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THE FREE PRESS.

[Vol. I] MONTREAL, THURSDAY, 6th FEB. 1823. [No. 16.]

— *Facilis descensus Avernæ,
Sed revocare gradum, superâsque evadere ad auras,
Hoc opus, hic labor est.* VIRGIL.

Easy's the downward path that leads to fate;
So watch, with jealous care, the freeborn State;
When once 't is open'd wide, then precedent
Sweeps boldly, headlong, down the steep descent
And dire the labour hard, and great the cost,
E'er to regain what freedom thus has lost.

Although much of the substance of the following letter has been anticipated in the reasonings given by a contemporary political writer (see Canadian Spectator of the 22d Jan.) the civil list, and the various bearings in which the measures to be adopted on that subject, both by the Executive, and by the Legislature, are so momentous, that I prefer giving it entire.

MR. MACCULLOH,

In your last no. (14) a fear is expressed of something insidious lurking under that part of the Governor's speech in which he announces his intention of submitting to the House an estimate, for the year, of the expenses of local establishments and objects of public charge, for which he calls upon them to provide according to the principles stated by him in his message of Feb. 6.

I certainly conceive that if there were no latent views hidden under this expression, it would have been laid down with more precision, what those principles were; and the sentence appears to me to be a kind of diplomatic slipknot, a playing at fast and loose, in order to sound the feelings of the Assembly on the subject, and to act accordingly. With this view of the matter, I think it also one of regret, that the House did not in its reply make some allusion to the principles upon which they were expected to act in granting supplies, and those upon which the Governor has acted, or meant to act, in appropriating monies within his reach to such purposes as he may think fit, independent of any vote of the house: a system which, it appears to me, that part of his message was meant to insinuate the adoption of. The whole, however, is of so vague a character, and so ambiguously expressed, that we are only left to conjecture what the intentions of the Executive are, in that respect, instead

of seeing them manfully laid open, and candidly communicated, without having recourse to that finesse and caution, which may be necessary, as is alledged, in the intercourse between negotiators of hostile nations, but can not become that between the governors and the governed, in a free country. - Nor shall we have a much clearer view of the matter, if we refer to that message itself; which was as follows :

"The Governor in chief, at the close of the last session, pointed out the difficulties which would follow from want of the usual appropriations of public monies to meet the public expenditure, and particularly stated that the government would be left without the pecuniary means which its exigencies would indispensably require, if he did not advance them on his own personal responsibility.

"Accordingly the Governor in chief did so advance the difference between the amount of the Royal Revenue which was placed at his disposal, and the total amount of the civil expenditure of the province; and he called upon the Assembly by message of the 8th January last, to make good this difference.

"The Governor in chief, therefore, does not put in question the constitutional principle which directs the application of public monies, by the Governor in chief, to the purposes for which they are appropriated; He has relied with confidence upon the faith of the Assembly, which was pledged to pay the civil expenditure of the province, and in the firm belief that he should act in conformity to the wishes of the legislature, he took upon himself this great responsibility, in order to prevent consequences equally distressing to individuals, and ruinous to the general interests of the province.

"By the proceedings of the present session, circumstances are materially changed. It will not now be in the power of the Governor in chief, to make further advances, nor will it be consistent with his duty to venture a greater stretch of responsibility. He therefore informs the Assembly that he will apply the Territorial and Casual revenues, fines, rents, and profits, which were reserved to, and belonged to, His Most Christian Majesty before and at the time of the conquest and surrender of Canada to His late Majesty the king of Great Britain; The monies raised by Statutes of the Imperial Parliament; and the sum of Five thousand pounds sterling, raised by the Provincial statute, 35 Geo III Cap 9, towards defraying the expenses in support of His Majesty's civil government, and which are not connected with the administration of justice.

