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SAINT JOHN, (NEW-BRUNSWICK)—PRINTED AND PUBLISHED BY JACOB S. MOTT, AT HIS PRINTING-OFFICE IN PRINCE WILLIAM-STREET, OPPOSITE THE MARKET-SQUARE—WHERE SUBSCRIPTIONS, ESSAYS, ADVERTISEMENTS, &c. ARE THANKFULLY RECEIVED.

To the Printer of the St. John Gazette.
 III. LETTER OF ALFRED.

MR. MOTT,

YOUR Correspondent the Freeholder begins his third Letter to Creon in the same easy style of modest assurance which I have already noticed in his second, and for the same laudable purposes of imposition and misconstruction—I trust, that his first and second Letters are now well understood by the public: The Vifor is removed, and the fly phiz of fraud and cunning hidden behind it, is fully exposed to view: His blushes Mr. Mott, really become him, and as I confess I don't like that ugly mask of his, he must excuse me for removing it whenever he attempts to appear before his friend Job, or to be seen by the public, against the person of his supposed Creon, I think it right that Job's Freeholder should shew his true face, and take due credit for all his personal advantages, not that I think it as important to the matter in contest as Job appears to do; but because when we have fairly laid open the Freeholder's frauds and exposed the false logic in all his positions, it may afford us fair scope for *fun*, to digress a little into personal comparisons, which although it has nothing to do with fair argument, yet as I must acknowledge that I have been full as well entertained by Job's Banging Pamphlet published for *fun*—Whiz my Boys, Who's afraid; as I have heretofore been by his inimitable style of reciting the Amours of two Cats in a gutter, or the provoking Epitaph of a Terrier to a Mastiff—It is proper that I should make at least an humble attempt to discharge this funny debt for my friend Creon, however short I may fall of arriving at Job's excellence in his Merry-Andrew like exhibition, which has always been his hobby Horse; indeed I believe there is not a motley Jack-Pudding of the whole tribe equal to Job at a Concerto on a Salt-Box—My friend Job's name, as the Freeholder is duly intitled to my attention.

I have assumed the defence of Creon's Statement of Facts, because upon examination I found them to be such: As the advocate of truth I have exposed the Freeholder's frauds by which he would have misled the public; and so generous an opponent will he find me, that I will not even allow him to mislead himself: His intuitive faculties of penetration have led him to take it for granted that he was answering Creon by his reply to the Letter signed *Another Freeholder* in the St. John Gazette of 24th July, but he is under mistake; that Letter came not from Creon's pen, nor shall he have credit for the Freeholder's admission of the constitutional doctrine contained in it—*Render to Caesar the things which are Caesar's*—And why did the Freeholder (it may very naturally be asked Mr. Mott) admit this constitutional doctrine, so repugnant to all he has struggled to establish in defence of these tools of faction and destroyers of right? The reply is as obvious as his friend Job's motive for personal abuse: The Freeholder however, had two motives or inducements, the one because he could not resist a self evident truth so clearly defined, and the other because by the semblance of candor under the cloak of these admissions he meant to steal from the public a credence to his admission of what never was or will be a part of Creon's Statement, viz. "That a certain part of the House quit there post without leave, and before the business of the Session was closed, leaving the residue consisting of ten, for the express purpose of putting the finishing hand to it; and then (he adds) I will come forward boldly and say, the House conducted constitutionally in proceeding to finish the business of the Session in the manner they did."—Instead of the word boldly, permit me to recommend to the Freeholder, the substitution of the words *impudently and ignorantly*—Well chosen and appropriate terms in language Mr. Mott, are always requisite to convey correctly the author's meaning: The Freeholder admits clearly and fully the Constitution of the Province founded on the Commission from the Crown to the Governor, and the instructions which accompanied it: He then tells Creon that the House acted constitutionally in proceeding to make Laws by a minority of the House, although the Governor's Commission expressly provides that they shall be made, "by and with the consent of His Majesty's Council and Assembly, or the major part of them respectively," which the Freeholder also admits to be a part of such Commission: Are not these contradictions wholly irreconcilable? Surely, Mr. Mott, the Freeholder (as I have before observed to him) must have a very contemptible opinion of that public to whom he writes, if we are to judge by these presumptuous attempts to impose on their understanding.

