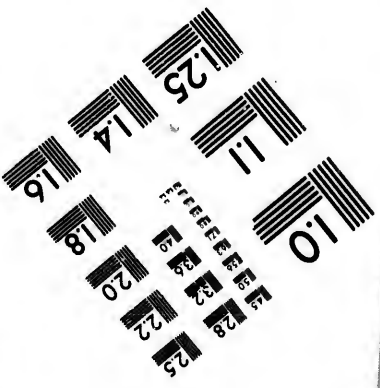
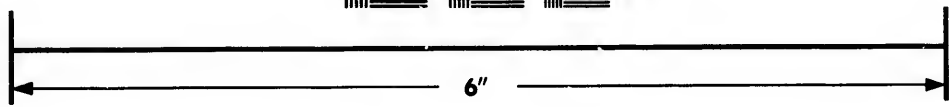
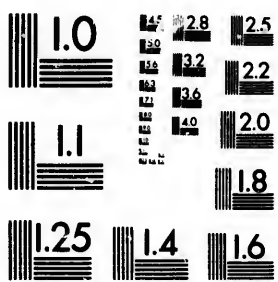


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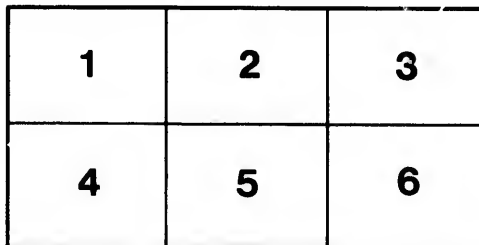
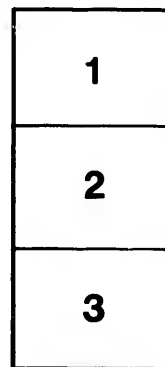
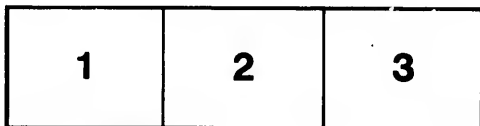
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MEMORANDA, OPINIONS, EXTRACTS,
AND NOTES

RELATIVE TO

THE NOVA SCOTIA QUESTION.

A matter importing specially our honour, and the good of that our ancient kingdom. Letter from King James I. to the Privy Council of Scotland, 12th July, 1637.

LONDON, 1845.

JOHN MORTIMER, 1, ADELAIDE STREET, TRAFALGAR SQUARE.

"Yours is a grand—a glorious project. Its influence extends over a vast space, both in the old world and the new. It must affect the destinies of hundreds of thousands of human beings, not only now, but for ages yet to come. It is a giant labour, bringing care, anxiety, and toil. But an ardent mind like yours will be cheered on its onward course by the high feeling which the consciousness of a great duty performed, and the bright gleam of hope that ultimate success will crown your indomitable efforts, cannot fail to bring. I shall anxiously look for intelligence of the progress of that course your spirit-stirring appeal suggests to all which is high and excellent in the land. When the ancient ardour of the Nobles of the North shall rally round the STANDARD you have raised, to assert their feudal dignities and territorial rights, may God grant every success to their united efforts."—*Letter to the Hon. Sir Richard Broun, Bart., K.J.J., from an Ulster Baronet, 23rd November, 1844.*

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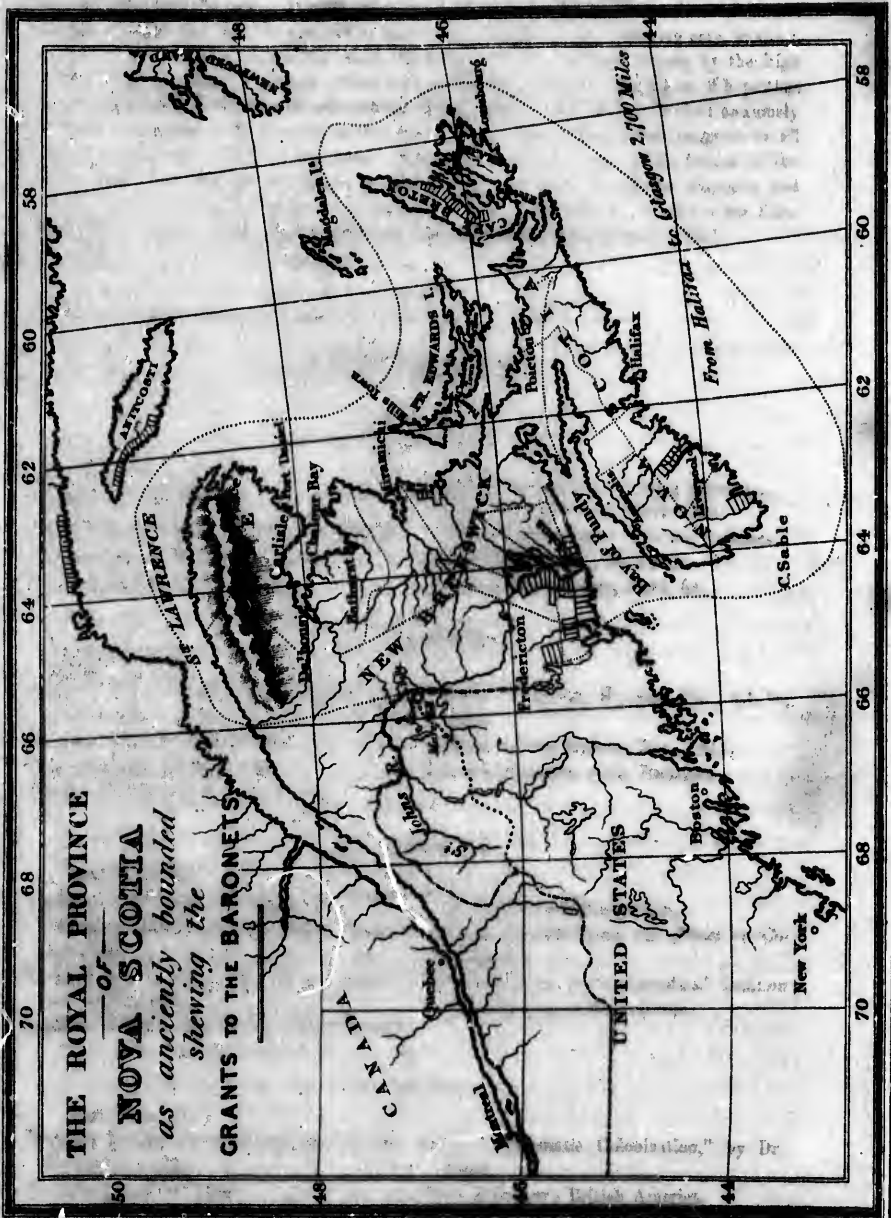
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THE NOVA SCOTIA QUESTION.

