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—“Be our plain answer this—we seek no change—and
least of all, such change as they would give us.”

SHERIDAN—Pizarro.

Mr. Editor,

Perusing an old collection of political pamphlets the other day, the following letter, which was originally published in the Public Ledger, of 13th September 1770, appeared to me to give so just and precise a view of what acts of the Imperial Parliament can be constitutionally binding upon the colonies, and what not, as well as of the lines of demarcation, between the powers and privileges of the two subordinate branches of the legislature, that I think its republication at the present juncture, almost upon the eve of the meeting of our parliament, may not be uninteresting. I shall be glad to see your own remarks upon it.

MODERATOR.

“That the disputes of the colonies with their mother country have been so intricate and puzzling to many, is owing entirely to a want of duly comprehending the constitution: for, from the moment that our parliaments became divided into two distinct houses, a very material difference was established between the laws of England, and the laws of Taxation.

“A bill for amending, explaining, or adding to the laws of England, may be prepared and brought in by either house of parliament, and by which ever of the two houses it is prepared and brought in, it may be amended by the other: if amended, the amendment will be taken into consideration, by the house where it was brought in, and, if approved of, will be agreed to, and the bill, with the Royal assent, passed into a law. But a bill for explaining, amending, or adding to our laws of taxation, must be prepared and brought in, only by the house of commons, and can not so much as be amended by the house of lords. If their lordships should make any material amendment to such a bill, the other house would not, I believe, so much as order it to be taken into consideration; but if, upon the face of it, the amendment appeared necessary, they would drop that bill, and order a new bill for the same purpose to be prepared and brought into their own house.

“In a word, the laws of England are all supposed to be made

By the advice of the lords, and with the consent of the commons; whereas the laws of Taxation seem all to be made by the advice of the commons, and with the consent of the lords: which, whatever squabbles the divisions of of our parliaments into two distinct houses, may produce, in the articles of privilege or power, is a most glorious addition to our constitution, and the great bulwark of national security, as I have endeavoured to evince in the following short state of their constitutional principles.

"Our nobility are, by their birth, by their education, and by their circumstances, the best judges of what laws may be necessary for enabling the king to govern his dominions, to protect and administer impartial justice to the people in every part thereof, and to prevent as much as possible, the bad effects of that partiality, which mankind are naturally too apt to shew towards those of their own province, sect, party, or family; which is the end to be obtained by the laws of England; and for this purpose, our kings were, by our ancient constitution, provided with a power and a revenue, sufficient for all ordinary occasions, in time of peace: therefore, when any extraordinary supply is desired, there are three things to be strictly examined, and naturally considered, which are, the necessity of it, the ability of the people to advance the money, and the methods most proper for raising the sum desired.

"As to the necessity of any extraordinary supply, our nobility may be as good nay, they may be supposed to be better, judges than the commons, because they are the king's hereditary counsellors in all our foreign affairs, of any importance, which are generally the cause of an extraordinary supply becoming necessary; therefore no supply can be granted by the house of commons without their consent; for if it be asked when they do not think it necessary, though it has been granted, and the bill for raising it, prepared and passed by the house of commons, the lords may prevent a shilling of the money being raised, by refusing to pass the bill.

"But as to the abilities of the people to raise the sum required, and as to the methods for raising it, that may be the least inconvenient or burthensome upon the people, who are to pay much the greatest part of the money, our nobles have now so little connection with the people, and are so seldom resident at their seats in the country, that they can not be supposed to have any knowledge: at least, they can not be supposed to be so good judges as the representatives of the people, who, by law, ought to be residents in the counties or places they represent, and by their connections with the people in every county, city, and borough, of the kingdom, must be well acquainted with their circumstances; nay, if they are not chosen by the most barefaced bribery and corruption, which it is the duty, and really the

interest, both of the king and nobles to prevent, they must naturally have a regard for the people they represent, and therefore they will always be extremely cautious of subjecting them to any expense, or to any inconvenience, unless it be absolutely necessary for the public good.