To pursue his reasonings (if so they can be called) is to detect his folly, his presumption, and his ignorance; for the further he proceeds in his attempts to discuss his subject, the less he appears to understand it, and the more he betrays the fraud and folly of his intentions: He will not admit that the usage of His Majesty's Colonies had established thirteen, as the number absolutely requisite to the

formation of an House for the dispatch of business, and "the reason he gives for his increasing it, is, that he believes Creon is not in that instance well informed." There are none so blind as those who will not see; he has shut both his ears and his eyes against conviction, or rather he refuses to acknowledge that, of which his judgment is convinced; for it is next to impossible, that he can be ignorant of an usage, coeval not only with this Province, but with that of Nova-Scotia, and which it is fair to presume has originated in the maxim of Law, that all Acts done and passed by all bodies politic or corporate of limited numbers require the presence and discussion of a majority of the whole to give them legal validity: The Governor's Commission, however, which is the Magna Charta, the Constitution, and the basis of the Province, extends beyond the reach of dispute; that all Laws made by the major part of the Council and Assembly respectively: The usage of the House of Commons of Great Britain is the Law of Parliament, and forms a part of its Constitution, and the difference between the Constitution of the House of Commons, and that of the House of Assembly of New-Brunswick is, that the former is an existing constitutional power supreme, to be regulated or controuled by its own Acts only; the latter derives its origin from a superior power, the Grant or Charter of the King, and must be regulated thereby; the usage of the former therefore cannot be claimed by the latter, as a constitutional right; it should be repugnant to the King's Grant, which gave birth and existence to the Constitution of this Province, and must be considered as the Magna Charta under which the claim and by which we are to be regulated.

The Freeholder then proceeds to Mr. Mott, with a string of questions without either question or object, except to create a noise, and to show that I have already answered him. I have already answered him in the following words:

"House of Commons, and that he is not to be taken by you as not with the public, but with their fears and apprehensions might be questioned, there is a direct charge against Creon for an attempt to do so, and alarm, and on what has the Freeholder founded this charge? If his Letter can be understood it is on his own assertion, that Creon does not wish the public to know the reason, why business cannot be conducted in the House of Commons with less than forty Members. Has the Freeholder himself let the public into this reason which he thinks it of such importance to them to be informed in, and so dangerous to withhold from them? No. He has given them only the shadow and has withheld the substance; but if he will look to the latter part of the 7th and the beginning of the 8th pages of Creon's Statement, he will find that Creon has given the true reason for this usage, viz. that it was to guard the House from being taken by surprise; the very purpose for which the Freeholder's champions have trampled on the usage of this Province, and from the guilt of which, the Freeholder is thus laboring to rescue them by subterfuges and false reasonings as trifling and contemptible as the tools of his knavery. This usage of the House of Commons was recognized by an entry on their Journals, 5th January, 1640, declaring it "As a constant rule that Mr. Speaker is not to go to his Chair 'til there be at least forty in the House"—But this is only a declaration or recognition of the usage, not an order giving origin to it: To the honor of this Province, in the House of Assembly of New-Brunswick, I believe the first absolute necessity for such an order has arisen. Hatfield 2d vol. page 124, observes on this usage that this rule was certainly intended to "Prevent questions being carried by surprise, and in a thin House: And as it is essential to the fairness of proceeding, it has therefore been observed invariably, both as to the number present, when the Speaker takes the Chair, and as to his quitting it again immediately if it is after 4 o'clock."

The Freeholder would willingly get over this faux pas by the non-existence of an order to prevent it; which is telling us in language sufficiently plain, that the most dishonorable advantages may be justified, if Laws do not exist for their prevention: Sweet doctrine this Mr. Mott, for the propagation of piety and morality: Do my dear Sir, indulge us with a peep at your Freeholder's little smug clerical face, is he one of Job's Creeper-Cocks, or is he the Insect with 25 pair of legs: I think he ought to have fifty to carry him and his doctrine to the uttermost corner of the earth, where not even the track of humanity has ever marked the soil.

