

useful in promoting objects connected with the public good, but shall not touch any monies for supporting the Civil Government of the Province raised on the subject, whether appropriated for the purpose, or unappropriated, until he submit to the terms of the Assembly. Threats pursue him for applying to the support of the Civil Government of the Province, the monies appropriated for the purpose, which (say the Assembly) he cannot lawfully do without their consent, and what pledge has he, that they sever will give their consent upon the terms upon which only, he can receive it according to the King's commands as signified to that Body.—He, forsooth, must suspend the whole machinery of the Civil Government until the dispute be settled. Who can say how long it may last, and how would he be justified in that quarter, were only, he is "responsible," were he to adopt such a course, and suspend the British Government in this province.

REMARKS ON DENIS.

In our last number we had not room to follow with remarks the whole of that portion which we gave from the Quebec Mercury, of DENIS in reply to the statement of the Quebec Gazette on our Financial Difficulties.

Our readers we are confident will agree with us that the allegation with which the reply commences, namely, that the taxes imposed by the British Parliament in 1774, on the British subjects are identical with the French imposts and belonging to the King as conqueror, is as absurd when tested by reason as it is indecent when addressed to British Subjects.

In the year 1774 the inhabitants of Canada possessed all the rights of British Subjects some by the Capitulation of 1760 and the Proclamation of 1763, the rest by birth. They were entitled to a representative constitution for the good government of the colony, & they were in possession of the inalienable right of British subjects, an immunity from taxation, except by their representatives.

The Act of 1774 did, however, take their property without the consent of their representatives, and was therefore against principle. Necessity might justify it, as existing circumstances might have been unsuitable for a representative constitution; but it could not be justified after the necessity ceased.

However the British Parliament did at that period forget the indefeasible right of British subjects, claiming and exercising the power of taxing and legislating for the Colonies without their consent. A civil war was the consequence; and the claim of taxation was renounced by England. The Act of 1778 was passed. This famous act which may be called the magna charta of the Province and Colonies. This act solemnly, perspicuously, unequivocally, sweeping, renounced all taxation whatever in the Colonies, acknowledged the right asserted by the Colonies of an immunity from all taxation save what should be imposed by their own representatives.

This Act came too late to avert the approaching catastrophe; but it was nevertheless a wise and noble Act. A great nation did thereby make the amende honorable to violated principle; and notwithstanding the sensitiveness of its pride, did eradicate with firmness from its system a strange element of future disorder and ruin.

The reply of Denis would have us believe that this Act of 1778 can have no influence on the Act of 1774, because the latter is concerned only with taxes raised in a colony for the sole purpose of defraying the expenses of the Civil Government therein, and the memorable Act of 1778 related solely to the levy of monies in the colonies and plantations for the purpose of being taken out of them towards the common defense of the Empire. Intimating that the British Parliament, neither by the language or the motive and object of the Act of 1778 (18 Geo. III.) renounced the claim to a right of taxing the colonies for the maintenance of their government, and of disposing of their taxes at discretion for this object, to the exclusion of any consent or controul on the part of the Representatives of the Colonies paying these Taxes. We do not hesitate to declare that such a construction of the Act of 1778 is a ludicrous defiance of notorious facts, of the common sense of mankind, of the understanding of the British Legislature, and of the most explicit and unambiguous expressions that ever were employed. The great principle for which the Colonies contended was an inseparable Union between Legislation and Representation. He must be a very disingenuous or a very ignorant man who would assert that the Colonies admitted any right of taxation on the part of England; or that great uneasiness and discontent were not created amongst them by any attempt at taxation by the British parliament let the object be what it might. With regard to the restraints on the power of legislating for the Colonies by the British Parliament, the first and greatest of the Pitt's entertained an opinion far short of that entertained by the Colonies; and that the Colonies of America re presented in their Assemblies have alone the right of giving and granting their own money; on all other subjects you may legislate. On this principle the Act of 1778 was framed. That Act we need not recite. It is sufficient to say that it is entitled "An Act to remove all doubts and apprehensions concerning taxation by the Parliament of Great-Britain in any of the Colonies;" that it recites that the taxing the Colonies and raising a Revenue in them by the British Parliament had been found by experience to occasion great uneasiness and disorders; and that it declares "that the Parliament will not thereafter impose on the Colonies in North America any duty, tax, or assessment whatever;" making one exception as to such as may incidentally arise in the regulation of Trade, and which are to be at the disposal of the Province or Colony in such a manner as their other taxes.

There is not a language which can afford terms more radically destroying all and every claim on the part of the British Parliament to raise a Revenue or levy taxes in the Colonies. The Colonies notoriously resisted all Taxation, save by their own Representatives, let the object be what it might. Great men in the British Parliament who fell short of their opinions yet declared that their Assemblies alone could give and grant away that money; ominous disorders created by a claim to tax them otherwise than by their own Assemblies were to be appeased by an explicit renunciation of that claim; a law is framed for that object and the law to attain that happy object does in terms the most explicit declares that the British Parliament will impose on their Colonies in future, "no tax, duty, or assessment whatever;" and further excepts a case which by force of the exception gives to the law a more comprehensive and unlimited negative to every Act of taxation besides. Yet notwithstanding all these circumstances the Author of

the reply is unfeeling or disrespectful enough to insert in the face of an intelligent Society that this Act so expressed and so intended, with all its circumstances and history, reserves to the British Parliament a direct power of taxing the Colonies to a great extent; that in order to allay disorders, apprehensions, and discontents arising from a claim to a right of taxing, a law was made which reserved a right of taxing unlimited and at discretion; that when the British Parliament in order to conciliate declared by this law that their taxing the Colonies produced great disorders, and that therefore they would not in future impose on them any duty, tax, or assessment whatever, they truly meant that they would impose every duty, tax, or assessment they pleased in the Colonies for the support of the local governments therein, with out the consent of the Colonies; and would, according to their pleasure, distribute them amongst their members, from whatever climate or country imported; without any controul by the Colonies from whose property such taxes were severed!