"Should there be any surplus remaining after the payment of these expenses, the Governor in chief will then apply that surplus towards defraying the expenses of 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 Governor in chief does not, however, flatter himself that there will be any such surplus; he therefore calls upon the Assembly for the supply necessary for defraying the several expenses of those different local establishments and objects of public charge, to which he has referred, and which appear by the expenditure of last year, which he has caused to be laid before the Assembly in this session, will amount to about thirty-five thousand pounds, including the expenses of the legislature, and of the collection of the public revenue.

"The Governor in chief deems it his indispensable duty to add, that, if these supplies are not granted, he will have no means to defray the expenses of these local establishments and objects of public charge, except when payment has been provided by specific appropriations."

I have copied the whole of this message, as it may be considered as part of the Governor's opening speech of the present session: and it implies, first: that the Governor will not admit that the Assembly ought to call in question the constitutional principle whether he has, or has not, a right to apply the public monies to the public services for which they may have been appropriated, in the quantum and modes which he thinks proper. Next that, in default of supplies being granted by the Assembly, he is the judge from what funds, and in what way, the public exigencies shall be supplied, and that he has a right to pay the King's servants, in preference to public charges that come under the designation of local or provincial establishments. And from the speech itself, it would seem moreover, that it is not the intention of the Executive to submit to the House of Assembly, any other estimate than those for local establishments; meaning thus to use its own pleasure in appropriating the duties paid by the province at the port of Quebec, excepting only what may have been set apart for such local purposes.

Thus the Executive would assume the power of making use of what portion it pleases of the people's money, without the consent or controul of the people's representatives, paying such officers as it pleases, making Jacks of some, and Jills of others, paying them what sums it pleases, and for what periods it pleases, and leaving such matters unprovided for as it pleases.— This system would be so repugnant to all English feeling of right that we need only look at what it would produce, to unite in execrating, and resisting it to the utmost of our power.

The Imperial parliament would, under such a system, impose taxes upon the goods consumed by the people of these provinces, without any agent or representative at home, on the part of this country, without allowing them to give, or even have, an opinion on the subject, without even communicating what was

intended; and that too, perhaps, at the secret instigation of two or three men, falsely designating themselves as representatives of the commercial interests of Canada, whereas they may, perhaps, be no other than an interested portion of that part of the trading community of London, that supply our wants with goods, as you have before observed, Mr. Macculloch, *manufactured for exportation*. Well, notwithstanding they have not been heard on the subject, yet these taxes are cheerfully paid by the people, in full confidence that they will be permitted to instruct their representatives to lay out their produce in the best way for the advantage of the country. But no, the Governor, appointed by the crown, takes as much of these taxes as he thinks fit; the representatives of the people are to have no voice in their distribution, though for form's sake they may be permitted a kind of half privilege in appropriating one large sum as demanded by the Executive to the civil list, and that for the king's life (a thing unheard of before in any colony or province;) it is the Governor who is to distribute the sums he takes out of the public chest, as he thinks proper, to pay his own civil list, including his own salary, without the consent or control of the commons.

People in England do not know how this system would operate, or the voice of the country would be raised in the Imperial parliament, against so great a violation of the most sacred constitutional principles of English legislation as is contemplated here. Let us recapitulate the march of affairs, as they would go on, if the views of the party who projected the Union, as the means of quashing all opposition to the civil list for life, succeed.

England raises a revenue out of the province without its consent. The government at home appoints the governor, and most of our public officers, in fact almost the whole of those who form the civil establishment of the province: the Governor here claims to pay that civil establishment in what form and manner he pleases, or may be instructed by ministers, out of those revenues, without allowing the representatives of the people a voice in the matter: the ministry at home, restrained in their patronage, and circumscribed in the means of rewarding, or bribing, their dependents, look to the large revenue derived from the people of this province, as a handy resource, to supply those purposes which the jealousy of the English House of Commons would not sanction: one friend is nominated to one office upon our civil list; another to another; perhaps a new and sinecure office created; or the salary of an old office augmented, in order to come up to the demands, or expectations, of this or that tool, who is to be recompensed, or silenced, and who can not be provided for at home—all this combines to form a provincial civil list: the governor puts his hand into the pub-