"Hence we may see, that this difference between the laws of England, and the laws of Taxation is founded upon the very nature of our constitution; and hence we may see the wisdom of those brave men, who, at the risk of life and fortune, undertook to extend the British dominions, by establishing colonies in America: they consented that their posterity should be bound by the laws of England, because it is the interest of every British subject, that the king should be enabled to fulfil the end to be obtained by those laws; the more remote a man is from the seat of government, the more is it his interest that the king should be enabled to do so; but they did not consent that their posterity should be bound by the laws of Taxation; on the contrary, as their posterity were to have no representatives in the parliament of England, they justly supposed that by the laws of England, by Magna Charter itself, and the statute of 34 Edw. I. their posterity could not be bound by any such taxation-laws; especially as they had expressly stipulated, that their children and posterity, born in America, should have and enjoy all liberties, franchises, and immunities, of free denizens, and natural subjects within any of the British dominions, and, consequently, that they should not be bound by any laws but such as they had then, and such as their posterity should afterwards enact by themselves or their representatives, no where but in their own respective assemblies; and therefore they can not be bound by any law, but such a one as may, in the most proper manner, be deemed a law of England.

"When we take this view of things, and remember that the Americans see them in their true light, we can not be surprised at the spirited opposition they have made to our mode of taxation, although in the course of the contest, many errors have been the consequence, no less on the other, than on this, side of the water. I am, &c. A. G."

I have complied with Moderator's request, in the republication of this letter, although I do not think it very interesting in the present juncture, and although there are several parts of it by no means applicable to the political questions that now agitate this country, and others that are controvertible or erroneous. But the principles upon which the distinction between money-bills, and those which relate to objects of general legislature is founded, appear to be well laid down, and to be applicable to the interferences which we have seen made by the council, with the bills of the assembly, relative to the civil-list. It

may likewise give me an occasion, when leisure will permit, to enquire into the causes and motives, why that part of the 31 Geo. III. which gives the power to the crown of creating an hereditary nobility in Canada, that shall be hereditary councillors, has never been availed of; why the ancient French landed proprietors, who ought to have been the natural and legitimate counterparts, in this province, of the house of lords in England, have not had that mark of confidence and distinction, extended to them, which, when that act was made, it was undoubtedly in contemplation to have bestowed upon them. If that had been the case, we should never have seen that eternal struggle between the council and the assembly that we have witnessed; but then too, the executive government would not have had a sufficiently subservient council, as they now have, when the members are only appointed for life; for sentiments, opinions, and court-devotion, can not be transmitted, like honours and privileges, by hereditary descent. We should then have had a real and perfect model of the English constitution, with its three noble and inseparable branches, king, lords, and commons, whereas in truth, we have only two branches and a stump, or rather two branches grown into one, and overtopping and smothering the other. The reflections that arise upon this subject, must however, be deferred, to a more suitable opportunity.

In my last, I strongly reprobated that part of Mr. Hagerman's speech at the meeting at Kingston in which he asserted, that "the power that gave us a constitution had the power of taking it away." In the speech of his coadjutor Mr. Macaulay, the same opinion, though stated less positively, appears, where he says, "surely the Imperial Parliament possesses the power of repealing its own acts." It can not be too often repeated, or too strongly inculcated on men's minds, on this occasion, that the parliament can not morally, legally, or constitutionally, repeal, revoke, or annul, any *grant* that they have made. they can not take away a charter that has been given, nor any corporation, nor any exclusive privilege bestowed upon individuals in England; can they take away the charter of the East India Company, before its expiration? can they cancel the rights of the corporation of London? Yet the proprietors of East India stock are all virtually, and the city of London absolutely, represented in parliament, and so might be said to have a voice in their own undoing, should such a supposed repeal of their privileges, be agitated. If the parliament can not do these things, and a thousand others that might be named, which affect the rights of persons, actually represented there, *a fortiori*, they can not do so, with regard to those who are not only not represented amongst them, but who have a separate representation of their own, the only legal and proper organ, and mode, by which to express their sentiments, and make alterations, if any