— “Persevere for the furtherance of this ROYAL WORK, that it may be brought to a full perfection. Because it is to be the foundation of so GREAT A WORK, both for the good of the Kingdom in general, and for the particular interest of every Baronet.”— *Letter from King James I., written on his death-bed, to the Privy Council of Scotland, 23rd March 1625.*

MEMORANDA.

WITH a view of enabling the BARONETS OF SCOTLAND AND NOVA SCOTIA in particular, and the SCOTTISH NATION in general, to understand more fully the merits of THE NOVA SCOTIA QUESTION, and the value and importance of the rights, privileges, and properties which collectively belong to them in BRITISH NORTH AMERICA, under the grants and charters of King James I. and King Charles I., the following miscellaneous MEMORANDA, OPINIONS, EXTRACTS, and NOTES have been compiled from the authorities and publications respectively cited:—

His Majesty King James the First, on the 5th of August, 1621, addressed a Letter to the Lords of the Privy Council of Scotland, stating that “He had ever been ready to embrace any good occasion whereby the honour and profit of his kingdom of Scotland might be advanced;” and directing them. “to grant unto Sir William Alexander (then principal Secretary of State for Scotland, and afterwards Earl of Stirling) and to his heirs, assignees, and any others who should join with him in the undertaking, a SIGNATURE, under the Great Seal of Scotland, of the ROYAL PROVINCE OF NOVA SCOTIA OR NEW SCOTLAND, to be holden of the Crown and Kingdom of Scotland, as a part thereof, with such powers to colonize, govern, and dispose of the same, as had at any time past ever been delegated by the Crown to any subject whatsoever.”—*Letter from James I., dated Beauvoir, 5th August, 1621.*

Immediately consequent to the receipt of this letter, a royal charter was passed under the Great Seal of Scotland, 10th September, 1621, erecting the lands of New Brunswick, Nova Scotia, Cape Breton, Prince Edward's Island, Gaspe, Anticosti, and all the adjacent islands, into one whole and free lordship and regality, in favour of Sir William Alexander and his aforesaid, with all the fishings, mines, minerals, metals, and coals, &c., ap-

pertaining thereto. This Charter further invests Sir William Alexander, his heirs, and assignees, with the hereditary office of Lieut.-General of the British Crown in North America, and plenary powers to settle the country, erect towns, appoint officers, coin money, administer justice, &c. In the preamble to the Charter, it is set forth that these grants were made to promote "THE PROSPERITY, OPULENCE, AND PEACE" of the mother country and the colony.—*Charter, Jac. I., 10th Sept. 1621, Great Seal Register, B. 50, N. 36.*

On the 18th of October, 1624, King James, by a letter, signified to the Privy Council of Scotland his intention to erect the HEREDITARY ORDER AND DIGNITY OF BARONET within the kingdom of Scotland, for the purpose of advancing the plantation of Nova Scotia, declaring that "he was so hopeful of the undertaking, that he purposed to make it a WORK of his own." In this letter, his Majesty at the same time desired that no means should be used to induce any man to engage in the plantation further than "the goodness of the business, and his own generous disposition should persuade." Neither that "any should be entreated by them for being Baronet, conceiving that a sufficient number of persons of chief quality would be willing to embrace so noble a purpose, whereby both THEY IN PARTICULAR, and the WHOLE NATION GENERALLY, would have honour and profit."—*Letter from James I., dated Royston, 18 October, 1624.*

In reply, the Lords of the Privy Council wrote to his Majesty, stating that "they had considered his letter concerning the Baronets, and thereby perceived his Majesty's great affection towards his ancient kingdom of Scotland, and his most judicious consideration in making choice of so excellent a means, both noble and fit, for the good of the same."—*Letter from the Privy Council of Scotland to James I., dated Edinburgh, 23 Nov. 1624.*

The Privy Council of Scotland having made King James I.'s intention to create Baronets for the plantation of Nova Scotia publicly known by proclamation, his Majesty, by a letter, dated the 23rd March, 1625, signified to them that "he was not only well satisfied with the course which they had taken therein, but that it did exceedingly content him that he had so happily found a means of expressing his affection towards his ancient kingdom;" and that, "as he had begun, so he would continue, requiring them in like manner, to persevere for the furtherance of this ROYAL WORK, that it might be brought to a full perfection." Referring to the Proclamation of his intention made by the Privy Council, his Majesty also intimated his intention to appoint Commissioners for carrying his intention into effect, as this "was to be the foundation of so GREAT A WORK, both for the good of the kingdom in general, and for the particular interest of every Baronet."—*Letter from James I., written on his death-bed, to the Privy Council, dated Theobalds, 23rd March, 1625.*

His Majesty King James I. died a few days after the date of this letter, and was succeeded by his son, King Charles I.

