

GENERAL UNION

OF ALL

THE BRITISH PROVINCES

OF

NORTH AMERICA.

LONDON:
PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT,
STRAND.

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P L A N

FOR A

GENERAL LEGISLATIVE UNION

OF THE

BRITISH PROVINCES,

IN

NORTH AMERICA.

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P L A N, &c.

*Extract from a Paper, entitled, “ Memoir on
“ the Means of promoting the joint Interests
“ of the Mother Country, and her North
“ American Colonies.”*

THE province of Québec, which originally comprehended the two Canadas, and the province of Nova Scotia, which in like manner comprehended New Brunswick, having remained firm in their allegiance during the American Rebellion, Upper Canada, at the peace of 1783, was entirely settled by disbanded officers, soldiers, and refugees, and many of the same description settled in Nova Scotia and New Brunswick. The settlers which the provinces have received since that period, have been loyalists driven from the States by persecution, or led by attachment to his Majesty's government ; emigrants from the Mother Country, principally from Scotland, and American subjects who have settled from interested views, and not from any preference to our government ; but the proportion of this description, is comparatively small. The great bulk of the inhabitants of the provinces are therefore royalists, and as such are, in principle, opposed to the government of the United States, and as they are besides nearly exempt from taxes, as their

situation is prosperous, and they cannot but duly appreciate the security which their property and commerce derives from the protection of the Mother Country, they have no inducements to become subjects of the United States ; the change would not ameliorate their condition. It is also to be remarked, that of the entire population of the provinces of Upper and Lower Canada, more than three-fifths are inhabitants of Lower Canada, and that in this division of that population, other causes operate to produce the same effects, which certainly are not inferior to those which have already been enumerated.

The entire number of persons of British origin inhabiting Lower Canada, may be estimated at thirty thousand,* the remainder are Roman Catholics, and descendants from French blood.

From the first establishment to the conquest in 1759, the ancestors of these descendants from French blood, and the Americans, were engaged against each other, in a series of border inroads, pillage, and destruction ; out of which, have grown in the Canadian, feelings which, in contemplation of the injuries which he or his predecessors have suffered, sustain a spirit of revenge against the “ Bostoné ” as he terms every American ; and in the contemplation of the successes, gained by his ancestors, excites his emulation, and his vanity ; the latter not a little augmented by the success of his efforts for repelling the Americans, in 1775, and in the late war.

* They have since the date of this paper been augmented to 40,000, at least.

The French descended Canadian is, besides, in attachment to his country and to its institutions, equal to the Swiss. He abhors the idea of conquest by the States, because he believes it would lead (as it certainly would) to the abolition of the laws, customs, and religion of his country ; which are now secured to him by an act of parliament. He dreads, moreover, the abolition of his language, to which he is, perhaps, equally attached ; but he dreads, most especially, the abolition of the feudal system which prevails, in Canada, with such ameliorations, that every peasant can obtain from his seignior, or feudal lord, for each of his sons at a proper age, a lot of land at a rent almost nominal ; and can thus provide for the males of his family without difficulty. He feels himself, therefore, personally interested in the defence of the province against the aggressions of the Americans, because he believes (and he is correct in *his belief*) that this system of land-holding, to which he is so much attached, must fall with the country, if that should fall to the United States.

To these causes must be added the influence of the Roman Catholic Clergy. The United States, it is well known, have no established religion ; all sects there are equally protected by law in the enjoyment of their tenets, and the exercise of their ceremonies ; and all being left alike to their own support. Tithes are not tolerated, nor does the government contribute by salary, or allowance, to the maintenance of any church. The situation of the Roman Catholic

Church, in America, is similar to the others ; and the situation of the Roman Catholic Church, in Canada, in case of conquest by the States, would be the same. It would be but one, among many, not entitled to any pre-eminence or advantage, and left to the voluntary support of its own members.

In Canada, on the contrary, the Roman Catholic Church considers itself to be (while Canada shall remain under the dominion of England) an established church : and as far as unequivocal toleration assured, by act of parliament, admission of its members to every office of the government (except the highest) ; tithes secured for the support of their clergy, by act of parliament ; a salary to their bishop ; and the filling up of every vacancy in the benefices of their church, without interference or participation of any kind,—can constitute an established church, it is so.

It is, however, by no means material to inquire, whether this does or does not constitute an established church ; the contrast, without this distinction, between what the Roman Catholic Church *is* in Canada, under his Majesty's government, and what it *would be* under the government of the United States, is so great, that its consequences and effects upon the conduct of the priesthood of that church, and of every Roman Catholic layman within the reach of *their* influence, cannot be doubted.

On the efforts of the inhabitants of the provinces for their defence, in case of invasion by the Americans, the utmost reliance may therefore be placed ;

but the disproportion between the means of attack and the means of defence is so great, as to call imperiously for every measure to augment the latter.

Under these circumstances, it appears necessary to adopt a course which will tend to consolidate the interests and the strength of the provinces; because no hopes of effectual resistance can be entertained, unless the strength of the provinces collectively (if required) can be wielded at any time, and at any point, within their limits, for the purpose of defence, until assistance can be given; and because this cannot be done, unless the colonial provisions, *for the defence of the provinces* (both legislative and executive), have reference to them, collectively, as a *whole*.

There are at present, in America, five provincial legislatures, viz.: in Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and Prince Edward's Island. These legislatures are assimilated to the legislature of the mother-country, and are independent even in all that relates to the mother-country, commerce and religion excepted. It is also but too true, that the crown has but little influence in the democratic branches of either of these provincial legislatures; and it is unquestionably true, that it has none which can enable it to carry a single measure (however expedient or indispensably necessary for the whole of the provinces, or for the empire,) in opposition to any local provincial interest which may militate and be exerted against it.

The Imperial government, therefore, although it is bound to provide for the protection and for the defence of the provinces, manifestly has not means sufficient to enable her to avail herself of their own resources for these most important purposes.

A legislative union of the several provinces would, in a great degree, obviate this evil, and consolidate the interests and strength of the provinces, for the following reasons:—

There are now five assemblies, and it must of course be a more easy task to conduct one, than to conduct five public elective bodies of any description.

The members of these five assemblies amount, collectively, to two hundred (or nearly that number), whose majority consequently is one hundred and one. But if an united representation of the provinces was limited to thirty, which it ought not to exceed, this majority would be reduced to sixteen.

In a general united parliament, the representation of any single province would not constitute a majority; and, therefore, mere local prejudices or attachments would be sunk, and the interests of the empire and the provinces would be considered as a whole.

The officers of the executive government in each province (who are, in fact, officers of the empire, and not of the provinces), especially if appointed by the Governor-General, would feel themselves secure from the attacks of the democratic branches of the provincial legislature, without sufficient cause; and as they would thus be saved from becoming dependant

on the assemblies of their respective provinces, they would not hesitate to do their duty in their several stations, as occasion might require ; and the strength of the Imperial government would thereby be materially increased.

One code of militia law, instead of five, would pervade the whole union ; and the physical force of all the provinces, being thus subject to the direction of the Viceroy, or Governor-General, might be wielded for the purpose of putting down domestic insurrections, or of repelling foreign invasion at any time, or at any point ; a consequence which, of itself, is so distinctly and so equally advantageous to all the provinces, that it appears of itself a sufficient motive for the union.

It must, however, be remarked, that what is proposed, is a legislative union of the provinces and no more ; that it is not proposed, to annihilate any of the offices in the gift of the crown in either of them ; on the contrary, it is intended that each province should be left in the charge of a Lieutenant-Governor, and that the executive department of each province should be continued.

*Extract from a Paper, entitled, “Memoir on
 “the Means of promoting the joint Interests
 “of the Mother Country, and her North
 “American Colonies.”*

EVERY colonial system of Government must of necessity consist, as far as may be practicable, in such arrangements as tend to render each subordinate agent entirely dependant on his immediate superior, while the whole remains equally dependant on the Mother Country, in whom the supreme power resides.

But as a vigorous Government in the British North American Colonies, is essential to their future safety, and is therefore essential to the interests of the Mother Country, and as a Government of this description (in consequence of the distance of the colonies from the seat of the Imperial Government) cannot be secured without discretionary powers, to be exercised within their limits, some must be given; but to whatever extent these powers may be granted, since it cannot be denied that such powers may become dangerous to the defence of the colonies, it is expedient that they should not be trusted to more than one person.

The Legislative Union of the British Provinces in North America, is founded upon the following principles:

I propose to leave the several legislatures of the

five Provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, as they stand at present, the Lieutenant Governor of each of these Provinces respectively, constituting the third branch, but I propose to leave them power, *only*, to enact laws for the welfare and good government of the Provinces, severally, and in matters which are purely of local interest, that is to say of local interest in reference to each Province separately and individually considered.

I propose also to constitute an United Provincial Parliament, the Lower House to be formed by a delegation of Members from each of the Assemblies in the five provinces, selected by themselves; the Upper House by a selection of members from the legislative councils of each province, summoned by writ under the Great Seal of the United British Provinces, and the hand of the Governor General; the Governor General constituting the third branch, and to this superior provincial legislature, I propose to give power to enact laws for the welfare and good government of the United British Provinces, in all matters of general interest, that is to say, of general interest, in reference to the United British Provinces collectively considered, and to the mother country.

It would however be necessary to designate more particularly, the matters in which the United Provincial Parliament should have power to legislate, and I propose that they should be designated as follows.