lic purse here, and pays all these men : the Assembly can not controul him. the civil list, liable thus to be a ready means of assisting a minister, who may desire to oppress and enslave the people of England, as well as the people of the colonies, is moreover expected to be for life; that is, not for the life of the incumbents, (more properly perhaps to be called incumbencies,) but for the life of His Majesty; thus shewing that it is not the wants of the public that the ministry have an eye to, but a permanent revenue, unquestioned and uncontrouled, not only by the provincial parliament here, but also by the Imperial parliament in England; for no account of it would be rendered to either. Is not this a monstrous case, and one that neither the public here can submit to, nor the public in England ever if they once perceived the effect it must have, can tolerate?

But I contend further, Mr. Macculloch, that by granting the civil list for life, the parliament of Lower Canada would be acting contrary to the example, in defiance of the usages, and inimical to the principles of the House of Commons in England. It is a most untenable argument to say that because the civil list of England is granted to the king for life, that therefore the civil list of Canada ought to be so. Were they even perfectly analogous, the consequence would not hold good; for what in a large state might be politically and economically proper, might be the reverse in a small one. Let a nobleman commit to his steward the arrangement, examination, and payment of his domestic expenditure, and require from the man he confides in nothing but an account of the gross sums paid for the various departments of his household; but ought a man of a small income, and of precarious resources to do the same? It is his business, to see to his own expenditure, to check, examine, and pay his own tradesmen's bills, and not to be content with gross sums, but pry into all items. But the cases are not analogous; the items that form the civil list at home, are widely different from those that form the civil list here. Moreover the English parliament always annually vote the supplies to defray the expenses of the civil establishments of its colonies and provinces, and still partly do that of Upper Canada, which province derives, I believe, an annual sum of £3000 sterling from England, towards the support of her civil government. Now is it not obvious that if any provincial legislature were to grant the civil list to the king for life, instead of annually, they would be flying in the face of the Imperial parliament, and doing what the House of Commons of England considers it as unconstitutional and impolitic to do, or else they would all along have granted the supplies for defraying the expenses of the civil establishments of the several colonies for life, and not jealously, cautiously, and invariably, required them to be annually called for, and annually accounted for!

The attempt to obtain a permanent appropriation for the support of its government, from the province of Lower Canada, alone, out of all the other colonies of Great Britain, may certainly be considered as a political experiment. Such a demand has never been made of any other colony under the crown, and, if not to be looked on as the commencement of a series of similar measures on the part of ministry with respect to all dependencies from which any revenue can be derived, which would give birth to a very unconstitutional, and additional weight of patronage and influence in the hands of the crown, I can not but think it very invidious to require from Lower Canada what is not required elsewhere. Lower Canada has unfortunately already appropriated too much permanently for the uses of government, and more than any other colony; and this has, in some measure, retarded the efforts made by the House of Assembly to obtain that constitutional controul over the expenditure of the colonial government to which it is entitled.

I am, Sir,

Your obedient servant,

CARDO.

On the occasion of the change that has taken place in the agency of the Free Press in Montreal, the following copy of irregular verses was found in a torn and soiled state in the office, how it came there, or whence it came, has not been accounted for. Much confusion and irregularity it is believed has arisen from correspondents addressing Mr. Adams, (who was nothing but a mere agent, and had not the least atom to do with the editorship of the work,) instead of the editor, but contributors, correspondents, and subscribers will, it is hoped, experience in future greater regularity and attention, and are referred to the advertisement in the last page.