On the 28th of May following, King Charles I. raised Sir Robert Gor-

don, second son of the Earl of Sutherland, to the dignity of premier Baronet of Scotland and Nova Scotia; and on the resignation of Sir Wm. Alexander, his grant of sixteen thousand acres of land in Nova Scotia was erected into the Free Barony and Regality of Gordon, in favour of himself, his heirs male, and assignees, whomsoever.

This Charter to the premier Baronet is recorded in the Register Office, Edinburgh; and is also to be found printed, at full length, in Sir Robert Douglas's Baronaige of Scotland. It is made by subsequent instruments the regulating Charter for the whole of the persons created Baronets of Scotland and Nova Scotia.—*Royal Charter, Car. I. to the Gordon Family, 28 May, 1625.* On the 12th of July, 1625, King Charles I., by a Charter of Novodamus, ratified and renewed his father's grant in fee of Nova Scotia to the Earl of Stirling, his heirs and assignees, with extensive additional powers and privileges, which Charter is recorded in the general register of sasines kept at Edinburgh, under date 6th September, 1625. His Majesty having appointed the Castle of Edinburgh as the place for giving sasine by infestment, that ceremony was performed and correctly implemented within the Castle gate, on the 29th September, 1625. This Charter and sasine form effectual instruments, and constitute a complete feudal right, title, and investment of the property.

It is specially declared by the Sovereign, "*in verbo Principis*," that the Charters conveying these grants "shall be valid, sufficient, and effectual, in all time coming, in all points as set forth, against the Crown, its heirs, and successors,—nor shall it be lawfully impugned or called in question;" his Majesty for ever acquitting and renouncing "all title, action, instance, and interest heretofore competent, or that may be competent to us and our heirs and successors, renouncing the same *simpliciter, jure lite et causa, cum pacto de non petendo*," &c.—*Register of Precepts, and Register of the Great Seal, B. 51, N. 23, and General Register of Sasines, B. 18.*

Between the 28th of May, 1625—on which day Sir Robert Gordon was created—and the 19th of July following, nine other grants of land in Nova Scotia, of 16,000 acres each, were erected into free Baronies and Regalities, and conferred upon nine individuals, with the title of Baronet, their Charters being, *mutatis mutandis*, identical with that of the premier Baronet.

By a Royal Letter, bearing date Windsor Castle, 19 July, 1625, King Charles I. acquainted the Lords of the Privy Council of Scotland, that he had created the Baronets above referred to; and that "he had sent them a Commission for accepting surrenders of land from the Earl of Stirling, and conferring the dignity of Baronet upon such as should be found of quality fit for the same, till the number appointed within the said Commission (viz. one hundred and fifty) should be perfected."—*Letter from Charles I. to the Privy Council of Scotland, 19th July, 1625.*

The Commission referred to in the above Royal Letter is recorded in the Register Office, Edinburgh, and was passed under the Great Seal of Scotland,

25th July, 1625. It is addressed to the Chancellor Mar, Huntly, Marshall, Murray, Wyntoun, and Linlithgow; and it empowers them, or any six of the Privy Council, with "full authority and commission to meet at such times, days, and places, as they should think expedient, and there to hear the petitions of his Majesty's subjects who intend the said plantation, and are willing to embrace the same; to confer, make, and thereupon conclude with them to receive resignation of all lands lying within the country of New Scotland which should happen to be resigned in their hands as his Majesty's Commissioners by the Earl of Stirling, or his lawful procurators in his name, in favour of any person or persons; and to give and grant now heritable infestments under the Great Seal of his Majesty's said kingdom (viz. of Scotland), to those to whom the said resignations are granted of the said lands, with the degree, state, order, dignity, name, honour, title, and style of KNIGHT BARONET, with such like privileges, prerogatives, immunities, liberties, and others, whatsoever, which are granted, and to be granted, in the Charters already passed to the Baronets of the said Kingdom, made by his Majesty to be enjoyed and possessed heritably as an especial token of his royal favour."—*Royal Commission for Creating Baronets, 25th July, 1625, Register Office, Edinburgh.*

From the date of this Royal Commission to the year 1630, upwards of fifty baronets were created, each of them receiving grants of 16,000 acres, some in Nova Scotia, others in New Brunswick.

By the articles of plantation each Baronet was bound to furnish "six men towards his Majesty's Royal Colonie, armed, apparelled, and victualled for two years," or else to pay 2,000 marks towards the undertaking, and 1,000 marks towards the expenses incurred by the Earl of Stirling, in exploring and settling Nova Scotia.—*Letter from the Privy Council to James I., 23 Nov. 1624.*

Sir James Balfour, Lord Lyon, King at Arms, and one of the persons raised to the dignity of Baronet, mentions in his Annals of Scotland, anno 1630,—“About the end of February this year, a fleet of fourteen ships sailed, furnished with men, women, and children, and all necessaries, divers of them being handicraftsmen of good quality and substance, to make a firm plantation in those parts of America called New Scotland, lying between the degrees of 42 and 48. They had with them two hundred and sixty kine, and other live cattle, for their use at their arrival.”—*Balfour's Annals, vol. ii. folio 117.*

On the 31st of July, 1630, the Charters of King James I. and King Charles I. erecting the Baronetage of Scotland and Nova Scotia, and all the acts and proceedings of the Privy Council thereanent, were approved and confirmed by the Parliament of Scotland. The following is a copy of the act in question.—

“Apud Holyrood House, ultimo die mensis, Julii, 1630.”