1st. In all matters relating to religion, subject to

the restrictions provided by the British Statute, 31 Geo. III. cap 31. sec. 35.

2nd. In all matters relating to commerce by sea, and by land, and inland navigation, subject to the restrictions provided by the British Statutes, 18 Geo. III. cap. 12, and 31 Geo. III. cap. 31, sec. 46.

3rd. In all matters relating to taxation and taxes imposed, or to be imposed on the United Provinces for the general purposes of the Provincial Union. All matters of taxation and taxes imposed or to be imposed (in the nature of county rates) in each province, for purposes purely local, being left to the local legislature of each province, respectively.

4th. In all matters relating to the defence of the provinces.

But as it must happen in the exercise of these powers, that some of the provinces would occasionally conceive, that the limited Provincial Parliament, had assumed a jurisdiction and powers which was not legally vested in them, I propose, that in all instances in which this shall be declared to be the case by the joint resolution of the Lieutenant Governor, Legislative Council and Assembly of any one of the United British Provinces, such statute shall by His Majesty's command be submitted to the consideration of both houses of the Imperial Parliament of the United Kingdom, the sole question on such statute in each house, being "shall this statute remain in force?" and if the decision shall be in the affirmative in both houses, and His Majesty shall concur, therein, and declare his con-

currence by Proclamation, that such statute shall remain in force, but not otherwise*.

The delegates from the assemblies of the several provinces to the lower house of the United Provincial Parliament should, I think, be in numbers as follows:

From Upper Canada	5
From Lower Canada	5
From New Brunswick	5
From Nova Scotia	5
From Prince Edward's Island	5
	25

The members summoned from the legislative councils of the several provinces to the upper house of the United Provincial Parliament should, I think, be in numbers as follows:

From Upper Canada	3
From Lower Canada	3
From New Brunswick	3
From Nova Scotia	3
From Prince Edward's Island	3
	15

I submit as a question deserving consideration, whether in each of the Houses of the United Provincial Parliament the votes should not be given by provinces

* It is doubtful, (to say no more) whether it might not be better to vest this power of confirmation and rejection in his Majesty and Privy Council. I beg leave only to observe, that the course proposed above is according to the maxim "*cujus est coudere, ejus est interpretare.*"

a majority of the delegates from any province in one house, and of the councillors summoned from the same province, in the other, deciding the vote to be given in the House to which they respectively belong, on the part of the province for which they act ; it being provided that where the number of members present shall happen to be equal, the vote of the senior delegate or delegates, as the case may be, according to the return made of them to the United Provincial Parliament, and of the senior councillor or councillors, as the case may be, according to the dates of their several writs of summons, shall prevail.

The right of appointing to all offices in each and every of the provinces subject to the King's pleasure, should, I think, be vested in the Governor General, and his patronage in all other respects, as much as possible, be encreased.

PLAN
FOR A
GENERAL LEGISLATIVE UNION
OF THE
British Provinces in North America.

By the public prints of Upper and Lower Canada, and by private letters received from thence to the 25th of December, it appears that the two provinces have been, and continue to be, much agitated with the discussion of the measure, proposed last session of Parliament, for uniting their legislatures. Public meetings have been held in most parts of Canada, resolutions entered into, and addresses voted to the King and Parliament, either approving or deprecating the union, according to the opinion of the various meetings, or rather, perhaps, according to the success of the industry used, and the arguments employed, by those individuals (in both provinces) who have endeavoured to rouse the public to an expression of opinion, favourable to the sides of the question which they have respectively embraced.

It is understood, that agents are actually on the way from Lower Canada, with petitions for and against the union; and it is probable that they may also be the bearers of addresses from the Upper Provinces, as the friends and opponents of the measure, in both the Canadas, have acted in concert through corresponding committees.

The legislature of Upper Canada met on the 15th of January last ; that of the Lower Province must have assembled at a later period, as no proclamation for convening it had been published on the 25th of December.

No representation, consequently, can be expected from either of these bodies for some time ; certainly not before the 1st of April.

There can be no doubt that the *legislature of Lower Canada* will be vehemently, and almost unanimously, against the measure. The assembly of *Upper Canada*, it is supposed, will be more equally divided. A majority would probably be in favour of the bill, if certain obnoxious clauses were expunged ; and it is indeed uncertain whether, as it stands, it will find in that house more opponents or supporters.

Looking to the *people generally*, it appears that all the French population, with the exception perhaps of a proportion too small to be named, are warmly opposed to the union ; that they have eulogised the opponents of the bill in Parliament, as their saviours from oppression ; and appear to attach that degree of consequence to the result, that a stranger might imagine it was a question with them between freedom and slavery, between happiness and absolute misery.

Much of this display of feeling, on the part of the French Canadians, however, is to be attributed to their characteristic animation, and something to their repugnance to two or three particular clauses,

not very important, which interfere peculiarly with their religious and national prejudices ; and, perhaps, were there no room for hesitation on *other* ground, as to the policy of the union, these symptoms of determined hostility to it, on the part of more than *nine-tenths* of the people of the province, might be safely (though, perhaps, not wisely or justly) disregarded, especially if the measure were in one or two respects modified.

The *English* population of *Lower Canada* generally, but by no means universally, are desirous of the union. Those who are decidedly its advocates (and they form a very great majority of the English inhabitants), have been most strenuous in their support of it, and have spared no exertion to procure petitions in favour of the bill from both provinces.

In *Upper Canada* it would seem, that the great majority of the meetings have been called by persons eagerly desirous of the union, and have therefore resulted in resolutions in favour of it ; though there have been many on the opposite side, and it is asserted by the enemies of the measure in *Lower Canada* (with what truth does not appear), that the number of persons in the *Upper Province*, who have actually petitioned against the bill, very much exceeds the number of its friends ; and that in one district alone (*London*), 2,000 persons have subscribed an address praying that it may not pass.

Upon a review of all that has been done in both provinces, some circumstances present themselves de-

serving particular consideration. The opposition given to the bill by the great mass of the French population is easily to be accounted for, and arises from feelings and apprehensions too general among *them*, to be varied, or superseded with respect to individuals, by considerations of local and private interests. It is not so with the *English* population throughout the two provinces; and *they*, consequently, exhibit a great diversity of opinion. Many of them regard the union as a measure of *doubtful tendency*, and are really unable to come to a decided opinion, as to the preponderance of good or evil likely to result from it. Of these, some think the experiment may be made with safety; others, an apprehension that it may produce much mischief and inconvenience: and though they are not convinced that the union might not on the whole, and *in the end*, be beneficial; they are so much in doubt about it, that they would rather not run the hazard of disturbing the present state of things.

A very great proportion of the ordinary English population in *Upper Canada*, belongs to one or the other of these classes; equally *doubting* the policy of the bill, though some are less unwilling than others to make the experiment.

In *Lower Canada*, the great majority of the *English* population are *decidedly* in favour of the bill, because they are naturally uneasy at the present state of things in that province; they think the French legislators take narrow views of policy; that they

have no disposition to encourage commercial enterprise ; and that the whole system of law and civil economy cherished by them is unfavourable to the prosperity of the colony. Some few, besides, who feel strongly for the honour of the government, and are desirous that its just wishes should be complied with, lament the unfortunate interruption of harmony between the different branches of the legislature, which has, for some time, embarrassed public affairs, and indeed thrown discredit upon the province ; and they attribute it, perhaps very erroneously, to the prevalence of French Canadian influence in the assembly.

All these are fair motives, where they are sincerely entertained, for desiring a change ; and it is not surprising that the English inhabitants in Lower Canada, sensible that *they* can receive no possible injury or inconvenience from the union, are desirous of making the experiment, in the *hope that it may* improve their situation, though they cannot point out very satisfactorily how or when the effect is to be produced ; and though there can be no assurance that it will not involve Upper Canada, at least for many years to come, in the very difficulties they are themselves so anxious to escape. The testimony of these persons in favour of the bill is, therefore, of no value, as respects *Upper Canada* ; because they do not take the interests or the convenience of that province seriously into consideration : neither is it of any great value, as regards their *own* province ; because it is

a sufficient reason with them to desire a change, that matters in their opinion *cannot be made worse* by it. Some respectable Englishmen, however, in *Lower Canada*, wholly unconnected with the government, are opposed, it is said, to the bill, on general grounds of policy, and from a view of its probable effects on the peace and welfare of both provinces.

In *Upper Canada*, men of all classes are much divided in their opinions. Some appear to think, that without an union there is a prospect of continual and increasing difficulties between the provinces respecting their revenue and trade; others think the recurrence of these is sufficiently guarded against by the act lately passed; and that an union upon the terms contemplated would place the Upper Province on infinitely worse terms than ever with regard to these, as well as to all other matters in which legislation would be necessary to her interests. But it is worthy of remark, that on this, as on most other occasions, the opinions of men seem to be very much influenced by their ideas of the probable future effect of an union on their respective interests. Thus, in *Quebec*, of the *English* population, many are opposed to the measure, while in *Montreal* nearly all are in favour of it. This may be accounted for, from the prospect of the seat of government being removed, in the event of an union, from the former place to the latter. In *Upper Canada*, the people of *Kingston* are in a great measure favourable to the bill; in *York*, almost all are against it. Hopes of future local be-

nefits on the one hand, and apprehension of private injury and inconvenience on the other, must have their share in producing this uniformity of opinion in the respective places, upon a point on which there is elsewhere much doubt.