We will leave the Author to the enjoyment of the luxury of such non-sense, and we will consider the act of the 18th Geo. III (1778) as being the work of rational beings, and intended to influence rational beings, and as meaning what it unequivocally expressed, namely, the acknowledgment in Colonies having representative bodies of the right to immunity from all taxation whatever (we speak not of that incidentally arising from commercial regulations) by any power, save their own representatives in their Assemblies. This Act must be considered not as conferring any new privilege, but as acknowledging and declaring an original right inherent in every British subject; making an essential part of the British Constitutional Monarchy; and overruling all acts inconsistent with it.

We now come to the constitutional Act of 1791, and we shall find that it recognizes and supports the overruling effect of the Act of 1778; but before we examine it with reference to this point we must display another instance of the narrow incompetent views of Denis the Author of the Reply, and of his malevolence towards our free constitution. "The constitutional Act," says he "is expressly to enable the King with the Legislative Council and Assembly to make Laws for the Peace, Welfare, and good Government of the Province;" and having thus stated these legitimate objects of the constitution he immediately intimates with an incoherence which can alone be accounted for by a confounding soreness and irritation directly felt or sympathetically operating, that the constitution is misapplied when its powers are used for the remedying of abuses, the redressing of grievances, and the allaying of discontents. In the same strain of mental disorder in which he pronounced on the Act of 1778 does he pronounce on our constitution. According to his political didactics our constitution is to secure the peace, but must not allay discontents; it is to establish good government, but must not remedy abuses; it may promote our welfare, but must not for the world redress grievances; it must attain the object, but all the means are sacred from its touch; it comprehends the genus, but extends not to a single species; it was to afford a subject on which Denis should display his singular qualities of statesman and logician!

But let us consider for a moment the constitutional Act—with the declaratory Act of 1778 before them; with a full knowledge of the immunity claimed, not as a recent acquisition, but as an inherent, original, indefeasible right, and solemnly allowed; the British Parliament, as it was bound of right to do, established in Canada a Representative Body, and, with full notice, furnished us with the organ to which we were as British Subjects entitled, and by which all our rights depending on representation might be exercised. That this charter simply acknowledged and gave the most abundant extent to the right declared, not conferred, by the Act of 1778, a few words will evince.

By its tenor and spirit it conveyed so extensive a power that Mr. Pitt felt it necessary to decree to England by a special clause (46) the right of regulating commerce contained in the Act of 1778. This 46th clause in the constitutional Act recites the 18th Geo. III. (1778) renouncing on the part of England the practice of taxing the colonies except in so far as might be incidental to the regulation of commerce, and acknowledging in the colonies the right of disposing of their taxes in all cases, and then declares "that nothing in this Act of 1791 shall extend or be construed to extend to prevent or effect the execution of any Law which hath been or shall at any time be made for imposing duties for the regulation of commerce & such duties to be applied by the Provinces." This clause distinctly implies that the principle of self taxation inherent in all British subjects, declared by the Act of 1778, and declared a new by the Act of 1791, is not to be affected by the Act of 1791; and that consequently the Commercial Regulation Power as far as the imposing of duties might be concerned could only be saved by a special clause. The Act speaks thus, "We are giving you a representative constitution, your birth right; it is an organization by virtue of which your original indefeasible right of paying no taxes but those you give is put into operation; duties that have been imposed on you by us for raising a revenue without your consent are, now without your consent or acquiescence, extinct; to this we object not. But duties may be necessary as arising incidentally from Acts the object of which is not to raise a revenue but to regulate commerce.—The power of regulating the intercourse of Trade between all the parts of the Empire we reserve to ourselves; whatever duties have been imposed for this object alone fall not within the power which respects Acts of revenue; but whatever duties may arise under these Acts, shall, like the other taxes you pay, be at your disposal!"

Such is the construction and tenor of the Constitutional Act; and on such principles the taxes of 1774 taken out of the pockets of the people are at the disposal of the representatives of the people.

FINANCIAL DIFFICULTIES OF LOWER CANADA.

(Continued from the Gazette of the 17th Dec. 1824, and from the Spectator of the 17th Dec.)