“The Estates presentlie convened, all in one voice, ratifies, allows, approves, and confirms the Dignity and Order of Knight Baronet, erected

by his Majesty, and his late deare Father of blessed memorie, and confere'd by them on sundrie gentlemen of good qualitie, for their better encouragement and retribution of their undertakings in the plantation of New Scotland; with all the acts of Secret Council and Proclamations following thereupon, made for maintaining of the said dignity, place, and precedencie due thereto, to continue and stand in force in all time coming; and that intimation be made hereof to all his Majesty's lieges by open Proclamation at the Mercat Cross of Edinburgh, and other places needful.

“The Estates presentlie convened, having duly considered the benefit arising to this kingdom by the accession of New Scotland, and the successful plantation already made there by the gentlemen undertakers of the same—In regard whereof, and that the said lands and territories of New Scotland are by the patent thereof made in favour of Sir Williame Alexander of Menstrie, Knight, his Majesty's Secretary, annexed to the Crown, therefore the said Estates, all in one voice, have concluded and agreed, that his Majesty shall be petitioned to maintain his right of New Scotland; and to protect his subjects undertakers of the said plantation in the peaceable possession of the same, as being a purpose highlie concerning his Majestie's honour, and the good and credit of this his ancient kingdom.”—*Acts of Scottish Parliament, edited by Thomson, vol. v. p. 223.*

In June 1632, King Charles I. addressed a letter to “the Lord Advocate of Scotland, requiring him to draw up a sufficient WARRANT, for his Majesty's signature, to pass under the Great Seal, to the Earl of Stirling, and those his loving subjects who intended to advance the plantation of Nova Scotia, to go on with the said work *whenssoever* they should think it fitting so to do.” His Majesty promising, “on THE WORD OF A PRINCE, that he should at all times be ready, by his gracious favour, to protect them in the undertaking.”—*Letter from King Charles I. to the Lord Advocate, 14 June, 1632.*

On the 15th of August, this same year, King Charles wrote a letter to the Baronets, stating—“That out of his royal care for THE HONOR AND WEAL of his ancient kingdom, his late dear father had annexed the dominion of Nova Scotia to the Scottish Crown, that the use of it might arise to the BENEFIT OF THE NATION; that he was desirous the wished effects might follow by the continuance of so noble a design; that he considered the plantation of Nova Scotia to be for the glory of God and THE GOOD OF THE NATION, from the benefit that was likely to flow from the right prosecution of it; and that he conceived there were none of his subjects whom it concerned so much in credit to be affectioned to the progress of the work as those of their Order, for justifying the grounds of his princely favour which they had received by a most honorable and generous way.”—*Letter from Charles I. to the Baronets of Scotland, 15 August, 1632.*

From the ratification of the Order by Parliament in July 1630, till the year 1633, fifteen other Baronets were created, all of them receiving the

stipulated qualification of 16,000 acres each, some in New Brunswick, others in Nova Scotia. King Charles I. being in Scotland in the month of June following (1633), on the 28th, the Parliament passed an Act, of which the following are clauses:—

“Our Sovereign Lord, and Estates of this present Parliament, ratifies and approves the Act of the General Convention of Estates at Holy-rude House the last day of July, in the year of God 1630, whereby the said Estates have ratified and approved of the Dignities and Order of Knight Baronet, with all the acts of Secret Council and proclamations following thereupon, made for the maintaining of the said dignity, place, and precedencie thereof.”

“And his Majesty and Estates aforesaid will, statute, and ordain, that the said letters patent and infestments, and the said dignity, title, and order of Baronets, and all letters patent and infestments of lands and dignities granted therewith to any persons whatsoever, shall stand and continue in force, with all liberties, privileges, and precedencies thereof, according to the tenor of the same, and in as ample manner as if the bodies of the said letters patent, infestments, &c., were herein particularly ingrossed and exprest, and ordain intimation to be made thereof by open proclamation to all his Majesty's lieges at the Market Crosse of Edinburgh, and other places needful, that none pretend ignorance.”—*Acts of the Scottish Parliament, edited by Thomson, vol. v.*

By this statute law made and passed unanimously by the three Estates of Scotland, the King himself being present in person, the various charters to the Baronets have the force and effect of Acts of Parliament absolute and irredeemable; and rights from the Crown so constituted are onerous against the State. For it is declared and established that, “the said charters are and shall be valid, sufficient and effectual, in all time coming, in all parts thereof as set forth, for ever to the said Baronets, and each of them, in law against King Charles I., his heirs and successors; and against all other persons whatsoever, in all his courts, and those of his heirs and successors, and in all other places whatsoever, at all times and occasions, notwithstanding whatsoever law, custom, prescription, practice, ordinance, or constitution hitherto made, ordained, or published; or hereafter at whatsoever time to be made, ordained, and published, or provided, and notwithstanding any other matter, cause, or occasion whatsoever.”

From the date of the passing of this Act to the Union in 1707, upwards of 120 Baronets were created, “with no less liberty and extent of right in all respect” than the Baronets previously created. Owing to the breaking out of the great CIVIL WARS, many of these did not receive their territorial qualifications; but their representatives are still entitled to have them, it being a fundamental compact between the Crown and the members of the Order, that each Baronet “shall have and enjoy all and singular the rights, privileges, and immunities vested in the institution in

virtue of whatsoever laws, statutes, customs, commissions, or constitutions thereanent."—*Patents of Charles II., James II., William and Mary, and Anne.*

In 1698, King William III. granted to the premier Baronet a charter of Novodamus, which was an official recognition of the validity of the grant made to the Gordon family nearly eighty years before. And by the Treaty of Union in 1707, it is stipulated, declared, and irrevocably settled, "that, whilst the laws which concern public right, policy, and civil government, may be made the same throughout the whole United Kingdom, NO ALTERATION shall be made in the laws which concern PRIVATE RIGHTS, except for the evident utility of the subject within Scotland."—*Charter of Novodamus, 1698; and Act of Union, 1707.*

After the breaking out of the CIVIL WARS, the Colony at Port Royal, now called Anapolis, was left unprotected, the plantation of Nova Scotia was suspended, and the rights of the Baronets fell into desuetude. This state of things, owing to the Revolution in 1688, the Rebellions of 1715 and 1745, continued down to the Treaty of Paris in 1763; shortly after which period the Baronets held several meetings for the revival of their hereditary rights and privileges under the charters erecting the order.

