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Canadian Rights and Canadian Independence.

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## PUT DOWN THE TYRANTS!

They never fall who die in a great cause;  
The block may soak their gore,  
Their heads may sicken in the sun—their limbs  
Be wrung to city gates  
And castle walls, but still their spirit walks abroad;  
Tough years elapse, and others share as dark a  
doom.  
It fortifies the deep and sweeping thought  
Which empowers all others, and which conducts  
The world at last to freedom. BYRON.

People of Canada! Remember that the blood of martyrs in the cause of FREEDOM calls aloud for vengeance at your hands.

## ORIGINAL BIOGRAPHY.

JOSEPH MORIN was born in 1803, at Belle Corne, in the Parish of St. Marguerite de Blainville, commonly called Lacadie, in that part which now belongs to the county of Laprairie, District of Montreal. His father was an honest farmer who held every respectable rank in society, beloved by all his countrymen. Joseph was brought up in his father's profession, and settled in the third grand line of the Parish of St. Cyrien, and was one of the first settlers of that place. In 1828 he married a sister of Mr. Theodore Beclard, who is now in Montreal jail under sentence of death for having dared to lift up his arm against British Tyranny.

The subject of this biography was a zealous friend of reform, and was always very active in promoting the political views of the House of Assembly. His name figured oftentimes either as mover or as seconder of resolutions expressing the views he entertained of colonial misrule. When at last, after the continued refusals of Great Britain to do justice to Canada, and after the repeated injuries she had inflicted upon her Canadian subjects, it was deemed expedient to get rid of such a government, Mr. Morin joined his countrymen in their desperate and noble efforts to obtain that end. On the 3rd day of Nov., last he took up arms in accordance with his pledge and was nominated a Captain. His conduct in the camp, his behaviour during the campaign, and his bravery on the battle field, proved that his countrymen had made a wise choice. At the skirmish at Lacolle Mills on the 6th Nov., he displayed much deliberate firmness.

The next day when the patriots, to the number of about 150 men, were attacked by at least 500 men, Captain Morin showed bravery unsurpassed by any officer in the Patriot service. He was stationed near the cannon, shouldering a musket. But soon after the action commenced, he received a musket ball in the head and expired immediately.

In his death Canada lost one of those brave, hardy, and courageous officers who are always much needed, more particularly at the beginning of a desperate struggle for freedom. All those who were acquainted with Captain Morin, deeply regretted his loss. Respected in private life as a good neighbor, a kind husband and a dutiful father, the short time he filled a public station, he commanded the admiration and kind feeling of the surrounding community. Death on the battle field will tend to increase the respect and the gratitude of his countrymen for his beloved memory. Faithful to his political creed, he resorted to arms when he found that submission to the English tyrants was worse than death. His surviving friends have the satisfaction of knowing that his last drop of blood was spilled for his dear but unhappy country. He died the death of the hero, "Death or Victory" was his motto. Such was Captain Morin in the prime of life. He was 25 years of age and left a widow with 6 children yet of tender age, who needed every much the fostering cares of a father, but providence had wisely decreed that Joseph Morin should be one of the noble heroes who should expire to be immortalized on the pages of history. May providence

also decree that the day of retribution be not far distant, when the Canadian Patriot shall successfully avenge the wrongs of his oppressed country.

## HISTORY OF CANADA.

(CONTINUED.)

### QUEBEC BILL,

14th, George III, Chapter 83.—Continued.

XIII. With the condition nevertheless that nothing contained in this act shall extend to authorize and to give power to the said Legislative Council, to impose any taxes or duties in the said Province, excepting such taxes as the inhabitants of any city or district in the said Province shall be authorized by the said Council to assess and charge, applicable to making roads, erecting and repairing the public buildings in the said cities or districts, or to any other improvements which shall concern the local advantage and utility of such cities or districts.