There is a mystery concerning the pretensions of the Colonial Executive, the Legislative Council, and the House of Assembly, which it is necessary to explain, in order to give a correct idea of these pretensions. Constitutionally and nominally there are three parties concerned; in reality, it would seem, that there are only two. The Governors are appointed by the Crown during pleasure; they have generally been military men, intire strangers to the Colony, and whose education and habits have not been the most favourable to Civil Governments; par-

ticularly under a Constitution which allows the governed a voice in the management of their public concerns. Their stay in the Colony since the commencement of the Constitution has not averaged three years which is less than the duration of the American Presidency, or the term of the Governor's office in many of the states of the Union. It is not possible that they should be well acquainted with the affairs of the Colony on their arrival; they nevertheless have acted immediately, and they must, generally, act on such information as they can obtain from those to whom, from the situations which they hold, they are, in a great measure, bound to look for advice. The Governor of a Colony, who is the Depository of the authority of a Monarch whose powers and prerogatives are limited or defined by Law, under whose Government the Law is in fact the supreme rule of conduct for all, cannot exercise despotic or unlimited power. He ought to act by advice and through established and responsible channels. Our Governors are said to represent the King; they do exercise some part of the King's power; but they are far from possessing its reality, its durability and its independence. They are liable to actions in England at the instance of individuals, to charges before the King in Council, to parliamentary impeachment, and are removable at the pleasure of the King acting by his responsible advisers; and this may be effected with marks of displeasure, which from the general justice with which these have been inflicted in England, may amount to a very severe punishment. If those to whom a Governor is to look for advice, and through whom he must act, should be liable to no certain responsibility; if they should happen to be bound together by any tie of individual interest; if in addition to this, they should have a decided controul over one Branch of the Legislature, and could arrest the whole of its proceedings; if they had also the expounding of the Law in the Courts of Justice; a Governor must find himself very powerfully supported both in and out of the Colony, who would think it advisable to take a divided part in opposition to their views. SIR ROBERT PRESCOT SIR GEORGE PREVOST and SIR JOHN C. SHARBROOKE, all Governors in Chief, hazarded such a step in this Colony; but, perhaps, not with that success, which can furnish any very powerful inducement to others, to follow their example. Those who are acquainted with the history of the Province, must remember, that although the public officers, nominally at least, hold their Commissions during the Governors pleasure as acting for the Sovereign, several of them did not hesitate, openly, to oppose the Governor, whenever the Executive Council was opposed to him.

The Members of the Executive Council for the Province are appointed by the Crown, during pleasure, of course on information from the Colony, for the purpose of advising the Governor in the execution of the duties of his office. He is not indeed obliged to consult them unless in case particularly required by his instructions. He may consult whomsoever amongst them he pleases, without consulting the others. In England it is held that their advice cannot relieve the Governor from his responsibilities, and of course that the Executive Council are not responsible for the advice they give. Hitherto they have not been exposed to much responsibility in the colony in the ordinary administration of Justice, as members of their body preside or form a majority of the Court of King's Bench at the seat of Government, and compose the Court of Appeals, the Tribunal of last resort in the Colony. An order from His present Majesty, then acting in behalf of his Royal father, declaring the Legislative Council a Tribunal for the trial of Impeachments preferred by the Assembly, was indeed given to the Colonial Government in 1813; but it was held in the Colony to be quite insufficient; and it was finally indirectly at least, countermanded.

Notwithstanding this absence of responsibility, the Executive Council has in effect the entire management and controul within the Colony of the Finances of the Province; it audits all accounts, allows or disallows the expenditures, makes out the estimates, and approves the payments. It is the Treasury in England with all its dependencies, and Ministers, the Cabinet Council, the Privy Council, and the Court of Justice in last resort; every thing without the severe, the strict, the real responsibility which attaches to all and every one of these important Offices and Departments of Government in Great Britain, and without which there can be no steady security for freedom, for justice, for peace and good government. It would indeed seem to be beyond the power of man to perform well, such various and important duties, and beyond the ordinary strength of human virtue always to withstand the multiplied temptations to which these Gentlemen may be exposed. It is true, they have a check in the Governor, without whose sanction their acts are not availing, and who has a real responsibility out of the Province. But it has been shewn that this check may be unavailing. With us the established order of the British Constitution is reversed; the person acting in the place of the sovereign, is responsible; the advisers, without whom it is almost impossible for him to act, are not responsible.

But it is not only the duties of the more immediate servants, advisers and officers of the Crown, the Privy Council, and the Judiciary, that the Members of His Majesty's Executive Council in this Province are called upon to perform. They have also undertaken to discharge the duties of the House of Lords; that august body, the individuals of which recall to memory all the great, virtuous and patriotic deeds of a long line of noble ancestors, who themselves are still the natural aristocracy of the country, who possess a great portion of the soil of the Kingdom, and whose interests and prosperity are inseparably connected with those of the nation (thus, equally independent of the Crown and the people, they form the strongest possible barrier against the abuse of power, which is necessarily vested in the Crown and its servants, and the violence of popular feelings, and afford the best security for the permanency of the Constitution and the inviolability of property, which is the main object of every good government, and the fundamental principle of British Freedom.

The EXECUTIVE COUNCIL of Lower-Canada consists of Twelve Members: 12
Of these are absent: 2
10

Holding Nine of the principal Public Offices in the Colony, with salaries during pleasure, viz. Chief Justice, Speaker of the Legislative Council; Judges, K. B. C., Judge Adm. Collector of Customs, Chairman Board of Audit, Clerk Legislative Council, Receiver General, 7
Holding only the Salary of Councillor, 1
Holding a Salary not paid out of monies levied on the Subject in the Colony, 2—10

The LEGISLATIVE COUNCIL consists, according to its last Journals, of Thirty-three Members, appointed by the Crown for life, and resident in the Province, 33
Members absent from the Province, 3
30

Incapacitated by age or infirmity, or not usually attending the Sessions, 4
Irregularly attending, 5
9

Remains, 21

Of these are:
Members of the Executive Council holding seven of the principal Public Offices, with salaries during pleasure, in addition to Salary of £100 Sterling as Executive Councillor, 9
Ditto, holding no Salary but that of Executive Councillor, or Salary not paid out of the Colonial Funds, 3
8

Other Public Officers holding Salaries during pleasure, usually attending, 6
Seigniors, Merchants and others, having no Salary paid out of the money raised on the Subject in the Colony, 7
13

The five Gentlemen who do not regularly attend the Sessions, who hold no Public Office, 21
The COLONIAL ASSEMBLY consists of Fifty Members, elected for four years, in the Counties by the Freeholders, and in Towns by Freeholders and resident Leaseholders paying not less than £10 Sterling per annum.