In 1775, various meetings of the Order took place, and steps were adopted. Also there was convened, on the 1st of July, 1788, "a meeting of the Nova Scotia Baronets, and representatives in right of their lands in Nova Scotia, as measures were being taken in London, which might materially affect their interests in the estates granted to them in Nova Scotia."—*Edinburgh Evening Courant, June, 1788.*

A meeting of the Baronets of Scotland and Nova Scotia, and those who had rights as their representatives to lands in the Province of Nova Scotia, was likewise called by public advertisement, at Fortune's Hotel, Edinburgh, on the 1st of October, 1783, to consider a Memorial to the Lords of the Treasury on the subject of their grants.—*Edinburgh Advertiser, 1783.*

The troubles occasioned by the revolt of the United States of America, the long revolutionary wars of France, and other disturbing events successively arose to suspend the proceedings above noticed till the year 1836, when a general meeting of the Baronets of Scotland and Nova Scotia assembled in Edinburgh, on the 21st of October, the Hon. Sir John Campbell, Bart., presiding, and the steps were commenced for the revival of the rights and the objects of the SCOTTISH BARONETAGE which are now in progress. These steps are fully detailed in the printed REPORT of the general meeting held at Glasgow on the 8th of August, 1844.—"*Case showing the Rights and Privileges of the Baronets of Scotland,*" *Edinburgh, 1836, Blackwood; and "Report of the Proceedings of the General Meeting of the Baronets at Glasgow, 8th August, 1844," Edinburgh, A. and C. Black.*

* This Report may be had of the Publisher of this Pamphlet.

and in the Charters founding the Order, it is declared "*in verbo principis*," by the royal Founder, that "no lapse of time, non-user, or other adverse circumstances shall ever bar the rights and privileges which they convey." These Charters have been twice ratified by Acts of Parliament, it being covenanted in the latter of these Acts that the Letters Patent granted to any individual Baronet of Scotland whatsoever, "shall stand and continue in force with all liberties and privileges, &c., granted therewith, in as ample manner as if the bodies of the said Letters Patent were therein particularly engrossed and expressed." At the present moment, there are about 160 Baronets of Scotland and Nova Scotia, (of whom upwards of forty are Peers,) the first Patent being dated in 1625, and the last in 1707. There are therefore, exclusive of the Foundation Charters of the Order, the Proclamations of the Privy Council, and the two public Acts of the Scottish Legislature, 160 Letters Patents by Charles I., Charles II., James II., William and Mary, and Anne, each having the force and effect of a statute law of the realm. Further it is to be observed, that all these legal instruments are rendered indefeasible by the Treaty of Union between England and Scotland in 1707; nor can they be annulled without a dissolution of the Union of the two Kingdoms, and a violation of every principle of national law, justice, and honour.

The territorial rights of the Baronets of Scotland and Nova Scotia, extend to upwards of two millions and a half acres of the soil of Nova Scotia as originally bounded, being eight millions and a half acres less than what is at this moment lying waste and ungranted in New Brunswick alone—a territory comprehended in the ancient ROYAL PROVINCE OF NOVA SCOTIA. Of this quantity, 1,776,000 acres, were actually allotted in the reign of Charles I. to the Baronets whom he created prior to 1638; and they form 111 Baronies and Regalities, of 16,000 acres each, all defined by metes and bounds, some situated in Nova Scotia proper, some in Cape Breton, and some in New Brunswick. In aid of the plantation of Nova Scotia, the Baronets furnished in supplies, or in money, what was equivalent to 3000 marks each, upwards of 480,000 marks in all; an immense sum two centuries ago.—*Letter to James I. from the Privy Council, 23 Nov. 1624.*

In addition to the extracts from the royal correspondence of Charles I. above cited, it may be mentioned also, that in letters commencing the 17th November, 1629, and downwards, his Majesty, after referring to the plantation of New Scotland as a matter which would "much import the good of his service and the honour and benefit of his ancient kingdom," states, that, "the Earl of Stirling, his Lieutenant of Nova Scotia, who these many years by-past had been at great charge for the discovery thereof, had now in the end settled a Colony there, where his son Sir William Alexander was then resident;" that He understood, "both by reports from thence, and by the sensible consideration and notice taken thereof by neighbour countries, HOW WELL THE WORK WAS BEGUN, his Lieutenant there having *fully performed* what was expected from him for

the benefit which was intended for him by the creation of the Baronets ;" that He (King Charles) would be " very careful to maintain all his good subjects who should plant themselves in New Scotland, and would let none of the Baronets ANY WAY BE PREJUDICED in the honour and privileges contained in their Patents ;" that they (the Baronets) might have " full assurance from Him, *in verbo principis*, that he would be ready by his gracious favour to protect them, and such as should thereafter at any time concur with them for the advancement of the Plantation ;" and that they should " be encouraged to prosecute the said work by all lawful helps thereunto, as well by completing the intended number of Baronets as otherwise."—*Letters from Charles I. to the Privy Council of Scotland, 17th November, 1629, 12 July, 1631, 14 June, 1632, and 24 April, 1633.*

The Crown has no interest in opposing the revival of the rights and objects of the SCOTTISH BARONETAGE. On the contrary, it has a direct and paramount interest in aiding and advancing their revival. The overlordship and proprietorship of the whole Province of Nova Scotia belongs to the STIRLING FAMILY, now represented by Charles Sherreff, Esq., Robert Hepburn Swinton, Esq., the Duchess de Coigny, (formerly Miss Hamilton of Bargany,) and the Marquess of Downshire ; but on the resignation of that family, each Baronet holds his grant of 16,000 acres of the Crown and Kingdom of Scotland. Every Baronet therefore is a vassal of the Scottish monarchy, and the restoration of their territorial rights, will unite the colony and the mother country, by one hundred and sixty new ties, in the persons of an Hereditary Order comprising the most numerous, wealthy, powerful, and influential portion of the old NOBILITY of Scotland.