XIV. Provided nevertheless, and it is established by the authority aforesaid, that all the ordinances which shall be made therein, shall be in the space of six months sent by the Governor, or in his absence by the Lieutenant Governor or the Commander in Chief, to be presented to His Majesty, so as to have his Royal approbation; and that if His Majesty thinks proper to disapprove them, they shall have no force, and they shall be annulled from the moment that the order of His Majesty in Council shall be published to that effect at Quebec.

XV. Provided also that no ordinance concerning the church or other ordinance by which may be inflicted a punishment greater than a fine, or an imprisonment of more than three months, shall have no force or effect until it shall have received His Majesty's approbation.

XVI. Provided also, that no ordinance shall be passed in any meeting of the said Council composed of a number less than the majority of the members of all the Council, nor at any other time than between the first day of January and the first day of May, unless it be in some urgent cases; in which cases all the members of said Council who shall reside at Quebec, or within the space of fifty miles of the said city, shall be personally summoned to be at their place by the Governor, or in his absence, by the Lieutenant Governor or the Commander in Chief.

XVII. And it is moreover established by the aforesaid authority, that nothing contained in this act shall extend, or shall be understood to extend, to prevent or to deprive His Majesty, his heirs and successors, to erect, constitute and establish by their letters patent delivered under the great seal of Great Britain, such courts which shall have criminal, civil and ecclesiastical jurisdictions in the said Province of Quebec, and to summon at all times the judges and officers thereof, such as His Majesty, his heirs and successors shall think necessary and convenient in the circumstances of the said Province.

XVIII. Provided always and it is by these presents established that nothing contained in this act shall extend, or shall be understood to extend, to invalidate or annul in the said Province of Quebec, any acts of the Parliament of Great Britain already made, which prohibit, restrain or regulate the trade of the Colonies and plantations of His Majesty in America; and that all and every one of the said acts, as also all acts of the Parliament heretofore made, which relate to, or which concern the said Colonies and plantations, shall be, and are by these presents declared to be in force in the said Province of Quebec, and in every part thereof.

Such was the act passed by the Imperial Parliament at a time when the colonies of Great Britain were on the eve of revolting against the mother country. England was then watching with fearful apprehensions the progress of the true principles of representative government in her American colonies, and Parliament felt the danger of granting a Constitutional government to Canada fearing that the Canadians when once enlightened in regard to the rights of freemen, would dare to assert them, after the example of the thirteen colonies. It was from these motives and these fears that the Act 14, Geo. III, chap. 83, was passed. The British government felt assured that the Canadians would be well satisfied if their old laws were restored to them, and no encroachments made upon their religion.

The expressions made use of in the act itself were calculated to create confusion. The act re-established "the laws and usages of Canada," when it was well known that the "laws of Canada" were nothing of themselves,—Canada before the conquest had been regulated by the "coutume de Paris" and such provincial ordinances as were passed by the Superior Council of Quebec. The object of the Parliament in making use of such phraseology as to render every clause vague and obscure, from which would very surely arise litigious dispute, was to give them one day or another an excuse to settle the business according to the construction which British interest might put on the act.

The King in his instructions to the Governor of the Province, gave an explanation of the bill as understood by his advisers. We shall give to our readers a passage of those instructions, which is as follows.

"The establishment of courts for the good administration of justice in the whole Province, according to the settled principles of said bill (1774) so as to provide more efficiently for its government, require your greatest care and all your prudence. For as it is our gracious desire, in conformity to the intention & spirit of said act that our Canadian subjects may enjoy the benefit of the use of their own laws and usages in all questions which relate to titles of land, tenure, inheritance, incumbrances, and agreements as to immoveable property and to the distribution of the personal property of those persons dead *ab intestato*; on the other hand it shall be the duty of the Leg. Council whilst making the necessary ordinances to establish courts for the better administration of justice, to consider if the English laws can be, in part if not *in toto*, the rule by which to decide in all personal actions arising from debts, promises, contracts and agreements of a commercial nature or otherwise, as also in all the cases subject to damages, and more particularly those in which our subjects born in Great Britain, Ireland or the plantations, residing at Quebec, or who may come thither or who have theretofore commercial business or property, are plaintiffs in a civil cause of this nature."

