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THE FREE PRESS.

VOL. I.] MONTREAL, THURSDAY, 17th JULY, 1823. [No. 40.]

*Audax Japeti gemis
Ignem fraude mala gentibus extulit.*

HORACE.

—“Bold man, who all things dares essay,
The heavenly fire to make hell look like day,
Th' incendiary's torch, or merriment's mad mask;
Alike the slightest sport, alike the heaviest task.

I deem it but justice to the editor of the *Gazette Canadienne* to give a translation of his observations on that part of No. 36 of the *Free Press*, where I expressed my surprise that the *Spectateur* should have copied from the *Gazette*, an invective against the custom of the *Charivari*.

“The direct attack against the *Spectateur Canadien*,” it is said, “appears to us to be less heavy than the indirect one upon the *Gazette Canadienne*: the former is simply accused of not being a partisan of the *Charivari*, as an ancient French custom, but the latter is accused of not being a constitutional and anti-unionist paper. This appears to us the more strange, when we consider that the *Gazette Canadienne*, both in its origin, and at all subsequent times, when the occasion has presented itself, has evinced itself to be, perhaps, as constitutional, and as much opposed to the union, as any one of the Lower Canada papers, of which the editor of the *Free Press*, as well as all the world, might easily convince themselves. If the *Free Press* had confined itself to saying that the *Spectateur Canadien* and the *Canadian Spectator* were the two papers in Lower Canada, which had spoken the most frequently, and the most forcibly, against the union, we should not have thought ourselves under the necessity of calling his remarks in question; but when the editor says that those two papers are the only constitutional and anti-unionist papers in the province, we ought not to remain silent; it is our duty to point out the error, were it only to prevent its traversing the Atlantic. This remark of the *Free Press* might tend to induce the belief that the advocates for the union are very numerous, and that there are a great number of Canadians amongst them, on the ground that it might be concluded from what was said, that all the papers of the province, those two alone excepted, were unionist, and that even there existed French papers that were favourable to the union; whilst,

on the contrary, it is known to all here that the unionists are, as it were, a mere handful of men, that there are not any, or scarcely any, Canadians amongst them, and that all the papers of Lower Canada that are published in the French language, are, and ought to be, upon pain of having neither subscribers nor readers, opposed to the union. The *Canadien* of Quebec, and the *Constitutionnel* of the Three Rivers, will be no less surprised than we are at this mistake of the *Free Press*, and will equally hasten to expose it. Instead of there being only two constitutional and anti-unionist papers in Lower Canada, we reckon up six, and even seven, if we include the *Mercury*, which has always appeared to us to be more opposed to, than in favour of, the union: these six are, the four French papers, the *Spectator*, and the *Free Press*, the editor of which forgets his own, which must, however, be also reckoned amongst the others."

"As to Charrivarri, we did not inveigh against that custom as an original French or Canadian one; we have not approved of the violent mode in which it has been resisted and opposed; we only reprehended the custom on account of its having been the occasional cause of the acts of violence that have been committed on either side. But if even the *Gazette Canadienne* had inveighed more forcibly than it has done against the charrivarri, which we know is condemned by a great majority of the Canadians, as a custom abounding in folly indecency, and immorality, it would be as unreasonable thence to form the conclusion that the *Gazette* is not a constitutional and anti-unionist paper, as it would be to argue that a Spanish newspaper that might find fault with the fandango, or with bull-fights, was therefore neither constitutional nor patriotic."

I am ready to acknowledge that my assertion was too sweeping, and that the *Gazette Canadienne* is entitled to rank amongst those papers whose politics lean towards the popular, constitutional, and anti-unionist side. There is, however, in that paper, even upon the editor's own shewing, a lukewarmness and forbearance, that I can not approve of. In grand political questions, whoever is not decidedly with us, is against us; and I would recommend, in future, to that paper, if it be wished to retain or augment its present list of subscribers, to be a little warmer in the cause. As to the *Canadien* of Quebec, and the *Constitutionnel* of the Three Rivers, though both by their titles and public report, I have reason to conclude they are of the right kidney, I am not enabled to speak from personal knowledge, as, although I always send the *Free Press* in order to exchange with them, I have not for six months had a *Canadien*, and never received a single *Constitutionnel*.