OPINIONS.

In the year 1731, upon a representation to King George II., in Council, some Protestants from Ireland and the Palatinate were allowed to settle on a tract of land adjoining to Nova Scotia, whereupon the inhabitants of Massachusetts Bay, who till this time had always neglected the said tract, claimed not only the proprietorship of it, but also the government. This led to a case being submitted for the legal opinion of those eminent lawyers, the Attorney and Solicitor General, Yorke and Talbot, which embraced the two following queries, viz., 1st, Whether the said claimants had not by their neglect forfeited what rights they had under their Charters, and 2ndly, Whether by the said tract being conquered by the French, and afterwards re-conquered by General Nicholson in the late Queen's time, and yielded up by France to Great Britain by the treaty of Utrecht, that part of the Charter relating thereto became vacated ; and whether the government of that tract and the lands thereof are not absolutely re-vested in the Crown ; and whether the Crown has not thereby a sufficient

power to appoint governors, and assign lands to such families as shall be desirous to settle there? Having considered the case and evidence laid before them, the Crown officers reported:—"That it did not appear to them, the inhabitants of the said province had been guilty of such neglect as could create a forfeiture of their rights under their Charters; that as to the question stated in the case, upon the effect of the conquest of this tract of country by the French, and the re-conquest thereof by General Nicholson, they conceived that the said country not having been yielded by the Crown of England to France by any treaty, the conquest thereof by the French created, according to the law of nations, only a suspension of the property of the former owners, and not an extinguishment of it; that, upon the re-conquest of it by General Nicholson, all the ancient rights, both of the Province and of private persons subjects of the Crown of Great Britain, did revive and were restored *jure postliminii*; and that they were of opinion that the Charter still remained in force, and that the Crown had not power to appoint a particular Governor of that part of the Province, or to assign lands to persons desirous to settle there."—*Opinion of Yorke and Talbot, 11th August, 1731. Vide Chalmers's Opinions of Eminent Lawyers, 1815, vol. i. page 78.*

In the year 1838, an elaborate MEMORIAL, comprising full details of the Nova Scotia claims, with the Charters, Deeds, and other documentary proof above referred to, was submitted with the following query to Mr. McNeill of the Scottish Bar:—

Query.—"Are the rights and claims of the Stirling heirs and the Baronets foreclosed by the lapse of time, or do they remain subsisting rights legally open to all parties interested?"

Answer.—"I have considered this case and relative papers with all the attention in my power, and have to state, as the result of all the consideration that I have been able to bestow on the subject—

"That the rights conferred by the charter of James the First of England and Sixth of Scotland, and Charles the First, in favour of the Stirling family, and the Baronets, was within the competency of the Sovereign to grant, and valid and effectual to the grantees and their heirs. I do not consider that it is open to question these grants after the ratification in Parliament, and the various recognitions of them stated in the Case, by the Sovereign, his Council, and Government."—*Mr. McNeill's Opinion, 16th October, 1838.*

The year following the same document and query was submitted to Mr. Wilmot of the English Bar, who made the following reply:—

Answer.—"I am of opinion that the rights and claims of the Stirling Family and the Baronets are not foreclosed by lapse of time; that they remain subsisting rights legally open to all parties; and that the proper mode of proceeding to assert these rights will be by petition to the Queen in Council, who, in such a case, exercises original jurisdiction upon the principles of feudal sovereignty. There can be little reason to doubt

that the petition of the present claimants will meet with the generous consideration of her Majesty in Council; more particularly as equity can be administered to the parties without disturbing the rights of the settlers, or prejudicing the influence of the Crown in the colony."—*Mr. Wilmot's Opinion, 2nd December, 1839.*

Since the publication of the Report of the Meeting of Baronets at Glasgow on the 8th of August last, Sir Richard Broun has received a letter from Dr. Bowyer of the Temple, author of various learned treatises on the laws of England, containing the following observations:

"I have read your REPORT of the Meeting of the Nova Scotia Baronets with much interest—and I trust you will go on vigorously in the undertaking so justly commenced.

"I cannot conceive what pretence the Government can have for refusing to abide by the Charters of the Nova Scotia Baronets, which appear to me unimpeachable in point of law. I do not see that the loss of the Province by war can have extinguished the rights of the claimants. I think that by the recapture of the Province their rights were revived *jure postlimini*, and I cannot understand how it is possible for the Treaty of Paris in 1763 to affect them."—*Letter from Dr. Bowyer, dated the Temple, 11th Nov. 1844.*

Extract from a letter addressed to Dr. Rolph, by T. Chisholme Anstey, Esq., of the Chancery Bar, Professor of Jurisprudence at Prior Park, and the author of many valuable works on the ancient laws of the realm.