Members holding five different Public Offices in the Colony, with Salaries during pleasure, Landholders, Professional Gentlemen, Merchants and Traders,

From the preceding Statements, it is conceived that must be admitted that the pretensions in regard to the expenditure of the monies raised on the Subject in this Province, as urged by the Colonial Executive and the Legislative Council, may, generally speaking, be considered as the pretensions of the same persons.

They are the pretensions of those who collect, receive, check, authorize payment and spend in part, the monies. On the other hand, the pretensions of the Assembly are the pretensions of the Representatives of those who pay that money.

Pretensions of this sort, have, generally, been made at variance in all parts of the world. It requires great wisdom and a predominant sense of the common welfare, to prevent them, on both sides, from turning into extremes. Under the British Constitution it has been effected in the longest time and perhaps with the greatest success.

If the elements of a real counterpart of the Constitutional authorities of the Mother Country do not exist in the Colonies, the fundamental principles and the practice of the Constitution, ought at least, to be kept constantly in view, by all the Colonial authorities, as the surest means of promoting a harmonious cooperation amongst them and the public welfare, which is the object of their institution.

To be continued.

23th Dec. 1824.

MARTIN.

England.

FROM LONDON PAPERS.

SPAIN.—A Cadiz paragraph, October 30, announces the departure of one frigate, two corvettes and three transports for Ferrol and Corrunna, to take troops from the North of Spain for South America.

A paragraph from Barcelona says, several Algerine vessels are cruising between the Balearic Islands and the coasts of Catalonia, Valencia, and Murcia, in consequence of this event, all commercial intercourse in that part of the Mediterranean has been suspended, with the exception of smuggling, which, however, is always engaged in, under serious apprehensions.

PORTUGAL.—"Now that we have been able to obtain accurate information, we can acquaint our readers that the movement which took place on the 25th Oct. was caused by the necessity under which the Government found itself to give orders for the arrest of several individuals, who, deluded by a revolutionary frenzy, had formed intrigues of the most criminal nature." The account of this affair is scanty and vague. Two things, however, are obvious—that the military have been the chief instruments of treason, and that the faction, tho' denominated "revolutionary," is not to be received in the ordinary sense of that word. This faction is one that seeks the establishment of a political and ecclesiastical despotism—and has been already described as actuated by the Patriarch and the Queen. But are these the only promoters of their rigue?"

Inundation in Germany and the Low Countries.—The mails from Germany to France, had been much impeded by the rising of the waters of the Rhine. On the 6th of October the rising of the waters of the southern provinces of the Low Countries was still increasing. The Meuse, before Graave, increased in twenty-four hours, between the 2d and 3d inst. to 936 lines.

The Waal, the Rhine, and the Yssel, which run thro' the province of Gueldres, had also increased to an extraordinary height. No man living recollects to have seen the waters so high. The cattle have been driven to the heights. At the departure of the last courier the water was beginning to decrease, but the whole valley of Necker, towards Hedelingen, still looked like a lake. Many of the lakes of the interior of Switzerland have increased considerably; those of Bienne and Neufchatel have overflowed their banks. The lake of Zurich has also risen very high. They had yet no intelligence at Bale, on the 3d, from Lucerne and Thun. All the snow which fell during the last fifteen days of September, and during the month of October, along the chain of the Alps, from Mont Blanc to the mountains of the Grisons, has melted away. During the last day of October, the city of Ulm was, as it were, in a state of blockade, from the water which surrounded it. The torrents of rain, which fell for some days without intermission, increased the Isar at first and afterwards the Danube.—Their waters have risen to the same height they were in 1704, when they were never before known to have been so high. At the time of this rapid increase there was a market held at Ulm. A great number of the inhabitants of the neighbouring communes, who happened to be in the town, were not able to get away till the 1st of November, when the waters had, in some degree subsided. The Danube, in its course, has carried along, amongst other things, an entire bridge, besides fragments of bridges, mills houses, &c.

MISCELLANEOUS.—The London papers announce a Romance as forthcoming, of real life, entitled "The Wanderings of Child Harold." It is by an Officer of the Navy, who travelled with Lord B. some years, and is thereby enabled to give such traits of his character as have never yet been before the Public; it likewise contains many curious and authentic Anecdotes of the English Wits, Foreign Ministers, &c. &c.

The Rev R. C. Maturin, author of Bertram, and some other works, Rector of St. Peters, Dublin, died on the 30th of October. He was a very eccentric man, and prided himself much on his dancing. He believed that in a quadrille "he excelled every clergyman in the Established Church!"

Mr. Blaquiere is preparing a second edition of his Greek Revolution. Among the other addenda, this edition will contain the events of the fourth campaign; together with various details connected with the last days of Lord Byron.

The estates of the Earl Kenmare in Ireland are worth £100,000 per annum; yet such is the equitable spirit in which they are let, that they only produce £34,000; and the tenants to whom these enormous bargains were given have lately experienced a further reduction.