With respect to the charrivarri; we are at issue both as to the merits of the custom itself, and as to the light in which the ma-

for part of the Canadians view it. I believe that but a few of them will be inclined to maintain that there is either folly, indecency, or immorality in it. The reverse appears to be the case; but on this subject I refer to my last number.

L. L. M.

The editor of the Canadian Spectator, has done me the honour of extracting from No. 38, some of my observations on the subject of the late interference of the governor-in-chief, in the internal management of the Agricultural Society of Montreal, taking the occasion likewise to express his approbation of the soundness of the principles they contain. It is always gratifying to have the good opinion of constitutional and independent minds, and the more so, in the present instance, as we have differed, and still differ, on some shades of the question. I can not, however, avoid adding that he much mistakes my meaning, if he thinks I intended to insinuate that he had been biased, in retracting what he had previously said on the subject, by any intimation from the higher powers. I thought I had sufficiently, in the article alluded to, disclaimed any such inference; and I take this opportunity of unequivocally declaring that, convinced as all the Canadian people, and their rulers, must be, of the independent spirit he possesses, I firmly believe that no person, "how high soever his station might be," would venture to attempt to tamper with, or influence, his principles, or his judgment.

The particulars he has given of the several provincial acts bearing upon the question, are peculiarly welcome to me, not having the means of consulting the originals; and enable me to pursue my observations on the subject and to adhere to the original impression upon my mind arising from the transaction, namely that the approbation or disapprobation of the governor has nothing to do legally with the purchase of the bull Eclipse, that consequently it was a stretch of his authority beyond its due limits to interfere in the business, and that the agricultural society have been guilty of a dereliction of their public duty in allowing themselves to be dictated to on the occasion.

In the first place, although it appears that the late act, granting £2100, for the encouragement of agriculture, does not expressly direct that the mode in which that sum is expended shall be accounted for to the legislature, yet, since it refers to two former acts as to the division and expenditure thereof, and those acts both contain clauses that the agricultural societies shall account to the legislature for the expenditure of the monies granted them, it follows as a natural consequence that the present £2100, must be also accounted for to the legislature alone; for how could the legislature ever judge whether their injunctions as to the mode of expending money had been fulfilled, if the

trustees of that expenditure were not bound to account to them? The silence of the act on that subject (considering the reference made to the other two acts) is conclusive that it is to the legislature, and not to the governor, or to the lords of the treasury, that accounts (as is the case in some other acts) must be rendered; that this is so, may be demonstratively illustrated by putting the case that either the governor or the legislative council, here, or His Majesty's treasury at home, were to demand an account from the agricultural society: would they not, in that case, say, shew us your authority, why must we account to you? whilst, on the other hand, if a demand be made for their accounts by the legislature would they, or could they say, "no; you gave us the money it is true, and told us how you wished us to expend it, but you never said that we must be brought to book again by you for it, and therefore we will render no account:" they would feel themselves bound to comply instantly with the requisition; which shews that they are also so bound, without its being required in express words.

Next, keeping in mind that it is always only such monies as the agricultural societies derive from the provincial grants alone, that they have to account for to the legislature, and that whatever funds they obtain from private contribution, are wholly without the pale of that restriction, and should be alone accounted for, in the public papers, to that public from which they are immediately derived; it must be observed that that section of the 1st Geo. IV. c. 5. which provides for the expenditure of £400, in "seed, books, implements, and other useful purposes, with the approbation of the governor," can alone be construed to relate to £400—of the particular monies granted by that act, and not to any part of the £2100, subsequently given; and this appears to have been done, lest too much of the public money should have been expended, (as is much too frequently the case with public bodies,) in matters of ostentation, in halls, libraries, establishments, and salaried servants. Consequently I contend that the governor has nothing but a simple veto as to the expenditure of that particular £400, which he has already no doubt exercised, and has sanctioned so much as that sum amounts to, of the money given under that particular act, being laid out for "useful purposes," consistent with the idea of the legislature, and which will be to be proved when the agricultural societies render their accounts, by the vouchers accompanying those accounts. Now, as you can not eat your pig and have your pig, the governor having gone to the length of his tether, and, on former occasions, given his sanction, as far, and to the extent which he was permitted to do by the legislature, has no business to interfere further.