Amidst this unpleasant conflict of opinions, it is very material to observe, that, among the most active supporters of the union in both provinces, are those men who, so far from having been found on other occasions to promote measures intended to afford just support and stability to the government, have been remarkable for years for exerting themselves in the assemblies of the respective provinces, in a course of persevering opposition to the views of the colonial administration.

On the other hand, the immediate friends and supporters of government, in both provinces, who are best able, from their experience, to appreciate the probable effects of an union upon the *conduct of public affairs*, and who may be supposed to enter most zealously into that view of the subject, are restrained by obvious considerations of delicacy, perhaps of duty, from expressing their opinion, at least in the colonies.

It is known, however, to be apprehended by some, whose judgment cannot, from their local information and experience, be lightly regarded, that to unite the two legislatures would be extremely impolitic upon many grounds : that it would magnify some of the particular inconveniences it is meant to remedy ; that by increasing very much the strength of the democra-

tic branch of the constitution, without adding in any way to the influence of the crown, it would render the tranquil government of *two* provinces dependent upon the conduct of an assembly, from which more difficulty may be reasonably apprehended than is at this moment experienced in one ; and that it would leave the Protestant religion in *both* provinces dependant hereafter upon an assembly, of which a considerable majority would be Roman Catholic, for many years to come, probably for ever, as the bill now stands.— This result, though it might not in these days create such a sensation here as was occasioned by the apprehension of a similar mischief when the Quebec Act of 1774 was passed, cannot surely be foreseen with indifference, either in this country or the colonies.

If the government persevere in the measure, the *danger* at least of these results is incurred, and the certainty of much dissatisfaction. If they do *not* persevere, it is to be considered that the earnest friends of the Union will probably urge to the utmost their appeal in its favour to Parliament ; and it is not impossible, that some one of the very gentlemen who impeded the measure last year, may be induced to press it this session upon an alleged conviction of its expediency.

It might be difficult for the government to oppose now, what they have declared to be wise and necessary ; and it would be impolitic that the measure should appear to be ultimately carried, rather on the motion of the Opposition, than of his Majesty's Ministers.

There is a remedy within the power of Parliament for all these perplexities, in the adoption of a measure which is, indeed, connected with so much more extended views of colonial policy, that if, upon careful examination it shall be thought unwise in itself, certainly no circumstances of temporary embarrassment merely affecting the Canadas would justify a resort to it. At the same time, it must be granted, that if the reasons to be urged in its support are such as make it probable that they will at any time hereafter prevail with his Majesty's government, the assurance that it would in the most unexceptionable manner obviate every perplexity attending the Canadas, recommends it most strongly to immediate attention.

The measure alluded to is the uniting the *British North American Provinces* into one grand confederacy. It has of late years been suggested in various shapes from different quarters, but to be able to form an opinion of its probable *consequences*, as well as of its *practicability* it is necessary to descend to the details, and to propose the heads of a plan for that purpose without pretending to give them that definite form which can only be the result of much discussion and attentive consideration.

Nova Scotia, New Brunswick, including *Cape Breton, Prince Edward's Island, Lower and Upper Canada*, have each a legislature very similarly constituted; the number of representatives of the people in the respective provinces being from 25 to 50, and the powers

of the three branches united bring the same in all: fully adequate to make laws for the “peace, welfare and good government” of each colony.

These might be united in a confederacy of provinces to be called the “United Provinces of British North America,” or erected into a kingdom and placed under the government of a viceroy, the executive government and local legislatures of the different provinces remaining as they are, except that the functions of the latter would be necessarily confined to objects purely local.

A legislature might be constituted for the United Provinces, to meet annually at Quebec, as being unquestionably the most convenient and proper place for that purpose, and consequently for the seat of the vice regal government.

It might be thus composed—

The legislative council of three members of the legislative council of each of the provinces, delegated for that purpose by their respective governors.

The assembly of members

From Lower Canada 12

From Upper Canada 10

From Nova Scotia 10

From New Brunswick 10

From Prince Edward’s Island 6

Newfoundland might with propriety

be admitted into this union, and

have power to send 6

But as that Island has not at present a representative assembly, a special provision would be necessary respecting it.

The representatives from the other provinces might be chosen by the members of the respective assemblies *from their own body*, or by the people for that purpose, distinct from the provincial assemblies: in which case their qualifications might be raised above those necessary for the members of the local legislature: a provision which would be salutary in its effects, and could not appear unreasonable.

If it be thought that these numbers would not compose a body sufficiently partaking of the nature of a popular assembly they might be increased, preserving the proportions, and bearing in mind that an unnecessary extension of the number would be objectionable from the inconvenience consequent upon their attendance, and the expense it would entail upon the respective provinces if it should be found necessary to remunerate them.

The legislative body so constituted, it would be well to call in express terms a *Parliament*, that they may feel more clearly than some colonial assemblies have done, the propriety of abiding by the constitutional usages of the English Parliament, as well when the honor and interests of the Crown are concerned as their own privileges: It should have power to make laws (under the same restrictions however as the provincial legislatures are at present subject to) for *regulating the trade* of the several colonies with each

other, and the British dominions in general, and with foreign countries, *upon all questions of revenues* that may arise between any two colonies, as for example the late differences between the Canadas: *for the defence* of the province against foreign enemies by the proper regulation of the Militia: and also for securing them against any *seditions attempts* for preserving the public tranquillity: The power of enacting any law regarding *Religion*, or affecting any *religious sect*, might also be confined to the United Parliament, subject nevertheless to the very salutary checks imposed on legislation on this last point by the 31. Geo 3. ch 31. with respect to Canada.

To the legislature of each province might still be left the regulation of all such matters as are purely local, and affect only *its own* good government, with the power to impose assessments for parochial purposes, and even a land tax, or excise duties for the wants of their own province: but not to control or tax imports, or exports.

The power might be given of impeaching public officers of any of the provinces before the Upper House or this United Parliament, and confined expressly to them, by which means the provinces would have a tribunal more easily accessible than the Privy Council in England, and the public servant would be protected by being subjected to a jurisdiction superior to, or rather removed from the influence of any prejudice or factious clamour which might give him less chance of justice on a trial by the legislative council of the province in which he has served.

The importance of this provision will be acknowledged on recurrence to the attempts which were made in Lower Canada a few years ago to impeach the two Chief Justices.

It might also deserve consideration whether it would not be beneficial to constitute the same body an intermediate court of appeal.

Much care would be required in adjusting the fiscal arrangements that would be necessary to comport with this union: On the first impression—The course might be that accounts of receipts and payments should be furnished by each province to the parliament of the United Provinces: that the *crown revenue* raised in the several provinces should continue to be appropriated as heretofore; and that each province might charge the revenue received within itself from duties on foreign imports, with the amount necessary to maintain its *civil list*; *provided the same be settled by a permanent act*; the balance only of such revenue to be appropriated by the joint parliament.

Leaving this as a very hasty and imperfect attempt to define the objects and powers of the proposed parliament, it is to be considered.

1st. How this union of the provinces, or rather, taking the most respectable suggestion, their erection into a Kingdom of “British North America,” or of “New Albion,” would probably be received by the Inhabitants of those provinces.

2nd. The advantages that may be expected from it.

3rd. The possible evils and inconveniencies.

1st. The probable reception of this great measure of National Policy in the provinces.

It does not seem probable that any objection could be reasonably entertained against such a measure, and it is still less probable that any would be avowed: the tendency, and apparent design of it would be most flattering to the colonists.

It would elevate them into an important, and *really* integral part of the empire.

The interests of each would come into competition in the United Parliament upon equal terms, and all would be subject to an immediate control which might be conveniently exercised without injustice either in fact or in appearance to any.

The French Canadians of Lower Canada could not complain of such a measure, or, at least, they could not complain with reason.

They could not exclaim in that case as they may and as they do most vehemently now, that *they* being 400,000 in number are to be outvoted and controlled by the representatives of 150,000.

They could not but feel that any expression of discontent at a measure so equal in its operation must appear to the world so obviously to flow from unreasonable prejudices, that they could not, and would not, remonstrate against being placed on the same footing with their fellow subjects of the other colonies.

In their own internal economy each province would be left to itself, and enjoy its accustomed facilities of legislation, and while there is every reason to believe

that the union would appear to both provinces a measure above all others calculated to add to their respectability and security, there seems no ground to anticipate that any serious objection (to the principle at least) can be urged, or even felt by any of them.

2nd. The *advantages* that may be expected from it.

Of these some are obvious and may be regarded as certain.

If adopted, or even if avowed to be under consideration at the present moment it would most effectually set at rest the inquietude of the French population, and the apprehensions of the *anti-unionist* in both the Canadas, while it would as effectually, silence the importunities of those who from various motives and expectations are urging a measure of which it is to be feared they take a very partial view, and of which, in the opinion of some most conversant in the state of those colonies, the consequences might be at once perplexing to the government, very injurious to one province, and productive of no good to the other.

If the French Canadian influence in the assembly of Lower Canada may be justly charged with having been the cause of much public evil in that colony, that mischief would certainly cease on his Majesty's government having to deal, in all matters of importance which can bring them in contact with that province, with an assembly subject to no local influence, or national prejudice: the effect in this case would be certain, and obtained without injustice, or appearance of injustice: by the union of the two provinces the

desired preponderance would certainly not be attained for some years to come, and not without at least a very plausible ground of dissatisfaction.