A jupto frantic after power,
 Rampant mad, with heated feeling,
 O'er these fair regions scowl and frow,
 Foreboding curses, never healing.
 Horrid monsters! would they shiver
 A mighty country into atoms?
 And drown in slavery, or of blood a river,
 This, the fond nurseling of the Pitts and Chathams?
 Hard is his heart, and callous is his soul,
 And tyrant-minded is he, like a devil,
 Who o'er his country to obtain controul,
 Would coolly plunge her into endless evil.
 Whilst Spaniards and each Greek's ashamed
 Of being longer call'd vile slave,
 Shall we, oh, be it never named?

Give up the cherish'd liberty we have ?

Cling firmly to your constitution,

Defend it with your choicest blood ;

'Tis Heaven's best gift ; let no pollution

Approach it, under guise of good.

Tell this vile junto that has framed

The bill of slavery infernal,

That they have more our minds inflamed

With love of liberty eternal.

We'll spill each drop from out our veins,

Ere they shall gain their selfish ends,

And seize of government the reins,

'T' exalt themselves, and all their friends.

Base actors in this scheme, but yet more base,

To make it seem of ministers the plan ;

Of George's faithful commons, none have had the face

T' acknowledge it their own, no not a single man.*

' I was ne'er, be sure, the servants of the king ;

' I was ne'er, be sure, Old England's Commons,

Who've done this most unrighteous thing ;

Who've issued thus Oppression's summons.

To hide the mortal dart, whose poison'd barb

* I was much surprised to see that the Governor has been advised, or instructed, to say, in his opening speech, that the Union bill had been proposed to parliament by His Majesty's ministers. I do not hesitate to say it was not. They only adopted and patronised it, after it was brought in by an opposition-member, Mr. Ellice, upon the false representations made to them of its tendency, and the desire felt by the people of Canada for such a measure. Finding it also one that would ultimately reduce these provinces to the state of mere dependencies of the crown, sources of ministerial patronage, and a mine from which they might dig both money and power, they naturally fell in with the views of the insidious proposers of it. Yet with a virtue and magnanimity which has done them infinite credit, when we consider those powerful temptations to persevere in the unjust and oppressive system that had come recommended to them, even from the supposed friends of political freedom, they no sooner saw, by means of the eloquent, and convincing speeches of Sir James Macintosh and his friends, the real state of the case, than they abandoned it ; or at least delayed the decision, that justice might be done to the merits of all the questions involved in it. I have no doubt that the truly enlightened and able man, Mr. Canning, who is now at the head of affairs in England, will see the whole in its true light. I scarcely think England could have a better minister for the affairs of the colonies.

L. L. M.

They wield with crafty and with deadly aim,
 They take of holy Union the garb,
 And prostitute that heavenly goddess' name.
 If Union, and not sovereign rule,
 Had been their aim, it is most clear,
 They'd ne'er have look'd upon us as a mule,
 Form'd only stern Oppression's load to bear.
 Oh! may they ne'er obtain dominion
 O'er this happy loyal land;
 If e'er they do, it's my opinion,
 We're minced meat for a cormorant-band;
 Who like the boy with golden goose,
 Our bowels quick will open rip,
 Or have us slung in one great noose,
 Or twist our heads off at a nip.

Montreal, 25th Nov. 1822.

The public are respectfully informed that Mr. Samuel Adams is no longer the agent for the Free Press in Montreal.—Subscribers are requested to make their payments to Mr. D. Scarlett, who will call on them with receipts signed by the proprietor.

Those subscribers in Quebec, who have not paid Mr. Joseph Tardif, are requested to pay Mr. John Watley, who is encharged with the collection of the present quarter, and will present them a circular letter from the proprietor.

From all, the author most earnestly and respectfully solicits early and punctual payment, without which the work can not go on, or recover from the languishment under which it laboured during the late management. He aims not at profit. The interests of the cause he has espoused, and his own fame, are his objects; but his means will not permit him to proceed without the encouragement of the friends of the cause, or without ready payments in advance.

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Orders for the Free Press to be addressed to No. 26 St. Laurent-Street, Montreal, or No. 7, Palace-Street, Quebec.

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