A considerable loss of sheep has been sustained near Lincoln, and in Derbyshire, by the late floods. An inhabitant of Corfu, who recently returned from Spitzbergen, after an absence of 33 years, found his wife in good health, but the widow of three husbands!

Alarming increase of Lawyers!—It appears from the notices posted up near the Law Courts in Westminster that not fewer than 154 persons intend to apply in the approaching term to be admitted as attorneys at law. Of these seven are applications for re-admission from parties who have been attorneys before.

"A Sailor," informs us, that he has recently arrived in the country from St Helena, that the house in which

The Emperor of France was imprisoned has been converted into a barn; that in the room in which he breathed his last there is now a machine erected for threshing corn— Sic transit gloria mundi!

Extraordinary Escape.—A short time ago, a prisoner in the goal at Bristol confessed to the gaoler where an acquaintance of his was carrying on the business of coming at Birmingham, and accurately described the intricacies and mazes through which any one would have to pass before he could arrive at the mint; relying on this information, the gaoler, accompanied by an intelligent officer, went to Birmingham, and pursuing the instruction given, they found every thing correct, and pointed upon the coin, whilst engaged in his manufactory. The man instantly submitted himself to the intruders, saying—“I am sold; for no one could have found me out without a split; and as I know my doom, I must bear it like a man, and will go with you quietly wherever you please, only permit me to wash myself and put on my coat.” Finding their prisoner so submissive, the gaoler and the officer readily granted the indulgence required; the man deliberately washed his hands and face, and having pretty nearly prepared himself, as it was thought to go away, he all at once gave a jump on the floor, and descended as quick as lightning through a trap door, which was as instantly closed, and the gaoler and his companion were for the moment petrified with astonishment. On recovering from their amazement they tried the same experiment, but they had not the talisman, and the trap door would not yield to their efforts, and they now sought to return by the same way they entered, in order to give an alarm and pursue the fugitive, when, to their no small mortification and alarm, they found their retreat cut off by the door through which they entered being closed upon them; and in their distressing dilemma they remained for between two and three hours, making as much noise as they could to excite attention and obtain assistance. At last on again trying the door, they found the fastening had been taken off, and to their great joy they made their escape.—The implements were taken possession of, but the offender has hitherto eluded justice.

Barcelona, Nov. 4.—The following declaration made by Cognet de Montarlot, who was executed in August last, for having aided the revolutionists at Tarifa.

“In the name of God the Father, I die as innocent as Jesus Christ, and like him I die for the cause of liberty. For the like reason my companions die innocent.

I forgive, though uselessly, the author of our assassination.

I foretell that the day of our death, will form an epoch in the destruction of Spain, and that before three months it will be inundated with blood, and the authors of our death will die themselves raging.

Pardon, though in vain, the Bourbons—their life is condemned, and I expect them in a twelve-month before the tribunal of God.

I send my declaration to Don Carlos Matsoff.

I forgive, since my father the grandson of God, grandmaster of the sun, commands me to forgive.

United-States.

Difficulties resulting from the slave Population—assumption of Anti constitutional power by South Carolina,—and seizure of British Seaman.

From the Washington City Gazette, Dec. 16. A question, as delicate as it is important, has arisen between Great Britain and the United States, or rather between the United States and Great Britain on the one side, and the state of South Carolina on the other. To give our readers a fair view of the matter at issue, it is necessary to call their attention to a fact which is no doubt still fresh in their memories. We allude to the contemplated insurrection of the slaves in Charleston two years ago, which was fortunately discovered in time to prevent the execution of its object, which was the massacre of the white inhabitants and the enfranchisement of the slave population. Several of those who were concerned in the conspiracy for an insurrection were tried and executed, and one or more, we believe, were banished. Such was the terror that seized upon the minds of the citizens of Charleston, that they established at no inconsiderable expenses to themselves, an armed patrol, subject to regular military duty every night, to guard against surprise, from any secret combination among the slaves, for a like bloody purpose.—The Legislature of South Carolina, convinced that a spirit of insubordination among the blacks and people of color was fomented by freemen of their own complexion, and that these, entering the territories of the state in various guises, but chiefly in the character of mariners or persons employed on board merchantmen, might, in fact, be emissaries, sent with the evil design of producing a servile war, which should be fraught with frightful disasters to the white inhabitants, enacted in the month of December, 1822, a law, of which the following is the third section:

“And be it further enacted by the authority aforesaid. That if any vessel shall come into any port or harbour of this state, from any other state or foreign port, having on board any free negroes or persons of color, as cooks, stewards, mariners, or any other employment on board said vessels, such free negroes or persons of color shall be liable to be seized and confined in goal, until said vessel shall clear out and depart from this state; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or person of color, and to pay the expenses of his detention; and in case of his neglect, or refusal so to do, he shall be liable to be indicted, and on conviction thereof, shall be fined in a sum not less than one thousand dollars, and imprisoned not less than 2 months; and such free negroes or persons of color shall be deemed and taken as slaves, and sold in conformity to the provisions of the act passed on the 20th December, 1820, aforesaid.”