In perusing attentively this bill and then reading the instructions given by the King to the Governor of Canada, we see that in the first it is declared that the *laws and usages of Canada* were to be renewed in the Province, whilst by the second the King gives instructions to his Governor to put in force as much as possible the English laws in Canada. The *laws and usages of Canada* were words nearly devoid of meaning, which in connexion with the contradictory instructions of the King precluded the possibility of finding any regular standard or criterion by which the judges and lawyers could form an opinion. This shall be shown in a more ample manner when we come to the famous inquest held by order of Lord Dorchester, 1787, on the administration of justice.

The Quebec bill did indeed satisfy for the moment the French Canadians. Their inaccessibility to the Legislative Council was entirely removed, their ancient laws rendered to them to a great extent, their church tolerated and the oath to the Crown of England so mitigated as not to interfere with their scruples of conscience. If we add to this the powerful influence the Roman priests had then over the people and which was used to show the people how grateful they ought to feel to Great Britain for its generosity and kindness towards her Canadian subjects, we shall not feel surprised to find the Canadians better satisfied then an enlightened people would have been. England understood its interest, she well knew that in buying the priests of a nation, there is always great probability if not certainty of seeing the mass of the people follow blindly what ever course they recommend. It was in consequence of this knowledge that this *Quebec Bill* provided for the maintenance of the Catholic clergy, and well may we say that since the English gov-

ernment has forced the Canadians to pay tithes to their priests, these have always been the most supple and the most degraded tools of the British government. All that the priests wanted, was their portion of the *loaves and fishes*, and this the English government had given them, the priests were then ready at the first command from the Castle of St. Louis to preach *passive obedience to the authorities* which paid them so well at the expense of the people.

The bill of Quebec was accompanied by another one intitled, "an Act to provide a fund to defray the expenses of the administration of justice, and to support the civil government in the Province of Quebec in North America." Whilst the whole of the thirteen English Colonies were petitioning and remonstrating against the right of Great Britain to tax them without their being properly represented in the English Parliament, the poor Canadians were submitting tamely to those very acts.

To give to our readers an idea of the opinion that some enlightened Canadians had of the bill of 1774, we shall quote the remarks of Mr. Du Calvet a Canadian of great talents and much persecuted. "The bill of Quebec re-established in the Province the French laws; we must begin by remarking that the legislators have expressed themselves in obscure and ambiguous terms; according to the theory of law, this obscurity would suffice to annul the Act, and ought to prevent it from being approved by the nation; for the law-teachers tell us that the obscurity of a law renders it null (*lex obscura, lex nulla*;) and indeed the expression "*French Laws*" is ambiguous and equivocal which brings to the mind but vague, indetermined and indefinite ideas; it may signify either the fundamental laws, that is to say the *constitution of the French government*, or only the *civil laws*, in other words the *French jurisprudence*; and it is this double meaning which wrongly handled, has been the primitive source of the calamities which have desolated, and even now desolate the Province of Quebec."

A little further Mr. Du Calvet describes the powers conferred on the Governor of Canada by the bill in the following manner, "Indeed the power of the Governor of Quebec devours and absorbs all other power; he is in reality the sovereign master of all; his titles of generalissimo of His Majesty's forces, gives him the power to dispose at his will of the military department; the dependance under which are daily curbed the members of the Legislative Council whom he names or displaces at his own choice and whim, makes of those Legislative Councilors but the mere echoes of his orders, unless they expose themselves to be immediately degraded and turned out of office; in fact he is the only Legislator of the Province."

