

ACT OF THE UNION.

THE BRITISH CONSTITUTION AND HOME RULE.

Mr. Patrick Morris on Canada—The Government of These Colonies—The Practicability of a Local Legislature for Ireland—The London Times on Pitt and Castlereagh—Adam Smith on Scotland—Hume's Opinion on the Balance of Power—Conclusion of Our Series on the Act of the Union.

A person might suppose, after reading these extracts from the report, that the evil Genii who have so long presided over the whole machinery of Irish government had taken advantage of Mr. Wilmot Horton's emigration scheme, so popular in the first days of the thirties, and come over to Canada to bless our country with their favorite system of legislation; and that they had brought in their train Dublin Castle of unsavory odor, the Bible Society, the Kildare Street Society, "Judas" Chamberlain, "Bully" Saunderson, "Obese" Salisbury, "Lanky" Balfour, with a plentiful supply of law officers, grand and special jurors, secretaries, aid-de-camps, the crowbar brigade, with bailiffs *et hoc genus omne*.

The consequence of the unconstitutional and ill-advised measures of Lord Dalhousie was universal discontent throughout the Province of Canada, and complaints and remonstrances to the Government of England. To pacify the people of Canada, who were almost driven to open rebellion, Lord Dalhousie had to emigrate to India, and Sir James Kempt was appointed Governor in his stead, from the subordinate Government of Nova Scotia.

The following extract of a speech delivered at the Catholic Association, on the 16th January, 1829, by Mr. Patrick Morris, on the then disturbed state of Canada, will be read with genuine pleasure by Irishmen and Canadians alike. It will show the feelings of the great O'Connell and the members of his association on the treatment meted out to Canada by the minions of Downing Street, domiciled in the city of Quebec.

"In the late war the Canadians proved themselves, by their loyalty and bravery, worthy of the confidence reposed in them. The American invaders were driven with disgrace from their territory. No man will deny that Canada was then preserved by Catholic loyalty. Of late we have heard many complaints from the people of the Canadas; the local Government, by some infatuation scarcely to be accounted for, has attempted to act against the declared and just opinion of the people, and thereby has endangered the safety of that extensive portion of the Empire. A great change has taken place. Sir James Kempt, late the able and enlightened Governor of Nova Scotia, has been transferred to the Canadas; he has commenced his career under the most favorable auspices, and found able and enlightened minds in Catholic Canada. Those constitutional privileges which the Catholic Parliament inflexibly contended for will, no doubt, be ceded to them. They are worthy of them. Worthy sons of worthy sires, their just rights must not be withheld. Their new Governor will continue to act on the same enlightened principles which gave such lustre to his government of Nova Scotia; and, without pretending to be a prophet, I anticipate that we shall hear no more of the dissatisfaction of the Canadas, nor will a murmur of complaint be heard from her loyal Catholic people."

Let the state of Canada at the time Sir James Kempt retired from the government be compared with its state when under the rule of Lord Dalhousie, and the favorable effect of Sir James's administration on the people and country will at once be acknowledged.

We have wandered too much from the subject we were endeavoring to elucidate when we entered into this long digression on the state of Canada. Our object was to prove that it was consistent with both the ancient and modern practice of the Constitution to grant to the Colonies all the power of local legislation. We have brought our review down to the year 1830, and must be considered as speaking of that period for some time yet. All the English Colonies in North America, (A. D. 1830,) with the excep-

tion of Newfoundland, have the power of managing their own affairs in their own way, only subject to the general laws of the Empire. Prince Edward Island, with not more than thirty thousand inhabitants, and Bermuda, with only twelve thousand inhabitants, had their little Parliaments. Would Canada have given up the advantage of her local Parliament for the honor of sending eight or ten members to the Imperial Parliament? Would not such a Union be the giving up of the substance for the shadow? We have said enough on this subject to prove that it has been the constant and invariable practice of England to grant all the powers of local legislation to the countries subject to her dominion. It was exercised in Ireland before the Union; it is even now exercised, but in a most objectionable and degrading manner; and it has been exercised by the Colonies since their establishment to the present day.

Had we space we would like to give a sketch of the Canadian Constitution from the days of Lord Aylmer down to Confederation; but as that portion of our history is well known to our readers, it would only load our article unnecessarily.