The mutual claims of the two Canadas with respect to revenue and commerce, growing out of their relative geographical position could be very conveniently, and would, no doubt, be most justly settled in such a body, with every advantage of free discussion by the representatives of each province: a point of no trifling moment, when it is considered that these claims are of a nature most important to the provinces in question, and that they are never likely to be satisfactorily arranged between themselves: when these pecuniary questions are at rest, every source of disagreement between these two valuable provinces is closed for ever.

These good effects, it is conceived, *must* follow the proposed union; but they are partial, and therefore ought not, perhaps to be decisive.

Then are others and much greater benefits which it *seems reasonable* to anticipate.

The four continental colonies though not compactly situated, are not disjointed: they embrace a vast tract of contiguous territory around the Gulph and up the River St. Lawrence, and form a very considerable portion of one of the finest sections of America: they are qualified by climate and soil to sustain a numerous, and hardy population: they are improving rapidly in wealth, and taken collectively, they afford materials for an increase of prosperity and strength under the

protection of Great Britain, to which limits cannot easily be assigned,

Their peculiar situation seems to call for an union: they have a common interest, and are exposed to a common danger, which it is needless to enlarge upon.

Nova Scotia and New Brunswick, peopled chiefly by American loyalists have uniformly exhibited faithful attachment to their government, and the proper feeling and spirit of British Subjects.

The Lower Canadians have, in addition to their tried fidelity to our government, a determined hereditary dislike to the Americans, growing out of their old contests while the latter were British Colonists, and fortified by prejudices in favor of civil and religious institutions which they must be convinced would not be so indulgently respected by any other government as by that under which they have the happiness to live.

The people of Upper Canada have proved their loyalty under trials more discouraging than are likely to occur again.

It is therefore unquestionable that at this moment a proper spirit and feeling pervades the whole, fortified by a just pride in the part they took in the late conflict, and not a little animated by the resentment which the unprovoked invasion of their territory by their neighbours was well calculated to excite.

This spirit and this feeling could not, it is believed, but be strengthened and preserved, by making these provinces actually a part of the "*United Kingdom*;" by bringing nearer to their view the true nature and

spirit of those monarchical institutions which they sincerely respect, and which they wisely prefer to the boasted republican institutions of their neighbours. In due time, the semblance of monarchy might be made more exact. As the countries increased in opulence, and afforded the materials, distinctions of hereditary rank might be formed, which would add dignity and support to the government, and excite to honourable and patriotic emulation.

Such a system would show a conviction on the part of the British government of the importance of these colonies, and a determination to protect them; and it would confirm the most remote in their confidence of that protection.

Upon the policy of such a measure, as it regards the general interests of the empire, much more might be offered on both sides than can be properly discussed here. It is unnecessary to insist upon the expediency of adding, by every means, to the security of possessions which are peculiarly exposed to the attack of a foreign power; which Great Britain has already made great exertions to protect; and which it is impossible she can ever tamely suffer to be wrested from her. Nor need the advantage be more than alluded to, of possessing the colonies which it is proposed thus to strengthen by uniting them. They may now, it is true, be in some measure burthensome to the finances of this country; but, perhaps, in the employment they give to British shipping and to British manufacture, that burthen is even at present recom-

pensed; their importance, however, is in a great measure prospective.

The United States are *among* the most formidable rivals of this country, and must in time become *the most formidable*: there is certainly no power less friendly to the interests of Great Britain, whatever some persons in their affected liberality may pretend to believe; and it must be admitted to be a great point of national policy to preserve and strengthen colonies which will soon be abundantly capable of supplying to the West India Islands, and to the other dominions of Great Britain, all those productions which it might be the policy of the American Government to withhold from them, and which, in the event of a coalition between the United States and the Northern Countries of Europe for purposes hostile to Great Britain, it might be difficult, if not impossible to procure from other sources.

The union of these provinces would in fact contribute essentially to their strength, by placing whatever means of defence they might afford, against a foreign enemy, at the disposal of one body. A more uniform, and consequently more effective system might be pursued for the regulation of the militia; and the resources and strength, as well as the interests of each province, would be known to all.

It is also reasonable to suppose that such a measure would tend very essentially to preserve the public tranquillity. It would abolish factions in the several provinces, or rather it would render them comparatively

harmless: a turbulent party might succeed in misleading public opinion in one colony, but it could not by that means impede any important public measure, because its influence would not be known or felt by the assembly of the United Provinces.

The effect of the measure also as regards the trade of the provinces would, we must suppose, be salutary to them and convenient to this country. Retaining, as it now does, the power of regulating the foreign and intercolonial trade of these provinces, the Imperial Parliament could thenceforth exercise that power with more convenience, and possibly with more complete justice. It must have been felt hitherto, how perplexing it is for this country to decide between the conflicting interests of colonial trade. One colony solicits a relaxation, against which another remonstrates, and it is an invidious, as well as difficult task to determine between them. After the proposed union representations respecting their trade would come from the legislature of all these colonies, combined, consequently the operation of any desired change upon each province will have been previously considered, conflicting interests will have been openly discussed, and the *balance of good or evil to all combined* must have been ascertained in the assembly, most competent, from local information, to the task, before the Imperial Parliament can be appealed to upon the subject. All that can be invidious to any one province in particular, the colonies will thus share among themselves, and the decision of this country whether favorable or not must

be made upon a view of their general interests, and cannot be deemed partial.

3dly. But against these, and any other advantages that may be expected must be set, not merely the *probable*, but the *possible evils and inconveniencies* of the measure. It may be admitted that the Provinces in question have been hitherto firm in their allegiance; and indeed, that at this moment they are as loyally attached to the King's government as any portion of his dominions, is not *believed* merely, but *known* to all who have the means of judging.

Still, unquestionably, after what has happened in other colonies, an Englishman is entitled in his estimate of future prospects, to set out of view all ties of gratitude or allegiance, and to consider the course into which the interest of colonies may lead them, and not that which their *duty* should bind them to, as the line of conduct they are most likely to pursue: this mode of viewing the subject may be regarded by the colonies as unjust, or at least ungenerous, but perhaps, it is the only safe one.

It may be therefore objected to the measure proposed, that it would give the colonies the means of acting in concert against the mother country, and afford the same additional facility of throwing off their allegiance, upon any unfortunate disagreement, as of preserving it, so long as they may choose to remain attached to Great Britain.

There is weight enough in this objection to entitle it to very serious consideration.

It must be taken into account, however, that the colonies of the present day have no longer that pretence for impatience under the control of the parent state, which was the real or ostensible cause of the revolt of the American Colonies: their connection with Great Britain is productive of *unmixed* advantage to them: their commerce is not only relieved from inconvenient restrictions, but it is protected by the only power capable of protecting it effectually against the hostility of every foreign state; these *Continental* Colonies in particular are favored in their intercourse with other possessions of Great Britain, with advantages which no foreign nation could give them, and which they could not confer upon themselves. It is impossible then to foresee what they could gain by a change in their situation. As independent states the whole charge of their defence must devolve upon themselves, whereas, now, they are protected by the fleets and armies of Great Britain.

But the least examination of their position shews that they never could subsist, or hope to maintain themselves as *independent states*, because it is evident they never could protect their commerce. The outlet to the Ocean from both of the Canadas is by one channel, which the navy of any foreign power would be sufficient to obstruct, and therefore the naval ascendancy of Great Britain gives her as complete a control over those Provinces, as over any of her West India Islands. Indeed all the colonies in question are so situated as to leave them no rational hope of preserving their

independence by their own strength. Turning to the other view of the subject, and supposing all their national attachments extinguished, and their antipathy to their neighbours entirely overcome, how could their situation be improved by their becoming parts of that great republic ?

They would become liable to their share of the general burthens of the civil and military establishments belonging to the states of which they would form a part: they would lose the preference they now have in British and Colonial markets. More free they could not be; and instead of being *in fact* an integral, and when combined a very important portion of the British Empire, enjoying at the same time all the substantial privileges of independent states, they would shrink into comparative insignificance as the remote sections of a territory already too extended, and as unimportant, and unfavored members of a great confederacy in the councils of which they could expect to have little influence, and to the general policy of which they must expect their own interests to be occasionally sacrificed.

These matters are clearly understood by the colonists: they are content with their present situation; they look forward to no change, and it is reasonable to believe that nothing could tend more to confirm them in their present feeling than to add to their respectability as portions of the British Empire.

It is worthy of remark that the American Colonies were all separate governments at the time of their revolt; so that no argument against an union can be de-

duced from their history. On the contrary it is not unlikely that had they been before united in a general confederacy for the purposes of good government, as they afterwards were by the bands of faction where revolutionary feelings had gained ground, the violence of particular states would have been moderated by the more steady counsels of the whole united; the grievances complained of would have been openly and fairly discussed by persons of different tempers and politics; the British Government would have been able to judge earlier, and more soundly of the general feeling, and would have had better means of attempting an effectual reconciliation.

But without seeking to multiply arguments, it appears to be the most reasonable anticipation that the union of all these provinces, under one common legislature instead of endangering would bind more closely the allegiance of the whole. To the influence of the particular government of each province, that of the general government would be added, the factions or discontents of any one of the colonies could not afterwards obstruct any important measure, and it is not an immaterial consideration that with respect to Newfoundland and Prince Edward's Island, it appears next to impossible that any imaginable change of circumstances could make it *their* interest to detach themselves from the British Empire. It is, indeed, this last consideration, which appears to render safe, in a political point of view, this measure of a general union, while the prudence of the partial union, merely of

two contiguous provinces, both bordering on a foreign nation, may with reason be doubted.