"By the re-establishment of the militia, whose officers are all named by him, he keeps under his control and guidance all the parishes which he charges with taxes, and forces them to public works according to his dictates; as grand Chancellor and President of all the Courts of Judicature the judges of which are named and appointed according to his orders, he confirms or cancels in an arbitrary manner, their judgements; it is he and he alone who, in person or by his substitutes renders the oracles of justice according to the dictates of his passion; to crown this supremacy, so arbitrary and despotic, his person is above the laws; every one is brought to his tribunal whilst he (the Governor) is not responsible to any one for his judgements or conduct. An appeal to the justice of England is but a fine theory to cover beforehand all kinds of infamous practices; it is a policy of external show to dupe an innocent and credulous people. This appeal is only nominal and abusive."

Such were the opinions of the leading French Canadians in regard to the despotic influence of the Quebec Bill. After what has been said by Mr. Du Calvet, we need only add the address of the continental Congress to enlighten our readers in relation to said Bill.

(To be continued.)

## Du. CALVET'S MEMOIR.

[Translated for the North American.]

(CONTINUED.)

Extract of Mr. Du Calvet's letter to the Canadians.

About this time I was called to Quebec for a legal recognizance in which I was to plead before the Court of appeal. The bail could have been entered into by a power of Attorney, but tyranny was seeking for my person to complete the triumph of its injustices. My business being transacted and on the eve of leaving for Montreal I went and paid my respect to the Governor.

Mr. Haldimand as an hypocrite and false man, received me with extreme politeness, whilst under all these fair appearances of kindness, he was issuing an order by which I was to be arrested at about mid-way of my journey. It was between the town of Three Rivers and Pointe du Lac that I was to be apprehended.

I shall not recall to your minds the different scenes through which they urged me during the first part of my imprisonment; I have given them elsewhere, against their expectation my constitution resisted all their efforts united together to destroy it gradually. My fortune was then their next object. It is with these views that during the long days of my captivity, my property was abandoned to pillage, without allowing that an administrator should be named. It was not enough to accelerate my ruin, but they put a stop to all lawsuits wherein I was the Plaintiff, and all my enemies were solicited to prosecute me, well understanding that I was not allowed to defend myself.

The audacity of such an injustice was never more glaring than in a lawsuit with my former agent. It was on Sunday, (which day in all christian empires, invalidates all civil acts,) that I was summoned in my cell to appear the next day in court, although a sentry on duty was placed at my door to prevent my appearance at the court; it was not till the next day in the morning that I could employ a lawyer in my stead. This gentleman pleaded his ignorance of the case that was put into his hands only a few hours before, and on this plea, which was well known to the public, he concluded by requesting eight days delay.

The furious Mr. MaBane, one of the judges objected most vehemently against this request, saying in his wrath that a few hours were sufficient for a lawyer to become acquainted with a commercial transaction, however intricate it might be, and that moreover the court owed no judicial concession to a state prisoner, already under the military laws of the state. On this new construction of the law he concluded by condemning me immediately without even the right of appeal and without delay for the execution. General Haldimand who before had never taken his seat in this court, did not blush to be the echo of such an atrocious sentence, which in its execution took away from me about \$20,000.

At the time I was taken prisoner, having been summoned to give my portfolio, I handed it to Capt. Laws; I put into it all my papers which I had the precaution to seal. I requested the military gentleman who was arresting me to ask in my name of General Haldimand that the official examination of these papers should be made in my presence. The Governor bound himself by his word to acquiesce to my request and to respect my seal during my absence; but he did not keep his word; the portfolio was broken during night time, the papers were examined and the greater part torn; and it was in this state that the whole was returned to me in my cell.

Ashamed and vexed at having failed in this first attempt with their usual thirst of vengeance they flattered themselves with the chimerical idea of better success at Montreal. Officers of rank such as Brigadier General MacLean and Major Dunbar, brother-in-law of judge Frazer were sent with two justices of the Peace Messrs. MacGill and Porteous to visit my