If we understand the object of those Irishmen who are seeking for Home Rule, they look for no more than to be placed, as respects their localities, on the same footing with the English Colonies. We shall now endeavor to prove how easy and practicable it would be to establish in Ireland a local government—and that, in doing so, it would not be necessary to any new, wild, or visionary theories, but only to return to the old, tried, and approved practice of the Constitution. The materials are at hand—a little worse, perhaps, for want of use—but Ireland has the staff of government, and all that is required is the animating breath of Royalty to raise them into life and activity. The most expensive portion of the materials necessary to rebuild the shattered edifice of the Constitution is at hand, and ready at a moment's warning. She has the representative of majesty, in the person of the Viceroy, the Secretary of State and his Assistants; the Privy Counsellors; the Lord Chancellor and Judges; the Attorney-General and Solicitor-General; and other law officers of the Crown; Lords and Bishops in plenty; Commons everywhere to be found, looking on with a pathetic indifference at their estates wasting away.

Is there, we ask, in nature a being more truly to be pitied than an Irish Duke, Marquis, or Lord? He is deprived of the hereditary rights of a Peer—he cannot claim the constitutional privileges of a commoner, in the country of his titles and his birth,—he is suspended between heaven and earth, like Mahomet's coffin; like the fallen angels, he is hurled headlong from the heaven of the constitution; or, to take a more earthly view of him, he may be seen wandering through the world, like a half-famished ghost, fed by the heart's-blood of the miserable people whom he commits to the care of ravenous wolves, who often devour the hand that feeds them, when they have not other prey; the arms that are blazoned on his escutcheon are evidence of his own and his country's degradation.


Let, then, the Irish Peer and the Irish Commoner be replaced in their proper station—in the station the constitution intended for them. Could the management of the local affairs be placed in better hands? Will not every interest in the country have ample security—the landed, the religious, the manufacturing, the trading, and the agricultural, would all be fully secured. We are then at a loss to guess what sound objection can be made to the establishment in Ireland of a domestic government, armed with local powers, and acting subordinately to the Imperial Government on all Imperial subjects, with the country fairly represented in the Imperial Parliament. Possibly the present number of representative Peers and Commoners would be almost sufficient to guard and protect Irish interests in the Imperial Legislature. We would not so particularly contend for a full proportion for Ireland of Lords and Commons in the Imperial Parliament, from the strong conviction we are under, that there is no disposition on the part of the general government to oppress Ireland; and (what is of more weight to us) that it is not, nor can it ever be, by any possibility, their interest to do so. The adoption of such an equitable system, we are thoroughly convinced, would soon allay every symptom

of discontent, bind Ireland indissolubly to England, render her the firm bulwark of the empire, bring forth her dormant and inexhaustible energies, promote her industry, and adequately secure the liberty and happiness of her people.

We have, in the preceding articles, endeavored to prove, that reconsideration of the existing Union, and the establishment of a domestic Legislature, subordinate in all universal questions and sovereign in all local concerns, would be the best means to secure permanence to the connection with Great Britain; and that such an arrangement, founded on terms of reciprocity and mutual advantage, would be a Union that must afford satisfaction to all. We shall consider ourselves extremely fortunate if we have succeeded in proving these questionable political problems. We know, if we have failed, it is not from lack of arguments or from a deficiency of materials, but rather through a want of ability to make use of them. None living is more anxious to promote the Union of England and Ireland than we are; we believe from our heart that it is necessary for the interest, for the political existence of both; but the Union now is not that which we or any honest man would wish to promote. We believe it to be a mill-stone round the neck of England, and that it is an incubus on Ireland, crushing her vast energies to the dust. No amount of special pleading—no opinions however respectable—even supported by the beloved name of Grattan, will convince the Irish people that the present Union is irrevocable. They can never forget the period at which it passed, or the awful and tremendous preparations that were made for it—a general rebellion, attended with more than the horrors of civil war—the Habeas Corpus Act suspended—the country from one end to the other in one general conflagration—the wretched people, having scarcely time to fly from the devouring flames of their own dwellings, cut to pieces by a horde of German and Hessian mercenaries, by an undisciplined soldiery, and by a still more ferocious yeomanry, "formidable," as was said by the gallant, humane, and illustrious Abercromby, "to all but the common enemy"—the gallows, the triangles, the rack and the pitchcap satiated with their victims—the daughters of the virtuous matrons of Ireland, violated in the face of day—the infants torn from their mothers' breasts and pitched from bayonet point to bayonet point by demons wearing the livery of England—the prisons thronged to overflowing—the bones of thousands of the victims left bleaching in the green fields of their own country! This rebellion, if not hatched, was evidently fomented and connived at, for the especial purpose of carrying the Union—and such was the time, when the Isle was "frighted from its propriety," that Pitt seized upon to carry the measure.