"I take a great interest in the proceedings of your friend Sir Richard Broun and the Nova Scotia Baronets, with respect to the lands, &c., which they claim in that territory; and the facts set forth in the REPORT of the proceedings of the General Meeting of the Order at Glasgow in August last (which I have read this morning) leave no doubt in my mind, as a lawyer pretty conversant with that department of his science, that those claims are legal to their fullest extent, and must be upheld as such by any English Court to which they may be referred. Now I see by the same REPORT that you are personally concerned in the promotion of this great work of justice and policy, and I have to request of you to get me a complete set of all the pamphlets, &c., on this interesting subject."—*Letter from Professor Anstey, dated 27, Southampton Buildings, Chancery Lane, 21st Nov. 1844.*

Extract from a letter from John Hosack, Esq., of the Middle Temple, addressed to Sir R. Broun:—

"I have read with great interest the reports of the proceedings, both in Glasgow and at Edinburgh, relative to the claims of the Nova Scotia Baronets. As the question is one of high importance, not merely to the parties immediately concerned, but to the nation at large, every exertion ought certainly to be made to bring it prominently before the public. Were this done effectually, I confess I cannot see upon what grounds the Government could resist the just claims of your ancient Order.

"*King's Bench Walk, 22 Nov. 1844.*"

The following are taken from letters addressed to Sir R. Broun by different noble Baronets:—

“In the REPORT of the proceedings of the General Meeting at Glasgow, on the 8th of August, you have so clearly, fully, and forcibly set forth the whole state of the business, and so satisfactorily established our titles, rights, and claims, to the lands in Nova Scotia, that I can only repeat my perfect conviction of the justice of our cause, and the practicability of its full attainment, notwithstanding all the opposition we have so unjustly, I may say illegally, experienced, and may yet encounter. I consider the Members of the Nova Scotia Baronetage, collectively and individually, bound in honour to uphold their rights and privileges, and unceasingly to persevere in recovering and securing them, in spite of all the unworthy and perverse actions, the invidious and vexatious obstructions of any conceited jack in office, or of the ephemeral influence of any opposing Secretary of State, of whatever rank or station, or of whatever political party he may belong to. Our cause is independent of all party or faction, so that if our present endeavours should meet with any further temporary check, or even have an unfavourable result, it should only serve to stimulate our exertions the more, and with increased energy to persevere with a resolution worthy of our cause, until justice be finally awarded us. Let us, therefore, with one accord co-operate until we obtain the accomplishment of our object, which we may rest assured inevitably awaits us, while justice continues to be a divine attribute of Royalty.”—*Letter from the Hon. Sir Robert Keith Dick, Bart., dated Siena, Tuscany, 10th Oct. 1844.*

“I have read your last official Report on the Nova Scotia Baronetage Claims with much attention, and with as much satisfaction; and I beg to offer you my congratulations on the clear and able manner in which you have developed your progress through the whole of your arduous course, and the masterly manner in which you have made the strength of every separate section combine to give force to the whole, in coming to conclusions which are incontrovertible, and must carry conviction to every unprejudiced mind, of the wisdom, the justice, and the sound policy of the fabric you have constructed, at the same moment to confer a great and lasting benefit on your native land, and advance the dignity of your national Branch—whilst I admire the ability with which you have linked together the interests you advocate with the chartered rights, the distinguished privileges, and the high position in the Empire, of the whole BARONETAGE, jointly and severally, of the three kingdoms.

“This document is, in my opinion, well calculated to make a deep impression upon the mind of every Member of the Order who shall give the subject that consideration it so well merits; and I would further hope it may produce a powerful effect in those departments of Her Majesty's Government with whom the decision of the vital question you have raised and advocated with so indomitable a spirit, and so powerful a force, may ultimately rest. They must, I think, see equally the justice and the impolicy of that perverse spirit with which, at every stage, and with a strange

degree of infatuation, they have done all in their power to trample on the charters, violate the covenants, and deny the honours granted by the former Sovereigns of these realms, to as loyal, as high-minded and distinguished a Body of its first families as the Empire can boast; and who, through their influence, devotion to the Throne, and love of their Country, are eminently calculated in the hour of need, should that ever arrive, to render themselves worthy of the high place the Royal Founder assigned them,—that of rallying round the standard and the person of their Sovereign in the hour of danger.

“ You have only to go on in the course you are now pursuing to insure final success; and above all, I cannot see one ground on which to establish a single doubt of the validity of the claim of the Baronets of Nova Scotia to their territorial grants in that Province. Believe me I take the deepest interest in your success, and shall always be anxious to hear of the progress you make.”—*Letter from the Hon. Sir William Hillary, Bart., G. C. J. J., dated Fort Anne, 23rd Oct. 1844.*

“ I cannot have taken the active part I have, since I had the honour of being elected on the Committee which has been deputed to watch over the important privileges of the sixth degree of DIGNITY HEREDITARY in the Empire, without being animated with the best wishes for every success attending the Meeting of the Scottish and Nova Scotia Branch of the Order on the 7th instant.

“ It appears to me that the magnitude of the business to be laid before that noble assembly ought not to be lost sight of. It must be borne in mind how eminently the hands of the General Committee for the affairs of the Order would be strengthened by the accession of a cordial co-operation of the Nova Scotia Baronets, not only promoting but supporting some such measure as the proposed ‘SCOTTISH COMPANY FOR ADVANCING THE PLANTATION OF NOVA SCOTIA AND CANADA,’ which, if organized and brought under public notice superintended by an influential direction, must be a successful institution, as the patronage of the BARONETAGE will be a guarantee to the community of far higher consideration than the ephemeral mercantile speculations of the day. Depend upon it that the Ulster Branch of the Order are anxiously looking to your unwearied assiduities in the good work in the North, to assist them in keeping pace with the march of onward movement that is putting all classes, from the peer to the peasant; into motion. The time has come when the Baronets must stand by their Order, by performing their compact with the Crown which granted our Family Honours. We can no longer stand still. We must step out, and take up the ground we have lost by others in the State striding before us.

