

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for scanning. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of scanning are checked below.

L'Institut a numérisé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de numérisation sont indiqués ci-dessous.

- Coloured covers /
Couverture de couleur
- Covers damaged /
Couverture endommagée
- Covers restored and/or laminated /
Couverture restaurée et/ou pelliculée
- Cover title missing /
Le titre de couverture manque
- Coloured maps /
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /
Planches et/ou illustrations en couleur
- Bound with other material /
Relié avec d'autres documents
- Only edition available /
Seule édition disponible
- Tight binding may cause shadows or distortion
along interior margin / La reliure serrée peut
causer de l'ombre ou de la distorsion le long de la
marge intérieure.
- Additional comments /
Commentaires supplémentaires:

Continuous pagination.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /
Qualité inégale de l'impression
- Includes supplementary materials /
Comprend du matériel supplémentaire
- Blank leaves added during restorations may
appear within the text. Whenever possible, these
have been omitted from scanning / Il se peut que
certaines pages blanches ajoutées lors d'une
restauration apparaissent dans le texte, mais,
lorsque cela était possible, ces pages n'ont pas
été numérisées.

THE FREE PRESS

VOL. I.] MONTREAL, THURSDAY, 26th Dec. 1822. [No. 12.

But, my lord, this measure is too daring to pass unnoticed, too dangerous to be received with indifference, or submission."

JUNIUS to Lord North.

Quod omnes tangit, id ab omnibus approbatur, aequum est.

DECRETAL lib. vi.

What affects all men, it is right should be approved by all men.

Quebec, Dec. 1822.

MR. MACCULLOH,

In my last I animadverted in strong terms on the appointment of sheriff of this district, bestowed upon a youth, the son of our chief-justice. I have since learnt that he was not the only candidate for the office, that came recommended from the bench, and that the balance hung suspended between him and another boy, still more unfit, equally a member of the family of one of the judges. In either case, every poor criminal that is brought to the bar, would have the singular privilege of being apprehended, tried, judged, condemned, and executed, all by one family! * The mania of place-hunting, and the sordid de-

* I have not at hand the Canada Judicature-act, as it is called, by which the courts of Quebec, Montreal, and Three Rivers are established, but I take it for granted that the appointment of a district-sheriff, by the governor alone, is according to existing law; whilst, if such be the law, it is certainly one that ought, the sooner the better, to be repealed. It ought not to be part of the prerogative of the executive to appoint, but only to confirm, or negative, such appointment; and it would have been well if that part of the Canada petition of 1784, upon which the constitutional act of 1791 was built, which prayed that "the Sheriffs be elected by the house of assembly, approved and commissioned by the governor, at the annual meeting of the legislature; that they hold their appointments during the period elected for, and their good behaviour; and that they find reasonable security, for a faithful discharge of their duty,"

sire of engrossing high salaries, and lucrative perquisites, are too prevalent in all colonies; and are evils that must attend the distant provinces of every empire, if not checked and kept in controul by the firmness and patriotism of those who take the lead in the affairs of their country.

You have, no doubt, observed, in the public papers, that the House of Assembly of Tobago, have lately addressed their governor, Sir F. P. Robinson; on the subject of the distresses and difficulties in which the island found itself, and intimating their expectation that his Excellency would relinquish a part of his salary of 24000 sterling, per annum, which the colonial legislature had granted, when their finances were in a flourishing situation, but which the deplorable state of their trade, and the necessities of the times would not now enable them to defray; and that this address was met by the governor, by his declining to take the hint, and a recommendation to stop the completion of the public buildings then erecting, and to impose a tax upon absentees!

The Assembly of Tobago, on that occasion, referred to the example of the island of Jamaica, where, on account of the public necessities, the salary of the Duke of Manchester had been materially reduced.

I believe that the governor-general of Canada, receives an annual sum which exceeds the income of the President of the United States of America; Do you not think, sir, that it would highly redound to the honour of my lord Dalhousie, were he to relinquish part of his salary, for the benefit of the public? especially if the province charges itself with the civil list, which I desire, with all my heart, may be the case, as that is the only thing that will, in my opinion, give this country its due weight, in the political scale of the British empire; at the same time it is obvious to the plainest understanding, that if the house of assembly are not to hold the pursestrings, and appropriate their own money, in the way they think fit, our boasted parliament will be reduced to a mere court of registry, for the edicts of the governor. Besides should His Excellency do so, other gentlemen that hold places, would, no doubt, follow so laudable

had been adopted by parliament. Here the question occurs, has the ex-sheriff of Quebec, given any security? and how are those persons to get redress, for whom he may have recovered executions, received the amount, and neglected to pay them over? The office, duties, and abuses of the Sheriffs in Canada, form a fertile topic; and I shall take another opportunity of enlarging upon it, if leisure and space will permit. L. L. M.

an example;* and the reduction of expense would be of the highest importance to Lower Canada, upon thus first setting up as it were, to keep house for herself.