Against the operation of this section of the law upon the black and mulatto seamen of G. Britain entering the ports of South Carolina, Mr. Stratford, the British Minister at Washington, in a letter to Mr. Sec'y Adams, on the 15th of February, 1823, remonstrated. One vessel under the British flag, according to Mr. Canning's representation, had, at that time, been subjected to inconvenience; and he expressed his hope that the recurrence of any such “outrage” would be prevented.—Another instance of the same kind did occur, as stated in the subjoined letter of M. Pettie, of Liverpool, England, to the British Boat of Trade: “That in December 1823 he arrived at Charleston in the Ship Marmion from Liverpool having

on Board a Part of his crew four-colored Seamen. The Marmion continues he was not well moored at the wharf, before the officers, who were appointed to put the law in execution, came on board, and forcibly carried one of the four of these men to jail, where he remained during my stay in Charleston; the three others I had previously conveyed on board a packet on the eve of sailing to New-York, where they were likely to obtain a passage more readily to England; but on board this vessel they were apprehended by men who seemed anxious only to get their fees, and thrown into prison, depriving them of the opportunity to comply with the law, which they would have done in a few hours. The release of these unfortunate men from jail, fees, and loss of their service, put me to considerable expense.

9th April 1824.—Mr. Addington, in a note to Mr. Secretary Adams, demanded redress and reparation. The President referred the affair to Mr. Attorney General Wirt.—On 8th May 1824, the Attorney General gave his opinion stating that by the national constitution the power of regulating Commerce with foreign Nations and among the States, is given to congress; and that this power is exclusive. This is the power of prescribing the terms of commercial intercourse. All foreign domestic Vessels complying with the terms prescribed by congress, have a right to enter any Ports of the United States, and a right to remain there, unmolested in Vessel and Crew, for the peaceful purposes of commerce. Congress has not required that Vessels entering the Ports of the United States should be manned wholly by white Men. The General Government has the power of making Treaties. These Treaties are a part of the supreme Law of the Land. The Treaties made impose no restriction as to the Color of Crew. The Law of South Carolina is void as being against the constitution, Treaties and Laws of the United States.

6th July 1824.—Mr. Secretary Adams, by the President's directions communicated this opinion to the Governor of South Carolina, expressing the hope of the President that, the State of South Carolina would of itself remedy the inconvenience.

10th January 1824.—The Governor of Georgia communicated to the Governor of South Carolina, resolutions adopted by the Senate and House of Representatives of Georgia, proposing in amendments to the United States, viz:

That no part of the Constitution of the United States ought to be construed, to authorize the importation or ingress of any person of color into any one of the United States, contrary to the laws of such States.

This proposal was to be communicated to the Governors of the different States, in order to be submitted to their Legislatures.

The Bill in favor of General La Fayette has passed both Houses unanimously.

A Bill for occupying the Oregon or Columbia river has passed the House of Representatives. The Bill does not contemplate, even prospectively a Civil or Territorial Form of Government. The occupation for the present will be purely military. The original name Oregon will be restored to this river. It means when translated the river that runs to the west.

The naval Committee was instructed to enquire as to the expediency of making provision for building a Steam vessel of war for the defense of Lake Champlain.

The Presidential Question which has been agitated for the last two years and which but a month since swallowed up every thing else, seems to have lost much of its interest, and nearly all its acrimony—a disposition prevails to leave the subject to the quiet disposal of the last tribunal, the House of Assembly. The vote will be counted the second Wednesday in February.

Indian Chief's address to Fayette.

At an interview between La Fayette and the Indian Chief at Washington, Pushmata a superior chief thus addressed the General.

“About fifty years ago you drew your sword, the companion of General Washington. With him you travelled and warred against the enemies of America. In spilling the blood of your foes, you generously shed your own, thereby consecrating your devotion to the cause in which you were engaged. After the termination of the war you returned to your country and now you revisit this land, blessed by the benedictions and honored with the grateful attentions of a numerous and powerful people. You see every where around you, crowding to your presence, and clasping your hands with filial affection, the children of those with whom you fought in defence of their country. We had heard of these things, even in our remote habitations, and our bosoms were depressed with anxiety to see you. We have come. We take you by the hand, and are satisfied. It is the first and the last time. We shall meet no more. We part, on earth, forever. This is all I have to say.”

CANADIAN SPECTATOR.

MONTREAL: FRIDAY, January 7, 1825.

There is no fact of importance to be communicated this week. The Letters and Reports from various Quarters are all favourable to the Greeks; and the King of Spain under the Shelter of French Bayonets is driving every liberal man to desperation. According to some Reports a Great Portion of the French Armies are about to retire: the British Pride, and virulent passions of Ferdinand restrain him from such concessions as, unsupported by the French, might give him a chance of Security; and in this he is encouraged by a faction as virulent and stupid as himself: his only remaining course then is to depopulate Spain by slaughtering and banishing every individual, not devoted to Jespotism in every shape. It will soon be seen how far this course will succeed.

We beg our Readers to pay particular attention to the continuation of *Martin* in this number. It may be easily judged from the statement therein contained how indispensably requisite is the full control of our Assembly in the affairs of the Province.

Destruction of the Parliament House U. Canada.—A Letter from Upper Canada which arrived in this town by the Mail of Wednesday last, stated, as we are informed, that the Parliament House in York Upper Canada, was consumed by fire the day previous to the departure of the Mail; that all the Archives belonging to the Legislature were destroyed; and it was feared that the Land Board Office shared the same fate.

We understand that the statement in the New York Paper of Mr. Stewart of Canada, having been a Passenger on the ship Nestor from England which west on Shore near that City is erroneous;

it has been ascertained that no person of that Name was a Passenger on Board that Ship.