But allowing the objection stated to be one of weight in contemplating the possible consequences, it may be said on the other hand, that it is an ungenerous and impracticable policy which would seek to hold countries in subjection by repressing their energies, and retarding their improvement; and that a security far nobler, and productive at once of honor, advantage, and strength, to the Empire and to the Colonies would be found in drawing more closely the ties which connect them: by allowing the Parliament of the United Provinces to be represented in the British Parliament by *one*, or two members, who should have power to propose and discuss measures, but not to vote, or to vote only on matters immediately affecting the colonies. It might be urged as a decisive objection to this completion of the system proposed, that it would be affording a precedent of a privilege which could not justly be afterwards withheld from any, and which it would be inconvenient if not impossible to grant to all the numerous colonies of Great Britain. But, perhaps, it would not be found impracticable to group the colonial possessions of the empire into six or seven confederacies according to their situations, and to allow to each of these confederacies a representative in Parliament. This *actual consolidation* of the British Empire would be at least a *grand* measure of national policy, and by allowing to the inhabitants of the most remote possessions of the Crown an opportunity of

making known their wants, their interests, and their dangers, in the great Council of the Nation, it would make them feel themselves as *parts*, rather than dependencies of the Empire: it would mitigate the irritation of colonial dissensions, and would make perfect, and general through the Empire, that knowledge of the situation and circumstances of the colonies, which it must be confessed, is at present incomplete and confined to few.

But it is perhaps prudent not to expatiate upon this idea, however attractive in theory: it may bring discredit upon the more moderate and reasonable proposition to couple it too closely with one which may appear to some dangerous and visionary.

To *recapitulate*. It is believed that to unite the British North American Provinces by giving them a common legislature and erecting them into a kingdom, would be gratifying to all those colonies: that it would add to their security, confirm their attachment to their present government, and make wider the distinction between it and the republican institutions of their neighbours: increase their respectability, give them a greater community of interest and feeling among themselves, and connect them more closely with the empire. That it would put an end to all danger and inconvenience from petty factions and local discontents, and secure the public counsels of all the colonies from foreign influence.

And lastly, that every object would be *certainly* attained by it with respect to Lower Canada, which

can be hoped for from the other and more partial measure; and without endangering the interests of the Upper Province, or exciting alarm in either.

On the other hand it is conceived that the only *danger* which can be feared from the union has been stated. But there may be some practical inconveniences still to be taken into account: for instance, it will be found difficult to settle the limits of legislation between the general and the provincial legislatures so as to avoid questions frequently recurring. Some stress too may be laid upon the difficulty of members assembling from such distant points, and upon the additional expence which will be incurred by this system. All these merit their share of attention, but they are certainly in their nature secondary considerations.

Perhaps it would be an improvement as the objects of legislation by the united legislature would be few, and general, to render it necessary for them only to assemble *triennially* leaving any more frequent calls to the discretion of the government.

As connected with colonial policy generally, it may not be irrelevant to add, that one strong recommendation of the proposed union is, that it would afford the British government the means of reducing more easily to a proper system, a practice which, in most of the provinces, has been the fruitful source of contention between the government and the people.

In this country, the civil list is voted during the King's reign, and the distribution of it for public service is left to the sovereign.

In some of the colonies, on the other hand, all the public servants have, for the sake of a saving, perhaps, much more than balanced by the evils that have followed, been left to look for their support to the *provincial legislature*.

The assembly do not fail to make their use of the advantage this surrender gives them ; they assume the right of providing for every public service *by an annual vote*, and of measuring the distribution among the officers of the crown, according to *their* ideas of propriety. This leaves the officers of government dependent upon their support, not on the faithful and upright discharge of their duty, but on the humour of a fluctuating body ; and gives them but too much occasion to compromise the honour and interests of government, by truckling to the popular feeling.— Thus the government cannot even safely reckon upon the independent and fearless support of their own servants. Another and a greater mischief is, that the government themselves are liable to be thwarted in their most reasonable measures, and to be compelled into improper compliances, by this power of the assembly to withhold, for the current year, the funds for the most ordinary public services, even the salaries of the Governor himself, his councillors, and the judges.

The consequences of this dependence have been severely felt in one province ; and really a colony is scarcely worth preserving under the inconveniences, the irritations, and constant embarrassments to the

public service to which it gives rise. The principle is unconstitutional, the system is productive of evil to the colony, and cannot be reasonably desired by the people, however tenaciously it may be vindicated by some of their representatives.

Sooner or later it must be changed. It is believed that it easily might, to a reasonable extent, and no more auspicious moment could be taken for the purpose, than the beginning of a new and more respectable order of things.

These suggestions are offered under a conviction that the proposed union could not be properly carried into practice but by considering *most carefully* the bearing it would have upon every department of the Colonial Administration, the alterations it would create, the improvements which it might be made the means of introducing into the fiscal, judicial, and legislative concerns of the several Provinces. The effect it might have in strengthening or dissolving the connection between the Colonies and Great Britain is admitted to be the point most important to be considered, and it is acknowledged that that effect may be regarded as so far doubtful that it would be unwise to adopt the measure in any other spirit than that of a fixed determination to pursue such a system of policy hereafter, with respect to the colonies, as would be necessary to give full effect to the advantages which may be anticipated.

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REMARKS

ON A

PLAN

INTITULED,

“ A PLAN FOR A GENARAL LEGISLATIVE UNION OF THE
BRITISH PROVINCES, IN NORTH AMERICA.”

LONDON :

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT.

1824.

REMARKS.

THE plan now referred to appears to be a revival, with some modification, and under a different name, of a plan framed by Dr. Franklin, as early as the year 1754, for a union of the old British Colonies, now the United States of America, under a general federative government, to provide for their defence, and the interests common to all of them. According to this plan, which was agreed to by commissioners from six of the colonies met in congress at Albany, and which it was proposed, should be established by an act of parliament, a general government for all the colonies was to be formed by delegates, to be chosen by the assemblies of the several colonies, over whom a president-general, to be appointed by the crown, was to preside. To this legislative body, to be called the grand council, was to be given the power—To lay all imposts and taxes for the purposes of the union—to raise and pay soldiers, and build forts for the defence of the colonies, and equip vessels to guard the coasts, &c. ;—to declare war against and make treaties of peace with the Indian nations;—to make laws to regulate the Indian trade, and respecting Indian purchases—to make new

settlements, and grant lands in the king's name, &c. Whatever may have been the merits of this plan, which was certainly objectionable in some of its details, there were obviously strong considerations for adopting it, or some other, for the purposes intended, in the then state of the old colonies. These were eleven in number, containing a population of between two and three millions, under separate legislatures, jealous of each other, acting under views of opposite interest, and incapable of combining their resources for their common defence against two formidable enemies, the Indian nations and the French, by whose incursions they were liable to be continually harassed, and by which they were even threatened with destruction. The expediency of obviating the evils arising from disunion and discord, by forming a general local government, to which the public concerns common to all the colonies might be entrusted, was very evident; and these concerns were then sufficiently various and important to furnish employment for such a government. The plan in question, nevertheless, was not adopted, nor was any other substituted in its place. It is now proposed that a similar plan should be acted upon, under very different circumstances, and with reference to very different objects: this plan is called a "Legislative Union." From this expression, it would not be easy to determine what kind of union was meant; but it is plain from the explanations that are given, that a union of the nature of a federative

union is that which is contemplated. The present local legislatures are to be permitted to subsist, and a general legislature, it is proposed, should be established for regulating certain public concerns, common to the several provinces. On this proposal, two questions occur.

1st. Whether the present state and condition of the British North American Colonies, are such as to require, or render expedient, a federative union of them, on any terms ?

2nd. Whether a federative union of these colonies would supersede the necessity of the proposed union of the provinces of Upper and Lower Canada, under one legislature ?

When five, and according to one statement, six, colonies are represented as qualified to be members of the proposed confederacy, the impression produced by this representation on the minds of persons unacquainted with the colonies referred to, is imposing ; and to relieve them from misapprehension, it becomes necessary to ascertain what these colonies are, as well as their state and condition, with reference to such a measure. The colonies in question are Lower Canada, Upper Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland. Lower Canada contains a population exceeding four hundred thousand souls, more than three fourths of which are French. ~~And~~ the population of Upper Canada may be estimated at upwards of one hundred and fifty thousand ; that of Nova Scotia, at one

hundred and twenty thousand; that of New Brunswick, at seventy thousand; and that of Prince Edward's Island, at thirty thousand. The inhabitants of St. John's Newfoundland, it is presumed, cannot exceed fifteen thousand; and the rest of the population, engaged in the fisheries, and merely transiently present there, can hardly be taken into account with a view to the measure in question. These two last possessions, from the smallness of their population, as well as from other circumstances, appear little qualified to become independent members of a confederacy of states. The Island of Prince Edward, so far from having claims to higher political importance, it is presumed, would gain by being deprived of a separate legislature, and by an incorporation with the province on the continent, to which it is contiguous,—New Brunswick; it being too inconsiderable to constitute a distinct government. Before Newfoundland could be admitted into such a confederacy, the policy which has hitherto been pursued with respect to it must be abandoned, and a local legislature be conferred on it; but if any change were adopted in the government of this island, it would perhaps be found most convenient to incorporate it also with the contiguous province on the continent. The only members, therefore, that could be added to the Canadas, in the proposed confederacy, are Nova Scotia and New Brunswick; to which it may be expected, the two islands just mentioned will hereafter be annexed. Between the Canadas