You will likewise have remarked, that a proposal is going

* "Alas, my friend, you try in vain to
Impossibilities to gain."

Such examples of disinterestedness have sometimes been set but have never been followed. What effect had the noble sacrifice made by the Marquis of Camden some years ago, when he gave up the enormous emoluments he derived from his sinecure place of teller of the exchequer? Did one of the many placemen, and holders of sinecure offices, follow his example? Not one! This is a recent occurrence, in every one's recollection: I can call to mind only one other. Sir Harry Vane, in Cromwell's time, being then treasurer of the navy, stated in parliament, that the profits of his office, were too great for any one person; during such distress and calamity of the commonwealth, and desired that a convenient salary might be appropriated to him, out of them, and the rest go towards the charges of the war. But he too stood alone, none other did the like. In 1699 indeed, we are informed by a parliamentary speech of Sir Charles Sedley, in a debate on the *civil list*, that a general reduction of their emoluments, was once offered, by all the men in office. But take it as he relates it.

"The late proposal of the courtiers themselves, to save the King's money; was by applying the profits, salaries, and fees, of their places, that exceed £800 per annum, to the war. This offer, sir, as I remember, began when an observation was made by you of the *long accounts*, and that a great part of the king's revenue, remained in the hands of the receivers; to which a worthy member answered; it could not be helped, by reason some receivers were members of parliament, and stood upon their privileges. To which, another member answered, that we could not deprive members of their privileges, but that, to remedy the like, for the future, we were ready to pass a vote, that no member of the parliament should be a receiver of the king's revenue. This alarmed the whole body of the men in office, so that some stood up, and to prevent the house from harping upon that string, said, they so little valued their own profit, that they were willing to resign all their fees, salaries, and perquisites, exceeding £800 per ann. towards the next year's charge. This, if really intended, was very generous; but if it was only a compliment, shift, or expedient, to avoid the present vote we were upon, that no member of parliament should be a receiver of the revenue, nothing was more disingenuous; nor could a greater abuse be offered to the house, for we pro-

to be made to the House of Assembly of Jamaica, by the governor, to provide for the pay and subsistence of the troops stationed in the island. I should not be surprised if the same thing should be proposed to us; and in truth, I am inclined to wish it may be the case, for then there would be both the chance and the means, (always supposing the assembly to be both the judges of the military wants of the province, and the appropriators of its military expenditure,) of reducing the present expensive establishment by one half, especially the enormously disproportionate staff.*

I remain, sir, your's as before,

CONSISTENCY.

ceeded so far as to vote that the speaker, the judges, and some others, should not be comprehended. People abroad, that received our votes, will think strangely of it, if, after all these preparations, we do nothing in it, and suffer ourselves to be thus gulled: but I hope better of the worthy gentlemen, and can not but think they were in earnest with the house on so solemn a debate.

They were not, however, in earnest; the house of commons and the nation were gulled; and no one gave up a shilling of his salary.

L. L. M.

* Were these provinces to provide for their own military establishment as well as their civil lists, it would, besides the reduction in the general expenditure of the empire, which would result from it, be a most certain safeguard against any encroachment upon their constitutional rights, would increase their importance and value to the parent-state, and destroy all fears of rebellion, as well as of separation, beyond what the matured political experience of the British senate may, in time to come, consider as necessary to sanction, by giving such conditional independence to her colonies that may have attained to the state of manhood, as will retain them for ever as her inalienable allies, and her dearest and most profitable connections. Had the pay as well as the subsistence of the troops sent to Massachusetts, at the commencement of the American troubles in 1767 and afterwards, been to be provided for by the provincial assemblies, who were firm in refusing to grant what depended on them, namely, the subsistence, it is probable that the enforcement of those acts of legislation, by the British parliament, which the Americans resisted as unconstitutional, would never have been attempted by military violence; and the chartered rights, as well as the affections and loyalty of the provincials, would have been preserved, their dubious allegiance secured, and the rending asunder of the British empire prevented, or at least retard-

I copy from the York Observer, the following bill, proposed to be passed by the Imperial Parliament, as a panacea for all evils.