His construction of the Governor's Commission is a similar exhibition of low and contemptible chicanery, the true and proper construction of it has been given to the public in such clear, explanatory, and intelligent terms by the Customer and Reader of the Royal Gazette, that it would be needless repetition to say more on that head.

In further observation on the usage in the House of Commons, to proceed to no business with a less number than forty: Hatfield 2d vol. page 126, says "This rule being established by the House only as a restraint on their own conduct, does not extend to prevent the Speaker's taking the Chair on the Black Rod knocking at the door, whether from the King or Commissioners appointed by the King, though fewer than forty Members should be present; for if it was otherwise the Commons might by their private order interrupt the exercise of the King's prerogative to dissolve or prorogue the Parliament; and therefore on the arrival of the Black Rod, the Speaker immediately takes the Chair and receives the Message. It has sometimes been doubted whether on his return from the House of Lords the Speaker ought again to take the Chair if at that time forty Members are not present; I should think he ought, at least to report what has passed in the House of Lords, for it might otherwise happen that for want of forty Members the Speaker might be prevented from taking the Chair that day, and from communicating to the House a Speech or Message from the King, of which "as a Message to adjourn and several other matters" they ought to be immediately informed; especially as it is in the power of any Member to prevent the proceeding in any other business than the report of the Message by calling upon the Speaker to count the House: It can therefore never be supposed that a rule laid down by the House, to themselves, merely to prevent surprise, can extend to restrain the Speaker from informing the House of the King's pleasure signified to him in the House of Lords."

From this doctrine Mr. Mott, it is clear that the Speaker was at liberty to take the Chair for the purpose of receiving Messages from the Governor and from the Council, and of communicating them to the House, although thirteen Members should not have been present. It is true that the House could not proceed to make any alterations therein.

The Freeholder's third Letter to Creon, is now I believe Mr. Mott, fully answered, and I hope to the satisfaction of the public; for as to him and his friend Job, I despair of being honored with their approbation; and yet, so desirous am I to please every body, that I will not close this Letter, without one little effort to amuse and entertain them; perhaps I may put them in good humour with themselves if they won't let the sunshine of their applause extend to me: The Office of Chief Magistrate, or Lord Mayor of London, about 25 or 30 years since, was filled by a person who in early life had been waiter to a tavern; On some public occasion during his Mayoralty, he had in a mixed circle of citizens drank freely; from a sound nap with his head on the table he suddenly waked, vociferating (as he raised his head) the words *Coming, Coming, Sir*, and with no small exertion of agility sprang to the corner of the room, seized an urinal placed there for the accommodation of the company, (which was then nearly full), and made his way out of the room half down the stairs before he recovered possession of his mental faculties; and discovered the mistake he had been led into by an unfortunate dream, which had robbed him for a time of his present consequence; and reduced him once more in idea to the tavern skip-jack; full of confusion he delivered his charge to the real waiter and returning to the company apologized for having acted so much out of character; that I deny said a wag, who preferred his joke to his friend, "Your Lordship never acted more in character in your life;" in our friends the Cormorant and Job, the force of habit is equally displayed; the former is constantly exercising his mechanical talents I am told in one way or other, for the cultivation of his interest, with the powers that are; in a way very similar to Sterne's Trim the Sexton (introduced to the public by my last Letter) with this decided advantage on the part of the Cormorant, that whereas Trim (who was neither philosopher nor mechanic) could only display his zeal, during his patron's distress from the strong purge he had taken, by running to borrow the close stool, and returning with the pan on his head (as proud of his burthen as Don Quixote of the helmet of Mambrino,) the Cormorant could do infinitely more, for he could make the stool, and I believe even the pan itself, and probably on a new construction with additions and improvements, and as to his Billy or our friend Job, who I take it are one and the same; his first offering at the shrine of momus is also by the force of habit, or by the directing impulse of the blood, he inherits from his grandfather (who was I am told an honest taylor of Cork) or in pure respect for the memory of his ancestors; made under the all sufficient protection, and patronage of a knight of the thimble; indeed Job has good reason to estimate highly their valuable qualities, as he is indebted for the calf of one of his legs, to the pad-making talents of the Cormorant who has mended also, not a little the shape of the other, and from a drumstick produced something like a rolling-pin; But prithee, my dear Job, what could possibly induce