Finally, the provision that the agricultural societies "may" offer premiums for different objects enumerated; limited not

to exceed £20—appears, neither to compel them to do so, nor to prevent them from laying out any of the money in other useful objects for the encouragement and improvement of agriculture (amongst which undoubtedly the improvement of the breed of all kinds of cattle must be comprehended;); but simply to prevent such premiums being offered as would throw the competition out of the hands of the Canadian cultivators and small farmers, and entirely make it a matter of betting or gambling, as it were, between those individuals, who, having wealth at command, and ambition in view, would run races for the honour of carrying off a high premium. The limitation appears to me to be judicious, (though I am no great friend of legislating in detail) £20—being a sum that, to a small farmer with little or no capital, is a tempting object to exert himself for, whilst it is not such a one as would induce gentlemen-farmers to be otherwise than competitors in an honorary point of view.

But the truth is, I believe, that the agricultural society, calculating upon the legislative assistance that has been so liberally granted them, conceived themselves entitled to lay out what money they had in hand, in a purchase which they justly considered as being within the purview of their institution; leaving the premiums, and other parts of their expenditure to be provided for out of the provincial grant: now, there being no money forthcoming for that purpose, for fear the same exposure should take place as was the case with regard to the want of money to carry on the crown-prosecutions at the late court of Oyer and Terminer, and in order to “keep dark,” (to borrow the motto of the Garret Society,) it was thought a shrewd stroke of policy to send the bull a grazing and let that money be expended in premiums, &c. instead of that which the legislature had granted for that express purpose. But the advisers of this petty trick for letting concealment, “like a worm in the bud,” prey upon the commonweal are disappointed, and find that there are some prying rogues that will look into the sins, both of omission and commission, of public men, will denounce them, and will demand an explanation.

L. L. M.

In No. 30 the intention was announced of taking up the question of the Kingston bank commissioners bill. Space will not permit of my commencing my observations, on that absurd, inconsistent, and injurious bill, at present; but the following verses with notes, relative to that subject, having been sent me, and giving a sketch of some of the dark, and interested manœuvring that has been practised, I publish them, as a kind of preliminary skirmish, without any comment, at present. I regret that they are so decidedly personal, but if men who aspire to act a public part, will act improperly, they must pay the tax

of that station by being exposed to scrutiny and blame; whilst I likewise add, that whenever I print any thing relative to any individual, by which he thinks himself aggrieved or wrongfully held up to public animadversion, I will always be ready to publish his reply or vindication, should he think proper to entrust me with it.

A FLIGHT OF VULTURES, *having lately appeared at Kingston, Upper Canada, has given rise to the following lines.*

See! Three vultures in the air,
Now hovering o'er their prey,
On D——n fix their greedy stare,
And eke on L——s D——y.

Heraldic vultures sure are they,
For one a "falchion"* grasps,
And menaces poor L——s D——y,†
Who, faint, with horror gasps.

Another, wielding bloody dirk,
At D——n‡ aims the point,
A butcher's knife, the *tertius* tark!
To sever joint from joint.

* "Falchion" is the apt name given by commissioner John Macaulay esquire, to the infamous bank-bill. See editorial article in his own paper, *the Kingston Chronicle* of the 18th May, 1823. A more iniquitous and abominable thing than the bank-bill is not, perhaps, to be found in the records of any civilized country. It involves some of the grandest principles of our free constitution, subverts the sublime principle of justice; and loudly proclaims to the people that property is no longer secure, but ever at the mercy of "every pelting petty officer." Falchion, indeed! and most murderously is it wielded.

† A brickmaker and a farmer, a simple, honest and upright man, now in the clutches of the harpy-commissioners under the bank bill.

‡ A brewer at Kingston, who has incurred the hostility and vengeance of the "falchion"-bearers, from his wearing a little less of the rust of consummate ignorance than themselves. It is a remarkable fact that, in Kingston, if any man be discovered to possess one idea more than the Cream-Street gentry, he instantly incurs their bitterest animosity, and is pursued to death with all such ravenous yellings, as might be supposed rather to belong to beasts of prey than to human kind.

But see an Eagle,* soaring high,
 Above their puny flight;
 Who marks their course with piercing eye,
 And fills them with affright.