be advisable, in their constituted form of government. Mr. Macaulay goes on to say, that "it is not quite decorous to bring against that august assembly, charges of having abused that power." Had the parliament passed the union-bill; I for one, declare they would have grossly abused that power; but parliament, though very near being taken by surprise, although they would have abused that power, would have only done so in consequence of having been blinded by a set of intriguers,—of having been urged precipitately into a measure that compromised their own consistency and dignity, as well as the dearest privileges of an entire nation, (for I am prepared to defend the title of the Canadians to be called a nation,) by a few interested, undermining, individuals; and would have soon perceived their error, and have retraced their steps. But decorous or not, whether the parliament abuse their power, or the slave-driver his whip, to let a fantastical idea of *decorum*, prevent us from calling things by their right names, is only the more criminal, the greater, the more important, and the more extended, such abuse of power is. This is no time for deceiving either ourselves or the parliament, and it is a libel upon the good sense, and political sagacity of the British senate, to suppose that they will consider the strong language of remonstrance that it may be necessary to use, in order to ward off the blows, that are aimed at the vitals of the Canadian constitution, either as disrespectful, or menacing; it is a libel to suppose that they are not enlightened statesmen, and experienced legislators, sufficient to perceive what it was that lost the American colonies, as well as the towering prosperity, and elevated grandeur, Great Britain would have attained, had she retained that station, as arbiter, fostering protectress, and chief guide, over the rest of the continent of America, which I trust, the temperance, justice, and experience of her councils, will long, long, maintain her in, over the northern part of this continent.

I will not follow Mr. Macaulay at present, into any other part of his harangue; but as his, and Mr. Hagerman's, speeches have been so ostentatiously printed, reprinted, extolled, and bepraised, whilst that of Mr. Dalton, at the same meeting, has received no notice, I will here give an abstract of the latter, and leave those who have read the three, to form their judgment of the whole.

Mr. D. moved a resolution which, while it expressed a desire of a union of the two Canadas with uniform laws, (except in as far as would infringe upon the civil code now enjoyed by the French Canadians,) united interests and combined resources, protested against such a union, and such a change of the constitution, as was contained in the celebrated union-bill.—This he prefaced with a speech, in which, in conformity with the resolution, he, after expatiating on what he considered as

general arguments, upon which to found a wish for a union of the two provinces, proceeded as follows:

"We were a long time amused with the most agreeable expectations of a union. No talk but about the bill for that purpose, in the house of commons; at length, when expectation could rise no higher, out pop the heads of the bill, and lo! instead of the kindly greetings of angels of peace and union, we met the frowns of a congregation of demons, whose thundering denunciations fill us with horror and dismay. Why, it hath never been in contemplation to unite the Canadas. It has been all a hoax. These grinning monsters, called the heads of the bill, are undeniable witnesses of the fact. Union! Union, doth not kill: union doth not undermine and destroy; it renovates and imparts strength and vigour to the body politic. Therefore, I say, it hath not been contemplated to *unite* the two provinces of Canada. The bill that has been so unwarily entertained in the British house of commons, has been nicknamed "a bill for *re-uniting* the provinces of Upper and Lower Canada." It has no such object; neither had its projectors; who I shrewdly suspect do not live on the other side of the Atlantic; for I verily believe, that no Englishman* of the present day, could so shock the understandings of mankind, as to foist into a bill, purporting to be a bill of union, clauses which aim a mortal blow at the root of every good that is fondly cherished by a free and enlightened people. Is it not our pride and our boast, that we enjoy a happy and a glorious constitution, a constitution that ensures to us the safety of our persons and property, a free enjoyment of our religious principles, and a full, fair, and free representation in the house of assembly? What shall we say then, of a bill that mangles every feature of this glorious palladium of our liberties? Shall we call it a bill of re-union, say rather it is a bill of dis-union, a bill of destruction, the extinguisher of every manly and exalted feeling; a bill for the introduction of slavery and oppression into these fair regions. One of its clauses, elongates the term, already too long, of the duration of parliament, thereby increasing its susceptibility of corruption; another disqualifies four-fifths of our present representatives for being re-elected, and puts us to our trumps to find any future representatives at all; another appoints an assembly for a year, of the very men so disqualified, thus qualifying and disqualifying at pleasure; another manifests distrust of this disqualified, qualified, assembly, and in contempt of every sacred right, seizes on the revenue, and keeps fast hold of it, for three years, without the con-