Weather.—The winter continues uncommonly temperate for this Season; at present there is no indication of the River being frozen across, with the exception of some ice at the boarders, it is quite free for Boats and Canoes.

CHARITY SERMON.

We have been requested to announce that a Sermon will be preached by the Rev. Henry Esom in the Scotch Church, St. Gabriel Street, on Sunday next in the forenoon, and a collection made in aid of the Orphan Asylum fund of this city.

We must take the Liberty of soliciting the attention of the public to this interesting subject. We know not any spectacle more powerful in opening the springs of benevolence and charity than that of a human being in its tender age, surrounded with shivering, houseless, friendless desolation; its ardent mind looking around in vain for parental friend-ship;—The Germ of virtue frozen up, and its intellectual powers perverted. The beautiful Institution which contributes in whatever degree, to save miserable human nature from such a calamity, will not be neglected in Montreal.

We have been sorry to learn, that a young gentleman of Three Rivers of the name of HART, who driving a sleigh through the streets of that town a few days ago was suddenly thrown out and melancholy to relate, killed on the spot.—Herald.

A few days ago, a Canadian woman in the St. Anne Suburb of this city, while about to descend a stair with a child in her arms from some accident which we have not been able to learn, fell down headlong and, expired in a few seconds. It seems no less a singular than providential circumstance, that the child which she had in her arms at the time, was not injured in the smallest degree.—ib.

CLERICAL DOMINATION.

When an application was lately made by the people of St. John's Chapel Quebec, to Dr. Chalmers, to procure a Clergyman for them Dr. Harkness was quite alarmed at the idea of opposition in his immediate vicinity and wrote and remonstrated with the Rev. Dr. till he declined to act, and the people were disappointed in obtaining a Clergyman from that quarter.

To prevent the recurrence of similar evils, shortly after this event the association of Ministers of the Church of Scotland in Canada met and petitioned the General Assembly of the Church of Scotland, to the following effect: that they would be pleased to enact a law, prohibiting every presbyter within their jurisdiction from ordaining any preacher of the Gospel to any situation in the Canadas if the application had not previously passed through their hands and obtained their approbation; but having received no answer to this petition and several of the association being alarmed at the actual existence and the increasing symptoms of what they probably regard as opposition churches at a meeting of this association lately held at Montreal, they unanimously agreed to renew their former application, to the General Assembly of the Church of Scotland. Now if this power should unfortunately be granted to this aspiring association and if they should obtain all those immunities rights and privileges for which they contend they would soon become the sole patrons of the Presbyterian interest in Canada and then we would have a Holy Alliance with a witness, which we have every reason to believe would act with all the arbitrary disposition of clerical domination. Is then this self constituted this unconstitutional Association in which neither His Majesty nor the people are represented, to be allowed to conspire against the liberties of the community, by making garbled statements and partial representations to obtain privileges which if granted would be both disgraceful to the Church of Scotland, injurious to religion, and only beneficial to themselves. The members of the Church of Scotland may undoubtedly meet together as Brethren to consult for the advantage of that church to which they belong and to adopt the most efficacious means to be recognised by the Civil and Ecclesiastical authorities; but when they begin to exercise power with which they are not invested; when they constitute themselves into an Ecclesiastical Court in which neither His Majesty nor the people are represented; when with shut doors, they take advice, sit in judgement, and pass resolutions which have all the effect of a judicial sentence:—when they make representations and petition for powers, which would be highly detrimental to the community, injurious to religion and which are only calculated to aggrandize themselves; do they not expose themselves to the ridicule and contempt of every independent member of Society? do they not display a spirit which would have done honour to the Star Chamber and the brightest days of the Holy Inquisition?

This association is also in the habit of exercising a very vexatious power over the members of its own body. When any individual becomes obnoxious, or is unwilling to comply with their requisitions, they suspend all Ecclesiastical communion with him till such time as he gives satisfaction and make all due submission, which in reality is pronouncing a temporary sentence of excommunication upon him.

After the congregation of St. Peter Street applied to the Church of Scotland for a clergyman which to all intents and purposes was declaring themselves members of the Church of Scotland, the Rev. J. McLaurin being in Montreal officiated in that Church and for this supposed offence, they privately resolved to suspend all ecclesiastical communion with him till such time as he should assign his reasons, or apologize for his conduct. Not being conscious of any offence which required either explanation or apology, he disregarded their requisitions and remonstrated against their usurpation. But when he applied for their assistance at his sacrament none of them would assist him. Thus he was prevented from dispensing the sacrament of the Lords supper at Lochiel which injured the cause of religion in that quarter, hurt his usefulness and also his temporal concerns, as many of his people withheld their subscriptions, alleging that there must be some other serious reason for their procedure against him. And he was at that obliged to assign his reasons for officiating on that occasion before the association would restore him to full communion with them.

When the congregation of St. Peter Street would not employ the association to procure a clergyman for them, they were highly offended and wrote to those whom they applied in order to defeat their object; but when notwithstanding all their oppositions the clergyman appeared, they took the first opportunity to quarrel with him; that bring in possession of the ear of all the influential part of the community they thought their story to their own advantage and attach themselves more closely to themselves; that they might es-

the association in his congregation, and that by suspending all the powers of the association against him, they might suspend all Ecclesiastical communion with him, that by throwing every obstacle in his way and placing him under every disadvantage under which he could possibly labour, he might be induced to abandon his charge in despair, and relinquish the field to their undisturbed control.