"The means resorted to (says the Editor of the London Times) by Mr. Pitt, through Lord Castlereagh, for gaining over the majority of the Protestant Irish Parliament, exhibited corruption in its most gigantic and revolting form." Is, then, a measure confessedly carried by force and corruption, and baptized in rivers of innocent blood, to be considered for ever irrevocable? Would it derogate

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from the dignity of the Government—would it not, on the contrary, display wisdom on their part—to throw open the contract, to reconsider it? The Union, no matter what may be said to the contrary, and though we may express an opinion opposed to that of a late Minister of State, and a confessedly high authority, Sir Robert Peel, is an experiment—it is opposed to the practice and the spirit of the British Constitution—it is a monster in legislation. Such also is our answer to Salisbury, Balfour, Chamberlain and Co. The Union with Scotland has been appealed to as an example. We will admit that Scotland has advanced considerably since the Union; but what argument has been advanced to prove that she would have advanced less, or that she would not have advanced more, had she been left the management of her localities? But even waving this view of the question, we ask, what points of comparison are there to be drawn between Scotland and Ireland? To attempt such comparison, except for the purpose of proving the reverse of the proposition, would be preposterous.

The Government of Scotland before the Union, however barbarous or turbulent it may have been, was the Government of the majority—it was the Government of the People. The Princes, Nobles, and Commons of Scotland were part of the people; the same blood flowed in their veins—they knelt at the same altar—they were actuated by the same political and religious feelings—they were an unconquered people. The tide of legislation, however boisterous or ruffled it may have been at times, ran in accordance with their sentiments, and even with their prejudices; and when it was attempted to be turned against them, though the "torrent roared," they "did buffet it," and, with "hearts of controversy" they unconditionally established their political and religious rights.

The current of Irish legislation, on the contrary, from the days of Henry II., ran directly counter to the interests and the prejudices of the Irish people, and was directed against their very existence. "The favorite object both of the Irish Governors and English Parliament was the utter extermination of all Catholic inhabitants." See Leland, the English historian, vol. 3, p. 163.

"The harshness of the odious laws by which English policy labored at the work of extirpation was aggravated by a still more odious administration; for bad as the legislators were the magistrates were still worse." Speeches of the Right Hon. T. B. Macaulay, corrected by himself, London, Longmans, 1854.

The prevailing part of the Irish nobility and gentry was of a different race; they were separated by national and by religious feeling from the people; "a wall of brass fifty cubits high was raised between them."

The Scottish people successfully resisted the attempt to saddle them with the support of an overgrown and expensive church, holding tenets materially different from those held by the great body of the people, and the Act of Union between England and Scotland guaranteed the immunity from so grievous a burden.

The union between Great Britain and Ireland proceeded in this respect upon a principle directly the reverse, as it guaranteed to an overgrown and overpaid, useless Church Establishment all its enormous wealth and secured to it a tenth of all the industry of the country.

"No nation in Europe," said Adam Smith, "is so free from corporate monopolies as Scotland." Banking companies were established as early as 1695, and afterwards in 1727, in every considerable town, and even in country villages to the great security and advantage of trade.

The union with Ireland, so far from encouraging a similar spirit in that country, confirmed the corporate monopolies in their pristine vigor, and upheld the monopoly of the Bank of Ireland, which prevented banking establishments from being formed on a secure footing. The commercial credit of the country was very much depressed; obstacles were thrown in the way of creating capital; the banks founded by private individuals almost universally having failed, reduced the country to the lowest ebb of commercial difficulty, and brought distress and ruin on the industrious classes.

On these and many other points, a most material difference could be shown