A bill for the better security of corruption and the subversion of patriotism and social order in the provinces of Upper and Lower Canada.

Whereas a bill was passed in the 31st year of his late Majesty's reign, giving a constitution to the provinces of Upper and Lower Canada: And whereas the inflammatory language made use of upon the discussion of the said bill, by two political quacks by the names of Pitt, and Burke, who happened to force their noses into His Majesty's councils, has established a spirit in the people of those provinces, to resist foreign and domestic enemies: And whereas their efforts tend to do great and lasting injury, to all those who, directly, or indirectly, live upon corruption, and threaten the total ruin and final starvation of all the dependents of our well beloved friend, Sir John R——n,* of Montreal: And whereas the representatives of the people of those provinces, owing to the dangerous doctrines advanced by Pitt, Burke, and some other radicals, enemies to the government, have set up an imaginary right, that they have the power to examine into the public accounts of the said provinces, and to decide upon the justice of granting the sums demanded by the government, to the great annoyance of our said trusty and well beloved friend, Sir John: And whereas their houses of Assembly, under the present act, can never become a well constructed instrument of individual advancement, but must remain a frightful, (because a faithful,) organ of the people: And whereas it is expedient to prevent the people from proceeding in their unconstitutional career: Be it therefore enacted; That so much of the said recited act as relates to the rights and privileges of the people of those provinces, be, and the same is, hereby repealed: And be it further enacted; That, from and after the passing of this act, the governors of the respective provinces of Upper and Lower Canada shall not apply for, or appropriate, any of the public monies of the

ed. I fear, however, that it would be premature to charge the Canadas with the burthen of their military establishments, as well as their civil lists; and that their present resources would not be adequate to it. A period of profound peace is, however, the only time to try such an experiment; and it may perhaps be worth the while of our patriotic statesmen in the assembly, to consider whether they can, taking the abilities and inclinations of their constituents into view, make such an offer to the crown.

L. L. M.

*Meaning, no doubt, the Hon. John Richardson. L. L. M.

said provinces, without first obtaining the consent, and sanction in writing, of our said dearly beloved friend, Sir John: And be it further enacted; That the people of the said provinces shall not be allowed, from and after the passing of this act, to think, speak, dream, eat, or drink, without first petitioning our dearly beloved friend, Sir John, and obtaining his consent thereto; And whereas a bill passed last session of Parliament, imposing a duty on flour, &c. imported into Lower Canada from the United States of America; And whereas it appears by the resolutions entered into by the friends of our said dearly beloved Sir John, at Ogdensburgh, that the uneasiness of mind under which he labours has been greatly increased by the said act: Be it therefore enacted; That the said act be and the same is hereby repealed: And be it further enacted; That the duties imposed by the said recited act, shall, to console the mind of our said dearly beloved Sir John, be placed upon the flour, &c. the produce of of Upper Canada, imported into Lower Canada.

It is, in a manner, beneath me to crush still deeper in the mire, than Albanicus, and Marius, have done, the superlatively contemptible boy, who is the editor of the Gazette, but I can not pass by his most admirable tirade in his paper of the 18th instant, where he undertakes to defend the circumstance of boys of twelve years of age, having signed the union-petition; (a fact, which, though he has the impudence to deny it, he knows is true.) With most tender sympathy for boyhood, does this wretched stripling, as if his posteriors were still smarting from the influence of the rod, contend that the natural good sense and education of a British Canadian boy, of twelve years, is sufficient to entitle him to sign a petition to the British parliament, to enable him to domineer over and make slaves of the Gallo-Canadian boys; for that is the sum and substance of the union-petition. The education of the British Canadian boys, forsooth! what education have they, or can they have, compared to that which the Gallo-Canadians have? the thing is in itself, so excessively absurd, that there is no necessity for saying more about it. Whenever the quantum of education, knowledge, and learning, that exists respectively, amongst the Canadians, and amongst the British inhabitants, of this province, whether boy-editors, or old-ratcatchers, comes in questions, he must be blind and prejudiced indeed, who does not see that the former, compared with the latter, is like the sun, compared to a farthing rush-light. "We have no time," says this Scotch boy, "to dive into musty volumes of Canadian law, but we know that a British boy of twelve years old, is permitted to appoint his own tutors, curators, or guardians." Now we most

certainly, in this, have shewn our eminent knowledge of boyish privileges; but I beg leave to tell ye, that no *English* boy is so permitted, that there are no such things as *tutors* or *curators* known, as legal definitions, in *England*, and that *guardians* are alone appointed by will, or by a court of chancery. How it may be in the yet half-savage country whence this advocate for boys comes, I will not say; but I will say that his countrymen here, old as they are, who have placed him in his present situation, have shewn themselves almost as green and raw as himself, in thinking such a youngster, both in years and understanding, was fit to be their editor.