**Very true, Mr. Dalton, the original draft, I dare say, may be found in some old desk, in St. Gabriel-Street, Montreal, belonging to some of the Scotch clan that have their head-quarters there.*

sent of those who pay it; another confers on us the privilege of being taxed by foreigners, and enhances its value, by allowing us to tax them in return; this, no doubt, is by way of raising a handsome revenue, and puts me forcibly in mind of those races that take place in Scotland, called cadger's races, in which each competitor rides his opponent's horse, and the last in, wins the race. Another clause, gives to the two provinces one parliament, and two executives, and to this province in particular, the supreme felicity of being the perpetual minority in that parliament: another clause takes from us our elective franchise, for it facetiously enacts that the governor shall place *four men at arms* in the contemplated pitiful assembly, to assist in its deliberations. This above all others, is the clause that makes me entertain a sort of positive assurance that no *Englishman* was the projector of this bill. Such a suggestion was befitting the times of our eighth Harry. Perdition seize the wretch who would assimilate with his, these times of George the fourth. This infamous clause is the rank emanation of some machinating, some besotted, junto, festering in the bowels of our land, gaping to prey upon the vitals of the country that hath nursed them. Oh! that the indecent miscreants who have dared to propose to an independent people, to become panders to their own infamy, could be dragged from their coverture, and exposed to the light, that their names might be rung through the world, with blasting sound, till time shall be no more. Barter our elective franchise! nay, throw it away, for we are offered nothing in exchange, but the pitiful privilege of playing at tax and retax, or what may be otherwise termed *cutthroat*, with our brethren of the Lower Province. It may be told us, that our elective franchise remains untouched by this nicknamed bill. It is true we can still elect, but, mark, how ineffectual is our election rendered by this diabolical clause, which places *four executive spies* in the house of assembly, *to controul and direct its proceedings to suggest expedients, to propound questions, and FRAME THE READY ANSWERS, to wheedle, cajole, to bribe, to intimidate, by turns.*—“Wolves select,” official pilots, sworn to conduct the crazy barque, through dumb shew and noise, to the appointed haven. “*Who so gross as not to see this palpable device?*” Again I repeat the monstrous insult upon our understandings, contained in the bill, have not originated in an *English* house of commons, nor with his majesty's ministers, *but with serpents nourished in our own bosom*, who have told the confiding government at home, that this bill would cloy with gladness every creature in the two provinces.

“Then watch, O, watch the crafty knaves.
Like rats the structure undermining;
Who, with intent to make us slaves,
Some new device are ever coining.”

It was the hand of the government, to shew such promptness to grant us what they were told would fill us with joy; it is the fullest evidence of their readiness to legislate for our happiness; but we have had a narrow escape from being killed with their kindness; for it is evident that, but for the penetration of Sir James MacIntosh, and some other members of the house, (one of whom called the bill by its proper name, "an infamous bill,") it would certainly have passed, with all its horrors, and we should have been kicked out from the pale of liberty, and consigned to everlasting degradation. Let us thus give our unfeigned thanks to Sir James MacIntosh, and those who supported him, and also to His Majesty's Ministers, for their ready acquiescence with the reasonable suggestion, that time should be allowed to ascertain the sense of the Canadian people before the passing of the bill. When any rational scheme is devised by which the interest of these now contending provinces, can be united and consolidated, by which we can be made one Country, one people, acknowledging one God, one king, one legislature, one executive, one judiciary, and as many religions as we please, and which will secure to us the full enjoyment of all our rights and privileges, as guaranteed by our present enviable constitution, then I trust the people of both provinces will zealously cooperate in so hallowed a design. Common sense makes obvious the way,*—may it speedily be followed, but in the mean time better

—"bear those ills we have
Than fly to others that we know not of."

It is for us a subject of rejoicing, that the Lower Canadians are as sensible of the blessings of our glorious constitution as ourselves; that they are as much terrified at the ghastly heads of the bill as we are; this gives us an earnest of future harmony, and proves them a people worthy of the blessings they enjoy, with whom it would be an honour to join in the bonds of union. How to effect this great and important object, I must here remark, should unceasingly occupy the thoughts of His Majesty's ministers, until it be accomplished. Then may they erect an altar to gratitude, on which a generous, brave, and loyal people, will pour abundant incense. Then may Great Britain exclaim with pride and exultation, "as many men in Canada, so many zealous champions in our cause."

* A federal union of all the British North American colonies in a general representative Council, or Congress, not a legislative union of any two of them, seems to be the only means of smoothing all difficulties, and drawing closer the bands which hold the colonies, and the parent-state together. *Experientia docet.*
L. L. M.