and New Brunswick there is absolutely no intercourse whatever ; an immense wilderness separates the inhabited parts of both, and they have no exchangeable commodities, admitting of any trade between them by sea. Nova Scotia is remote, is only accessible from the Canadas, by land, through New Brunswick, and keeps up a small trade with Lower Canada, by the Gulph of St. Laurence, in productions of the West Indies. Between Lower Canada and Prince Edward's Island, there is hardly any communication whatever : some trade between that province and Newfoundland has been maintained by the exportation of flour and biscuit to the latter. It is not easy to perceive in countries, having so small a population, so little advanced in improvement, and so situated with respect to each other, any circumstances that would require at this moment, the use of a political machinery so important and expensive as a federative government ; nor are there, in reality, any objects in respect of which such a government could find employment. In the proposed plan, it is suggested that the federative government would find occupation in regulating, and superintending, 1st. Religion, 2nd. Trade, 3rd. Taxation for general purposes, 4th. The defence of the provinces. Upon the head of religion, there is fortunately no call for legislation in the colonies : the wise principle of toleration which obtains there it could not be intended to infringe, and with it no new acts of the legislature are required. In the constitution of the Canadas, the legislatures

of those provinces have been wisely restrained from legislating on the subject of religion ; and it would be singular, indeed, to expect that the Imperial Parliament, with such views of policy, should give this power under any limitations, to a proposed federative government. With respect to trade, there is also nothing to require, or give exercise to the power of such a government. The external trade of the colonies has been, and will continue to be regulated by the Imperial Parliament : and the little trade now maintained between Lower Canada, and two of her sister colonies stands in no need of legislative provision. The power of taxation for the general purposes of the union, would, in the present state of the provinces, involve little more than the power to impose taxes to defray the expenses of the general government ; and, if exercised, would increase the odium attending the establishment of a government not required by the wants, and incapable of promoting the interests of the colonies. It is to be observed also that if the federative government were empowered exclusively to lay duties on importation, it would be attended with much inconvenience, as those duties, excepting what might be necessary for the purposes of the union, would be subject to appropriation by the local legislatures, and might exceed or be less than what the wants of each particular province would require. The most important subject of legislation for the proposed government—that of the defence of the provinces, could also be managed

by it with little or no advantage, in the present state of the colonies. The countries really vulnerable, and on which attack is to be apprehended are the Canadas ; but they are so situated as to be capable of deriving little or no support from their sister colonies. The position of the latter is so distant, their population and resources are so slender, and the means of communication between the continental provinces, by land, so imperfect, that it would be idle to institute a government, with a view of regulating and controlling their co-operation in the defence of the former. It appears plain, therefore, that there are, in reality, no useful or legitimate purposes to be answered by a general union of the British Provinces at the present time. Hereafter, when the population and resources of Nova Scotia and New Brunswick will have become more considerable, when the settlements of the latter will have approximated those of the Canadas, and when ~~th~~se under the influence of an improved system of government, to be produced by a union of their legislatures, will have acquired a common English character, with corresponding feelings, and will have cultivated a more friendly and intimate intercourse with their sister provinces, some form of general government for managing the interests common to all the colonies, and combining their resources for defensive and offensive operations, will, undoubtedly, become necessary : but in their present state, the establishment of such a government would

be altogether premature. It is imagined, in the proposed plan, that the immediate adoption of it would be agreeable to the colonists: it is not easy to conceive on what grounds this anticipation could be formed. If, as has already been shewn, there are at present no subjects to which the attention and power of such a government could be directed, and no practical utility could result from it, the colonists could not certainly be expected to be pleased with it; they would object to the measure as useless, and to the expense it would entail as being unnecessarily incurred.—They are also, it must be remarked, wholly unprepared for such a measure: it has not been thought of among themselves (except perhaps by a few official persons at Quebec and York, whose personal interests would be injuriously affected by the proposed union of the Canadas, who are hostile to that measure, and who may be partial to a general union as a substitute,) because it has not occurred to them that in their present state, it could be at all useful.—If they were informed that such a measure was in agitation, a feeling of surprise and dissatisfaction, it is believed, would be common to the Colonists generally. The French of Lower Canada, if such a confederacy were formed, would certainly not expect to enter into it upon terms of equality, as proposed, with Prince Edward's Island and Newfoundland, which ~~together~~ do not contain a domiciliated population equal to that of one of the towns of that province, or even with Nova-Scotia and New-Brunswick: they would expect

some regard to be had to the more numerous population, superior resources, trade, wealth, and importance of that province.—The population of Lower Canada exceeds that of all the proposed confederates put together: and it is no small objection to any immediate federative Union of the British Provinces, that this French province, as in its present state it may be called, would be entitled to, and could hardly fail to obtain an ascendancy in any general union that could now be established: thus most injuriously extending the French character and principles even into English colonies as yet free from such inoculation. The English part of the inhabitants of Lower Canada would not only be dissatisfied with the proposed general union for the reasons which have been mentioned, but would consider it, if intended as a substitute for the proposed union of Upper and Lower Canada under one legislature, as being in the highest degree illusory, and as extinguishing all hope of amelioration of their condition, and of the improvement and security of the country. It is strange indeed, that the authors of this plan should have imagined that any one of the evils intended to be remedied by a union of the Canadas under one legislature could be obviated by the proposed general union. As this is broadly asserted, it is necessary to go into particulars to disprove the assertion. The principal evils to be remedied by a union of the Canadas may, in general terms, be stated to be—1st. The inconveniences and differences in what respects

the raising of revenue by imposts, and the apportionment of it between the two Provinces. 2d. The composition of the legislature^{UP} of Lower Canada, as being French in character and views, as excluding the English part of the population from a fair participation in it, and as discouraging the settlement of the colony by native British subjects, and retarding its improvement. 3d. The alienation of the two provinces from each other, under the present system, and the tendency of it to render Upper Canada American in principle and character, while Lower Canada is made to continue unalterably French. 4th. The diminished capacity of the Canadas, in their divided state, to resist foreign aggression. 5th. The obstructions to improvement arising from the divided authority of two local legislatures.

The first of these evils would not be affected by the proposed measure. The essence of this evil consists in the revenues of the Canadas, under the present system, requiring appropriation, by two independent legislatures; hence the necessity of an apportionment between the Provinces, with the consequent inconveniences engendered by it. If the power of laying duties were given exclusively to the general government, yet as the local legislatures would alone be competent to appropriate the revenue derived from them, the same germ of dispute between the provinces, which is now found so troublesome, would still continue: it would still be necessary to settle the proportions to which the provinces respec-

tively would be entitled: there would be the same conflicting pretensions, the same jealousies, and heart-burnings, as at present. The power of determining these proportions, would not seem also to fall properly within the province of the general government: and if it were to be attributed to it, that government, in which Upper and Lower Canada would be both judges and parties, would not seem well qualified for its exercise. Considering how unequal the demands of the several Provinces for revenue for the public service must be, there would also be great inconvenience in giving to the general government the exclusive power of laying duties; and Nova Scotia and New Brunswick might be expected to complain of being subjected to this inconvenience for the purpose of palliating the evils arising from the unnatural division of Upper and Lower Canada. Indeed, the proposed plan of a general union, so far as it professes to provide a remedy for the differences between Upper and Lower Canada, is calculated to make the inconveniences arising from these differences extend to the other British Colonies, and injuriously shackle them, for the purpose of palliating evils foreign to them, and which might be easily extinguished by the removal of their cause. The second of the evils above enumerated would not be in the most remote degree influenced by the general union. The principles of internal government acted upon by the legislature of Lower Canada, and the manner of exercising its power, now so much complained of, would still continue

their injurious influence, as the composition of that body would remain the same, and every thing relating to the internal economy of the province would depend on its will. The prospect of any assimilation between the French Canadians and their British fellow subjects would continue as hopeless as at present ; the discouragements to emigration and the extension of British settlements would remain unmitigated, and the English part of the population, with its claims to consideration from number, intelligence, enterprise, commercial weight and importance, and its wealth, would continue to be deprived of any influence in the legislature. In such a state of things, this latter population could not be expected to find much consolation in the existence of a general government without any objects to employ it, and altogether incapable of affording any relief as to the grievances now adverted to. It would have been well if the authors of the plan of a General Union in opposition to that of the Union of the Canadas, before exerting their influence adversely to the latter, had considered what prospect there could be of improving the resources and strength of the Canadas, and rendering them capable of resisting a Foreign enemy, under a system tending to alienate so important a part of the population from the government and to prevent its increase!—It is equally plain that the other evils above stated would not be counteracted by the proposed general union, as the power of the general government could not exert itself on any of the causes

that now produce those evils. The estrangement of the two provinces from each other would continue to increase under their separate legislatures, by which an opposition of interest, and hostility of feeling in the two countries would be fostered and maintained, leading to a connexion of Upper Canada with the United States at no distant time, and the necessary subjugation of Lower Canada to the same power, from its incapacity singly and alone to resist it. In the mean time, the progress of both the Canadas in improvement would continue to be retarded with the consequent diminution of their value to the parent state, from the inability of their two separate legislatures to legislate adequately for them. The general government, if instituted, could only be a tranquil spectator of these evils. In the proposed plan, it seems to be assumed that the difficulties which have been experienced with regard to appropriations by the colonial legislatures, would be prevented, by the establishment of a general government. As the local legislatures would continue to subsist, and would of course be alone competent to make appropriations for the internal government of the several colonies, no advantage would certainly be obtained on this head;—on the contrary, the executive government would have another popular assembly to deal with, in the delegates from the several assemblies, by which the appropriations for the general government would be made. So that any embarrassments that may have proceeded from this cause would receive addition