I have no doubt but *Albanicus*, or *Marius*, will challenge this witless and frontless tool of the party to name the particulars of what he alleges, as to "names of boys not more than *two* years old," having been scrawled, by their hands being guided, to the anti-union-petition. If he does not name them, he must stand convicted, as the inventor and propagator of wilful falsehood; if he does, it behoves the parties implicated to disprove the fact, or else, that such signatures so shamefully obtained should be instantly erased. The cause wants no such support. But what will the party say to the following fact, which I have had occasion, being resident, as all the world knows, in one of the states of *America*, to become personally acquainted with. An agent of the unionists has been soliciting in several places out of *Canada*, persons to sign their names to a piece of parchment intended to be appended to the union-petition, and form a part of that which is to be sent home to *England* as a petition from the inhabitants of *Canada*. I WAS ASKED MYSELF to do so. Blush if ye can, ye deceivers, and underminers, ye swindlers, and caballers. But the men who had the brazen audacity to tell the Imperial Parliament, so wilful a falsehood, that the union-bill was desired by all the inhabitants of *Canada*; can not be expected to stick at any thing, however immoral or disgraceful it may be.

The learned *British* boy then finds fault with *Albanicus*, for that which I too should be inclined to blame him for, namely, writing "the Hon. John R——n and his party." I have before expressed my antipathy to dashes and blanks. In this instance there could be but one individual alluded to, and I agree with the learned lad, that he is well known, unfortunately for *Canada*, too well known; so we will say no more about that, for the more you stir it, the more—*Edinburgh* streets to wit. But he is, he says, at a loss to conjecture who are "his party." I will tell you *Mr. Chisholm*, who the party of the *Hon. John Richardson* are, they are such men as you, venal, hireling, base, and servile dependents, raw, ignorant, Scotchmen, who, because the man is rich, hold him to be wise, and because he is powerful, hold him to be immaculate, who be-

cause he is a Scotchman, look upon him as an oracle; the party further consists of such men as himself, uneducated Scotch adventurers, who have come to this country, with no affection for any thing but themselves, no knowledge but that two and two make four, and no patriotism beyond a blind prejudice in favour of plaids and bagpipes; who, in the words of the old Roman poet,

— domari

Ut possint, servare volunt—

"are slaves themselves, in order to lord it over others." Such men form "his party;" and though many well meaning, and a few intelligent, men, have been dazzled or seduced by them, and their arts, and have thus swelled the ranks of the unionists, the party, the nucleus, the centre, round which they rally, consists in a caballing junto of such men as I have described.

I would call the attention of the public, to the militia-order, issued by order of Lord Dalhousie, for rendering effectual the returns requested to be made to His Excellency, by the clergy of the province, of the population in their parishes, townships, or cures.

The House of Assembly of the province, have repeatedly passed bills for taking the numbers of the people, as a necessary preliminary step to regulate the representation; which bills have always been rejected by the legislative council.

Now, is the enumeration of the people a matter that requires a legislative enactment, or is it one appertaining to the Executive alone?

If the former, the Governor is acting unconstitutionally in endeavouring to procure such returns, without being authorised to do so, by the legislature: if the latter, the bills passed by the assembly, for that purpose, were needless, and infringing upon the prerogative.

I am inclined to believe that it is part of the prerogative of the crown; since the constitution reserves to His Majesty, the right of parcelling the country out into such districts and counties, as he thinks proper; and it is a maxim both in politics and law, that he who has a right to any thing, has also a right to the means for obtaining it.

But if not, although it is an abstract question of privilege, and a measure, in the propriety of which I think all parties would concur; it will be proper in the assembly to object against it, as an encroachment upon their powers. *Obsta principis*, is a sound political maxim, and at this eventful period, a decided stand ought to be made in the very outworks, to oppose the introduction of that arbitrary government, which the Scotch faction, so anxiously desire to see established in Canada. L. L. M.