published, which I was at first surprised to find has not been noticed by any of our public papers; since the Courier being supposed to be the organ of the ministry in England, and in some points looked upon as a semi-official paper, might be considered, in publishing that letter, as displaying the views, which administration might have had laid before them, of the political state of this province, and of the grand question of union, or no union. When I reflected, however, that this letter, although its general tendency is against the union, likewise contains much matter very unpalatable to the anti-unionists, and is in fact one that, as a whole, can please neither party, my surprise abated. In republishing it, I do not pretend that I do not care for pleasing either party; on the contrary I avow my desire to please the anti-unionists, for whom I entertain infinitely more respect and esteem than for the unionists; but I think it right that, since the question is supposed to be alone decidable in England, the people here, whether unionists or anti-unionists, should know what is thought and written about them there; and also that the people in England (for the Free Press is also circulated at home) should be told in how far the public papers there are right or wrong in what they communicate about Canada; for this letter will be moreover a good vehicle for conveying my desultory remarks upon the topics it embraces: and is likely to serve, as the poetical texts of some modern authors do, for pegs to hang notes upon.

L. L. M.

From the London Courier of 31st January, 1823.

LOWER CANADA.

Extract of a private letter, dated Nov. 13, 1822.

"It is evident the Canadians will make a spirited opposition to any alteration in the constitution given them by his late Majesty. People at home seem to be very ill informed of the population, resources, and mode of government of the Canadas, or of the elementary parts of which that government is composed. The Canadians, or people of French origin in Canada, form about eight-ninths of the population—the remainder are English* or Americans; generally speaking the mass of Canadians are wretchedly ignorant, but the noblesse, laymen, and some of the clergy would succumb to none in point of talent. Some forty or fifty of them put in motion the whole Canadian population,† who are as devoted as ever were the Scotch claus in feudal times. Although, perhaps fifteen or sixteen of the present race are born English subjects,‡ yet their prejudices, national antipathy, manners, and customs are as decidedly French as they were at the conquest.

(To be continued)

After the paragraph relative to the remarks made by the Herald on the custom of the Charrivari, was in type, I received an account of the late unfortunate occurrence in Montreal, which I mean to take up in next number; to defend that laudable and ancient custom, and unequivocally to condemn the arbitrary, absurd, and now sanguinary, opposition that has been made to its observances.

The further explanation of my sentiments as to the Scotch nation is shut out for want of room.

*No, of the remainder perhaps one hundredth part only is English; the bulk is Scotch, with probably about one fifth Americans, and half as many Irish.

†This evidently alludes to the house of assembly, and gives a very erroneous idea of the matter. The seigneurs, landholders, clergy, and influential men amongst the Canadians are infinitely more numerous; and if the people must be divided between those who are the influencers, and those who are the influenced, it must be allowed that there are at least as many men of talent, learning, ability and influence amongst the Canadians, as the entire numerical population of the Scotch, &c. amounts to; that is, forty or fifty thousand; and if only one tenth of these are active in directing the views and measures of their countrymen, still, it can not be said that the Canadian population is put in motion by a body of intelligent and enlightened men less in number than four or five thousand,—so much for the demagogy which has been so falsely attributed to the principal men of the Canadian party.

This is evidently a clerical or typographical error, 15 or 16 for fifteen sixteenths.