Spectator, disinterested, wise,
 Still with thy eagle sight,
 Pierce the dark cavern's gloom; arise!
 And knavery drag to light.

Men who justice e'er will flout,
 Will kick against the pricks,
 And get their silly brains knock'd out,
 With a HUNDRED THOUSAND BRICKS†!

* The eagle is typical of a person who has lately written in the *Upper Canada Herald*, on the subject of the bank-bill, under the signature of a *Disinterested Spectator*. He has strained upon the strangling cord with a giant's force, and choked the vultures, ere they could swallow the carrion they had begun to peck at. Here it may, with propriety, be observed, the public of Kingston owe their safety, in a great measure, to that independent print, the *Upper Canada Herald*. It is to be hoped that at the next general election, its firm and enlightened editor may receive an unequivocal pledge of the attachment and gratitude of the inhabitants of the county of Frontenac.

† One of the commissioners of the bank-bill, the Hon. Geo. H. Markland, during his agency for the Bank of Canada, lent Lewis Day, the brickmaker, above alluded to, £500—for three years, upon condition of receiving from him one hundred thousand bricks a year, that is 300,000 for the whole term. Eighty thousand towards the first 100,000 were actually delivered when the affair leaked out. The Hon. Geo. H. Markland, in great consternation that the thing had got wind, applied several times to Lewis Day, with wheedling, coaxing, homied words, in order to "abstract" from him a certificate that he had never taken usury from him. But Day was too honest a man to be cajoled into certifying a falsehood, and indignantly refused. The affair has, however, been compromised, and Day has had back his bricks. The aforesaid honourable gentleman is the head of the board for unsettling the affairs of the late bank: uncle Kirby is its body, and cousin Macaulay its tail. Such is the family compact junto appointed to strew fire-brands through the rising, but now desolate, city of Kingston. The lowest cash price of bricks is six dollars per thousand; thus the honourable gentleman was receiving £450—for the interest of £500, for three years, and was besides secured in the payment of the principal by a sufficient mortgage. Whether the money lent was his own, or belonging to the bank of Canada, is best known to himself:

no imputation, however, is meant to, or can, attach to that bank, as they would unquestionably be kept in ignorance of the purpose to which the money was applied, supposing it to belong to them. Now I would ask, is this man fit to hold any public situation of trust? He will not dare to deny the fact. If he does, I now say to him, *convincam si negas*. Are he, and his uncle, and cousins, fit persons to have the properties of more than an hundred people placed at their mercy. This is enough, for the present, about the honourable brick merchant. I will enlarge at a future opportunity, for it is fit that the public should know how scurvy an honourable sits at the head of the scurvy board of commissioners, under the scurvy bank bill, scurvily "abstracted" from parliament, by a scurvy trick, for the scurvy purpose of making scurvy "appropriations" of the bank-funds among a scurvy pack of dependants and favourites; from all which it would appear that the stockholders and the public will be most scurvily used

THORN.

CARDO, upon the article of tobacco, the first opportunity; so also PHINEAS in reply to a FRIEND TO TRUTH, but I must earnestly deprecate so much personality as begins to appear in this contest, and I must take the liberty of curtailng all that seems to me to be a departure from propriety in the replies which I admit to communications, that have appeared in this work; disputants under feigned names should never think of attacking each other personally, for that is attempting to cut at a shadow, but should confine themselves to the refutation of argument, or the detection of misstatement. *The Parliamentary Review* will be continued in the next or following number, and in the mean time the favours of such gentlemen as may have it in their power to assist me therein, are again respectfully solicited.

The quarter having expired, the subscribers and well wishers of the Free Press, will, it is trusted, have the goodness to recollect that, without the support of payments *in advance*, the work must languish. Profit, I repeat, is not my object, and, in fact, none whatever has yet been derived from it; yet, if my writings are but in a small measure deserving of the approbation which has, in so many instances, been flatteringly bestowed upon them, I should also conceive them entitled to more encouragement, and solid pecuniary aid, than I have hitherto met with, and particularly with two or three exceptions, amongst the original suggestors, promoters, and promised patrons of the undertaking, in Montreal, of whose neglect I think myself entitled to complain

LEWIS LUKE MACCULLOH.

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