Is this unconstitutional association then to be allowed to exercise these vexatious powers upon the most frivolous pretences? Are they to be allowed to denounce any one they have a mind, and to inflict a punishment upon him, which is equivalent to excommunication and suspension from the regular functions of his office? A punishment which is never inflicted even by a legitimate Court without the clearest evidence of flagrant delinquency. When this association exercise these unconstitutional powers, is it not obvious that they are guilty of a conspiracy against the liberties of the people and the legitimate rights of individuals? And is such conduct to be tolerated in an enlightened age and in an intelligent community?

VERITAS.

QUEBEC 30 DECEMBER 1824.

The Season continues much colder than it has been for a number of years past. There has, in fact, been no cold, and the thermometer has only once or twice been at zero, while it has continued for several days at freezing point. There have been none of the severe snow storms usual about the commencement or middle of the month; but the snow which has fallen in small quantities, and which has lain since the first week of November, has accumulated to fully the ordinary depth. The ice at the mouth of the River St. Charles near this City, is not yet passable for carriages, nor is the ice in the channel, to the north of the Island of Orleans, stopped.

The Negotiation of the Reverend Hudson and of the Erie Canal at Albany, is stated in the Albany Gazette of the 15th ultimo, to be then closed for the first time season. The navigation of a part of the St. Lawrence and of Lake Ontario was perfectly open on the 27th ult.

The mercury in the thermometer for the last three days, has stood at from 40 to 42 degrees. A fine season was never experienced in this Province.—York, (U. C.) Decr 27th

Fast Sailing.—The Schooner Union, Capt. Moser, left Prescott on Saturday, the 11th inst with a full cargo, and on Sunday, the 12th, was in sight of this place, where she arrived a few hours after. The distance from Prescott to Niagara, is nearly 300 miles.—Niagara U. C. Canadian.

Provincial Secretary's Office. Quebec. 16th Decr. 1824.

His Excellency the Lieutenant Governor has been pleased to make the following appointments, viz:—**Federick Griffin**, Esquire, to practice Law in all His Majesty's Courts of Justice in this Province.

Bayard and three other gentlemen of New York offered their services to receive donations for the relief of the Steam Ship Robert Fulton to be given to the Greeks; but the papers of the same day on which the advertisement was published, announced that the design was abandoned.

Mr. J. M. Mondelêt

A TRANSFERE son étude de Notaire en une Maison appartenant à Samuel Gerard, Esquier, Rue St. Joseph vis-à-vis la Poste de Cour de l'Hotel-Dieu.

Montreal le 16 Décembre, 1824.

Pouï soit qui mal y pense.

QUELQUES jeunes Messieurs CANADIENS, voisins d'une Dame et de deux Demoiselles représenteront pour eux,

L'ORPHELINE,

Pièce sentimentale en 3 Actes,

PAR PIGAULT LEBRUN

'CONTRETEMPS SUR CONTRETEMPS.

Pièce du haut comique, en 3 Actes.

Par le même auteur, et jouée pour la 1ère fois en 1792.

Le choix de ces pièces qui unissent à la morale la plus pure le comique le plus relevé, fait espérer à Messieurs les AMATEURS CANADIENS, que les Dames et Demoiselles de cette ville désigneront les honneurs de leur présence; et pour être plus sûrement assurés de leur succès, pour le lieu de la représentation, le

“ PAVILLON DE MONTREAL.”

édifice que vient d'ériger M. VILLALAYE, sur le niveau de la rue McGill, bâtiment très spacieux et distribué de la manière la plus judicieuse.

Messieurs les AMATEURS CANADIENS croyent devoir informer les Dames et Messieurs de Montreal, que les cartes d'admission seront distribuées avec le plus grand soin. Chacune d'elles portera au revers le nom de la personne qui l'aura reçue. Par ce moyen Messieurs les AMATEURS, se flattent d'éloigner les personnes qui ne conviendraient pas à la respectabilité de l'assemblée.

Les Cartes seront de cinq couleurs; une seule Carte admettra un Monsieur et une Dame.

La Représentation aura lieu au commencement de Janvier prochain.

Les Messieurs à qui la souscription n'aurait pas été présentée (suite de temps, ou par oubli, et qui desireraient souscrire, pourront y inscrire leur nom, en s'adressant à Mr. C. H. N. DROLET, rue Notre-Dame, No. 51 vis-à-vis l'Eglise des Recollets, depuis deux heures jusqu'à quatre P. M.

20 Decembre, 1824.

NOUVEAU THEATRE.

DES propositions séparées seront reçues en l'Étude de Mr. GRIPPIN, N. P. jusqu'à Jeudi matin, le 23 du courant à 10 heures, pour la Maçonnerie, la charpente, la Menuiserie et Plâtrage, requis pour la Bâtie et complétion du NOUVEAU THEATRE, dans le cours de l'été prochain, sur le lot de terre rue St. Paul, joignant l'Hotel appelé Halle des Franco-Maçons, conformément aux plans et spécifications en la possession de Messrs. CLARK et APPLETON, Architectes, à qui l'on pourra s'adresser pour l'information. Les propositions doivent contenir les noms de deux bonnes cautionnaires pour leur due exécution, et être incluses et endossées.

Montreal, 10 Decembre, 1824

A VENDRE

MAINTENANT A CETTE IMPRIMERIE, En Gros et en Detail.

LE CALENDRIER

DE L'ANNEE

1825,

POUR MONTREAL