instead of being diminished, by the proposed plan. To induce a more favourable attention to the plan of a general union, it is alleged, in general terms “ that “ the consequences of a union of Upper and Lower “ Canada might be at once perplexing to the govern- “ ment, very injurious to one province, and productive “ of no good to the other.” General assertions are easily made, and not unfrequently without any sufficient reason to support them, sometimes in good faith, and at others for the purpose of misleading,—*Dolus versatur in generalibus*. It would have been highly desirable on this point, that some particulars to sustain the general proposition had been specified. It is believed most confidently that it would be impossible to state any *one* particular in respect of which the union of the Canadas would be injurious to *either* of the provinces, though it might be so to local and personal interests ; and it might be easily demonstrated that, besides remedying inveterate evils peculiar to one of them, it would be productive of the greatest advantages to both, and is indispensably necessary to secure the continuance of their connexion with the mother-country. With respect to the executive government, the tendency of the measure, it is conceived would be rather to relieve from, than add to perplexities. Upon this head, Lower Canada, as being the most important of the provinces, from which a proper tone and spirit ought to be communicated to the others, and without which these could not be retained, nor would be worth retaining, in subjection, must be

referred to as the principal object in view. Now it is impossible to conceive a government more beset with embarrassing and perplexing circumstances than that of this province, arising from the diversity of its population, national and religious prejudices, and the composition of its legislature. The evils generated by these causes are proved by the experience of each successive year, and are becoming more and more troublesome to the executive government. The effect of a union would be to furnish a legislature without violating any principle of justice, that would harmonize with the other branches of the government, that would pursue a course of policy dictated by the interests of the parent-state and those of the colonies, and would secure to itself the respect and confidence of the entire population, by the enlightened and useful exercise of its power. It must certainly be more easy and agreeable for the executive government to deal with such a legislature, than that which now exists. The number of the members of the popular branch of the government by the proposed arrangement, it is true, would be increased; but although this has been adverted to as an objection, there does not appear to be any weight in it. The assemblies as they now subsist, are too numerous to be affected by any influence of the executive government; and from the nature of their composition are more subject to the operation of party spirit and prejudices, than the more enlarged assembly of the Canadas united would be. It might reasonably be expected that the

majority of the latter assembly, from its more enlightened character, from its being less under the influence of the feelings just mentioned, and from more wealth being embodied in it, would be governed by a regard for the public interest, and so far from perplexing the conduct of the executive government would facilitate the discharge of its important duties. There is no reason also for supposing that the greater weight and influence of the united legislature would militate against the continued subjection of the Canadas to the parent-state. The union of these provinces, while it would most usefully produce in the minds of the inhabitants a sense of increased importance, would strengthen their aversion to American subjugation, and make them anxious to draw tighter the bonds of connexion with Great Britain, as the only means of escaping that evil.—In the proposed plan, more importance seems to be attached to the allaying of a supposed inquietude in the French population, and the anti-unionists, as they are called, than any feeling of this description warrants. In Lower Canada, there have been no anti-unionists among the English inhabitants, except a few officers of government, and an inconsiderable number of other persons resident at Quebec, some of whom were averse to it from a disapprobation of two or three clauses in the Union Bill, and some Irish Roman Catholic emigrants. The French Canadians in their opposition to a union acted under a momentary excitement produced by the same clauses, which has long since subsided. It may

even be now asserted that the more intelligent and respectable Canadians, including persons who were foremost in the opposition to the union, are no longer opposed to that measure, provided it receive modification in two or three of the proposed clauses. They now deem a union expedient even with reference to French Canadian interests; and on this ground, that without it there can be no prospect of the Canadas escaping American dominion; whereas, with the increased strength they would derive from a union, they might expect for a long period to preserve their connexion with the parent-state. Without a union, the laws, religion, and language of the French Canadians would be at the mercy of an American democracy, and must soon be prostrated; with it they might be exposed to be gradually impaired; but, under the legal guarantees they now possess, and the protection of the Imperial government, they would be substantially safe. In approving of a union, therefore, the more intelligent of the French Canadians consult the interest of their countrymen, and there can be no doubt that the view of the subject which has now been mentioned will soon prevail universally among them. In Upper Canada, the opposition to a union was in a great measure produced by momentary excitement, originating in mis-apprehensions of the measure and promoted by interested individuals. Sober reflection has destroyed the erroneous impressions which had been received; and it may be expected that the union will be acceptable in that province, except

in some places where it will militate against local and personal interests.

Upon the whole, a dispassionate consideration of the subject, it is presumed, must lead to the conclusion that a General Union of the British Provinces would not at this time be expedient, but would be prematurely adopted ; and that such a measure, if resorted to would not in any way supersede the necessity of the proposed union of the Canadas under one legislature. but, on the contrary, the latter measure ought to be considered as preliminary to the former.

London, 8th April, 1824.

OBSERVATIONS

ON THE POLICY OF A

GENERAL UNION

OF ALL

THE BRITISH PROVINCES

OF

NORTH AMERICA.

LONDON

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1824.

OBSERVATIONS, &c.

SOME of the most enlightened men of both the Canadas, and I believe in the other provinces, have for many years considered a general Union of the British territories in North America a measure of the greatest importance; and not only highly expedient, but likely to produce the most beneficial results, both to the colonies and to the parent state.

The policy of such a measure had frequently engaged my attention, before the Union of Upper and Lower Canada was projected; but since that has been in agitation, I have set myself to examine it more minutely, and it certainly appears to me, that every argument that can be adduced in favour of the partial, applies with much more force to the general Union, and that the probability of its success is much better founded. Indeed, many persons of great intelligence are apprehensive that the advantages expected from uniting the legislatures of the Canadas will not be realized, and their dislike to the measure arises not from its principle, which is certainly good, nor from any personal or selfish motives, but from the fear the collision of parties will be so great, and so nearly balanced, as to paralyze any effort to promote the prosperity of the provinces.

A communication was made to me, while examining the subject of the general Union, by a respectable gentleman of Quebec, enclosing a scheme from the chief justice of Lower Canada, shewing its expediency, and pointing out what he conceived to be the necessary details.—Not having this scheme fully in my recollection, I cannot remark particularly on its contents ; but with much to praise, it appeared to me too confined in its views, and to propose too small a number of members for the general legislature, to enable it to assume that dignified position which it ought to maintain.

As this scheme was sent for my opinion and remarks, I was going to state them at more length, when the Attorney General returned from England, and shewed me a paper which he had drawn up on the general Union, which appeared to me superior to any thing that I could write upon the subject. As the paper is, I believe, in the possession of government, I shall confine myself to a brief outline of the constitutional powers to be conferred on the legislature, subjoining a few of the advantages which are, in my opinion, certain to follow its adoption.

This outline, with Mr. Robinson's eloquent elucidation, will, it is hoped, present a tolerable view of the subject in all its bearings.

In regard to Major Wilford's paper, it contains much good feeling, and is highly creditable, but the subject matter has been more than anticipated, except our immediate danger from the United States,

of which I am not at present apprehensive. But as it is a danger which will be felt so soon as Great Britain is fully employed, I submit a very few observations on its nature, and the means of checking it, as they are not commonly entertained, nor foreign to the subject.

The United States of America can only become formidable to this country as a Naval power, but so long as we retain our North American Provinces, we possess the means of checking its growth, and of preventing it from becoming dangerous.

The basis on which the Naval power of the American States rests, is much narrower than is commonly apprehended. Her nursery for seamen is confined to part of her coast, and to her fisheries.—The coast alluded to stretches from New York, to the River la Croix, where the British provinces commence; now this is not half so extensive as the coast which Great Britain still possesses, namely, the coast of New Brunswick, Nova Scotia, the Gulf of St. Lawrence, Labrador, and Newfoundland. The Eastern or New England States occupy this coast, and supply all the sailors of the United States; for you can hardly find one in any vessel, who is not born north of New York. Hence, if we examine the crews of American vessels, merchant or national, we seldom find a man from the States south of the Hudson, the inhabitants of which are, from inclination or habit, averse to becoming mariners. This accounts for the vast number of Foreigners always to be

found navigating American ships; comparatively speaking, they have few native sailors, and are therefore obliged to have recourse to Europeans, and chiefly to English, to complete their crews. The fisheries which they are permitted to carry on along the coast of the British provinces, and on the bank of Newfoundland, produce more seamen to them than all their other navigations; nevertheless, the number from both sources is quite inadequate to the manning of an extensive navy.

Were the United States in possession of the British provinces, this matter would be quite changed; for then they would possess a more extensive coast than Great Britain, and the finest fisheries in the world on their very shores. But as things now are, we have only to consolidate the provinces, in order to produce greater enterprise, and by judicious regulations to encourage the fisheries among our own people. Every advantage is in our favour,—we can dry our fish upon our own shores, and with such convenience, that many of our fishermen may sleep in their own houses every night. It only requires a strong government, to induce capitalists to invest their money in the fisheries, by which they would become so great gainers.

The magnitude of the fisheries, and their importance to the United States, not merely as a nursery for seamen, but as a source of revenue and of annoyance to their enemies, are well known. At the commencement of the revolution, the Americans had

15,000 fishing vessels, most of which, on the breaking out of the war, were transformed into privateers, to prey upon our commerce ; and with such effect, that they captured nearly one-fifth of all the merchantmen belonging to Great Britain. Last war, the effect was similar, and the loss during the first eighteen months very considerable.

But were there a government of sufficient weight and ability to take advantage of its territorial situation, and to call forth its resources, the coast of Nova Scotia would be covered with fishermen, who could follow their business with much more convenience and advantage than the Americans, and by selling cheaper, first rival, and then excel them in this traffic, which would at length become a nursery of seamen, capable of checking the Naval power of the United States on their own shores, where it is most vulnerable, and this without any expense to government.

SKETCH OF A CONSTITUTION
FOR
BRITISH NORTH AMERICA.

1st. The legislative powers herein granted shall be vested in a general assembly or parliament of the British provinces of North America, consisting of the Governor, Lieutenant Governor, &c. &c., a legislative council, and house of assembly.

2d. The legislative council shall be composed of members, to be chosen by the Governor,

Lieutenant Governor, or person administering the government of the several provinces, from their respective legislative councils, and to continue for a like period as the members of the house of assembly.

3d. The house of assembly shall be composed of members, chosen by the provincial assemblies, from among their own members, during the first week of the first session of each parliament, and to continue four years, or the same time as the inferior or provincial legislatures.

4th. The general legislature or parliament, shall have power

To levy and collect taxes, duties, imposts and excises—

To pay the debts, and provide for the general peace and welfare of the different provinces.

To establish uniform commercial regulations between the different provinces, and between them and foreign countries, provided the same be not repugnant to the laws of Great Britain.

To establish uniform laws of bankruptcy through all the provinces.

To determine all disputes or questions of revenue that may arise between the provinces.

To regulate the navigation of rivers and lakes common to two or more provinces, or common to any province or provinces and a foreign power.

To open internal communications for the general advantage, such as roads, canals, &c.

To provide for calling forth the militia to execute the laws, to suppress insurrection, to repel invasion, and to adopt and establish a uniform system of militia laws.

5th. This general legislature shall not have power to tax any articles exported from any colony; nor shall any preference be given, by any regulation of commerce or revenue, to the ports of one province over those of another; nor shall the vessels of one province pay duties in another.

6th. All bills for raising revenue shall originate in the house of assembly, but the legislative council may propose or concur with amendments, as in other bills.

7th. There shall be a Court of King's Bench, to take cognizance of causes respecting the breach of the union laws, and controversies between the inhabitants and foreigners.

8th. This shall likewise be a court of appeal from the provincial courts, whose decision shall be final. All papers and proceedings to be in the English language, not only in the superior, but in the inferior provincial courts.

9th. Full faith and credit shall be given in each province to the public acts, records, and judicial proceedings of the other provinces.

10th. The inhabitants of each province shall be entitled to all the privileges and immunities of inhabitants of the other provinces.

11th. A person charged in any province with

treason, felony, or other crime, who shall flee from justice, and be found in any of the other provinces, shall, on demand of the executive authority of the colony from which he fled, be delivered up to be removed into the province having jurisdiction of the crime.

12th. The portion of the revenue, at the disposal of the parliament for public purposes, shall be the surplus after defraying the expense of the civil governments of the respective provinces, which shall be settled, after due consideration, by a general enactment

Several other powers, such as that of impeachment in certain cases, restraining the provincial legislatures from emitting bills of credit, passing any law impairing the obligation of contracts, or imposing duties on imports or exports, &c., might be conferred on the general Parliament.

ADVANTAGES.

The advantages resulting from this general union, possessing the liberal and free constitution which has been briefly noticed, are many and important; we shall mention a few of the most obvious.

Such an Union would connect the different provinces so intimately as must ensure a community of feeling as well as interest, and so carry the popular voice along with it.

The number of members, being comparatively few, could be more easily managed, and being composed

of the most intelligent men from all the colonies, a more liberal policy would be adopted in their proceedings than can be expected from the provincial legislatures.

A seat in the legislative council or assembly would become a very great object of ambition, and success would produce nearly the same effect in aspiring young men, as a title in Great Britain.

The superior legislature would be naturally attached to the parent state as a link of connexion, and being composed of eminent men, their good sense and future hopes would induce them to value this advantage as the palladium of their safety and civil rights, the source of their prosperity and future prospects. At all events, the upper house can be so modelled, as to be always in the interest of the mother country, and thus prevent any bad laws from passing.

This Union, by consolidating the resources of the provinces, and directing them with unity of design, would become a great barrier against encroachments from the United States; a new field of laudable ambition for the youth, much beyond any thing now before them, would be opened; hence a love of their country would be strengthened, and the united provinces, from the growing attachment of their population, would daily become more formidable in war, and respectable in peace.

In regard to the province of Lower Canada, the feelings and apprehensions which at present distract

its peace, would gradually subside, without any disagreeable struggle. The Canadian character would, by degrees, sink into the English, without irritation, for they could never expect to acquire a paramount influence in a legislature of which they were only a component part. And as the language of the parent state would be the language of the superior legislature, in its proceedings, debates and laws, every man wishing to attain eminence must study to acquire it.

The great ease with which the colonies would be governed is not the least advantage.—All communications of importance would be from one, instead of five governments; and the little details, at present so perplexing, would find their solution from the superior government.

At present the Colonies are very liable to become estranged from each other, and to adopt different views respecting their own interests and the communication with Foreign States. The Union would cure these evils by preserving inviolable the interests of each, and adopting a uniform rule for all, in their intercourse with foreign powers.

The connexion between the North American colonies and the West Indies would soon become more intimate; commercial interests would no longer be confined to one province, but would range through the whole; and Halifax, instead of being almost unknown to the Canadas, might soon become a place of general depôt, and the port at which Canadians

might often embark for England, instead of proceeding by New York.

Indeed, the liberal commercial policy now adopted by the mother country cannot be rendered so beneficial to the colonies in their present disjointed state, as when united in their views and interests.

Another advantage of great moment is the greater influence of the established church; for by the provincial laws of New Brunswick and Nova Scotia, this church is recognised as established. Consequently, the Church of England having a decided majority in three of the provinces, the paramount influence of the Roman Catholic religion in Lower-Canada would be the less dangerous.

OBJECTIONS.

It may be said, that such a general legislature might become the focus of rebellion, and give unity and consistency to any attempt against the parent state, were misunderstandings ever to arise.—Now, it appears to me that this is far from probable; if such misunderstandings are confined to one province, or even two, the general government can judge of them impartially; if the misunderstandings are general, then the imperial government would attend to a representation from so respectable a body. It appears very probable that had there been a general government in America, the revolution never would have happened, for information from such a body would have been depended upon, for the members

coming from all parts of the country would have presented a more accurate account of the public mind.

But it may be apprehended that such a government might connect itself as an ally to the United States, or become part of that vast republic. This general government, like every other government, would look to its own interest, and attend to the continuance of its power, which would best be promoted by remaining faithful ; since Great Britain has much in her own power to give, and consequently much to take away, and has hitherto been felt only by acts of kindness. For the general government to join the American states would be to sign its own destruction ; and to become incorporated would be still worse. The inhabitants of British North America are quite sensible that they could gain nothing, but would become great losers, by attaching themselves to their neighbours ; in truth, their vanity, their interest, their patriotism, forbid such a junction.

But difficulties may arise between the general government, and the provincial governments. -

Such can produce little effect ; the interests at issue will undergo a liberal discussion in the general parliament, and as the members which compose it are sent by different colonies, they will be naturally jealous of their rights and privileges, and will not suffer injustice to be done to any particular province, as the next case, were a precedent once made, might be their own.

It may be said that the general legislature would have nothing to do.

The business might, perhaps, for a few sessions be very soon despatched, but in a short time it would greatly accumulate.—In truth, many things of the utmost importance would immediately engage its attention ; for even those, who state this as an objection, are ready to admit that the general Union will become necessary in a few years.

It may be said that the court of King's Bench, belonging to the general government, cannot become a court of appeals for Lower Canada, because its members would be ignorant of the law.

The feebleness of this objection must appear from the fact, that the chief justice of Lower Canada, with the exception of the present, has commonly been a Lawyer from the English Bar.—Mr. Osgood, Mr. Elmsley, Mr. Alcock, &c. Moreover, appeals from the Scotch courts to the House of Lords, where the opinion of the Lord Chancellor, an English lawyer, generally prevails, are finally decided ; and yet the Scotch law is different from the English, and similar to that of Lower Canada.

But it may be urged, that a general Union meets not the principal difficulty, which is to make the French of Lower Canada gradually English, and to give to the English population a just share of political power.

A short enactment ordering the law-proceedings in the legislature and courts of justice of Lower

Canada, to be in the English language, and in no other, would produce these advantages much sooner than by simply uniting the two provinces.—Moreover the vast influx of Emigrants under such a general government, would shortly of itself give sufficient rights in Lower Canada to the English population.

There appears perhaps nothing in the shape of a serious objection to the general Union, though most unquestionably many difficulties will present themselves in its details; but not, it is presumed, greater, than must be surmounted in joining the two Canadas. Seldom does it occur in the progress of legislation, that a measure pregnant with such grand and beneficial results is required; and if the great William Pitt considered the constitution which he conferred upon the Canadas one of the glories of his life, what glory may be expected to redound to the Statesman who gives a free constitution to all the British North American Colonies, and by consolidating them into one territory or kingdom, exalts them to a nation acting in unity and under the protection of the British empire, and thus preventing for ever the sad consequences that might arise from a rival power, getting possession of their shores.