“ Society now calls upon us trumpet tongued to take part as an integral portion of the Aristocracy, to assert our utility as a Body which was incorporated for the advancement of great ameliorations in the social condition of our less fortunate fellow subjects, and patriotism and philanthropy unite to hail the undertaking as one that ought to have the hearty

aid of every honest Briton. What interests are opposed to embodying a COMPANY having such meritorious objects in view as the domestic prosperity of the starving portion of our redundant population, under such powerful protection as will be ensured if competent steps are taken on the 7th, to give encouragement to the Ulster Baronets to join in the magnanimous work?

"The considerations so ably brought together by you in the Circulars are equally important as numerous for me to touch upon at present; but I may add, that as the Ulster Branch of the Order have venerated the independent and noble bearing of the Scottish Baronets regarding the badge, and emulated that brilliant passage in the past history of the Order, so you may rely upon it do the Ulster Baronets look forward for the support of their northern Brethren, in advancing the position of our hereditary rank by their achieving a mighty measure for the prosperity of the people of the mother Country, and founding such an affectionate daughter Colony as may be made, under the auspices of the United Order, one of the most loyal and valuable appendages of the sovereignty of these realms.

"Connected as I am by a long line of noble ancestry with my maternal land (Scotland), believe me I shall ever feel the deepest interest in its individual prosperity in every part of the globe, and how much more so must that sentiment be cherished when it is collectively based upon those philanthropic views you have so energetically and eloquently laid before the Order for its adoption. Trusting that I shall be honoured with the result of the Meeting on the 7th, I remain," &c.—*Letter from the Hon. Sir Edward B. Perrot, Bart., K.J.J., dated 31st October, 1844.*

"As a Baronet of Ireland, it affords me great satisfaction to see that 'THE SCOTTISH COMPANY' contemplates the promotion of emigration from all parts of the United Kingdom; and I feel assured that my brother Baronets of Ulster (of both creations) will not fail to give their sanction and support to an institution so loudly called for by the state of Society in all parts of the Sister Kingdoms. Your exertions in this just cause cannot be too much appreciated. Your able and learned advocacy not merely of this matter, but of every concern that relates to the rights and honours of the Baronets, demands from the whole body their most grateful acknowledgments; and any proposition coming from you should be received with the utmost attention and respect by them, and by every class of the community that wishes well to the country, and the cause of honour."—*Letter from the Hon. Sir Joshua C. Meredith, Bart., K.St.L., dated 2nd of November, 1844.*

EXTRACTS.

"THE NOVA SCOTIA QUESTION.—The ancient Royal Province of Nova Scotia, or New Scotland, in British North America, is by virtue of indefeasible acts of the Crown and the Scottish Estates, made

part and parcel of the Kingdom of Scotland, with freedom from all commercial restrictions. It comprises New Brunswick, Nova Scotia, Prince Edward Island, Anticosti, Cape Breton, Gaspé, &c. The distance between Glasgow and the town of Halifax is about 2700 miles. The voyage is made by steam-ships in from eight to twelve days*, and by sailing vessels, in from four to six weeks. The greater portion of the soil of the province is rich and fertile, and it possesses most valuable mines, fisheries, and forests. The climate is remarkably healthy, and congenial to the natives of Great Britain and Ireland. Its seas and rivers abound with the treasures of the deep, the French considering them (when they held Cape Breton) a more permanent source of national wealth than the gold mines of Mexico and Peru. Game of every description is plentiful. The grains, vegetables, and roots of this country, grow in the greatest profusion and perfection. Coal and iron abound. The most northern districts of the Province lie farther to the south than Devonshire and Cornwall; and both from geographical position and internal resources, Nova Scotia must ever be THE SEAT AND BULWARK of British power and enterprise in the western world.

"This noble and spacious province, which is as large as Great Britain itself, was annexed to Scotland by James I. and Charles I., for the purpose of for ever promoting 'the opulence, prosperity, and peace' of their native subjects on both sides of the Atlantic. And more effectually to advance these great and patriotic ends, they erected our hereditary order of BARONETS OF SCOTLAND AND NOVA SCOTIA, stipulating, under deeds which are for ever binding on the Crown and State, that each member shall have and possess a grant of 16,000 acres of land in Nova Scotia, to be held of the Crown and Kingdom of Scotland as a free Barony and Regality, with plenary power to settle the same in such a manner and way, as that 'the Baronets in particular, and the whole nation generally, may thereby have honour and profit.'

"The Baronets fitted out a fleet of fourteen sail in 1630, and commenced the work of planting Nova Scotia by building Port Royal, now Annapolis. During the seventeenth century they contributed about 480,000 merks to the public treasury, in consideration of the undertaking. One hundred and eleven grants were erected by Charters into Baronies and Regalities; and all the extensive seigniorial, commercial, and legislative privileges vested in the Order were twice ratified and confirmed by Parliament. The breaking out, however, of the Great Civil War suspended these rights, and they have continued dormant until the present time.

"The foundation Charters of the Baronetage declare and provide, for the Crown and its successors, that no lapse of time, non-user, prescription,

* "The Boston papers are full of encomiums of the management and swiftness of the *Britannia*. She made the passage out from land to land across the Atlantic, i. e. from Cape Clear to Race Point, in six days and eighteen hours."—*Scotsman*, November, 1844.

or other adverse circumstance, shall ever bar the rights and privileges which they convey. Further, there exists, under the Great Seal, a royal warrant, empowering the Baronets to revive and go on with the work of colonizing their grants whensoever they shall think proper to do so.

“Under these circumstances steps are now being adopted to revive the rights and the objects of our Baronetage, who are collectively a far more numerous, wealthy, and powerful body than our Peerage; and this is further taking place at a juncture when we have 25,000,000 surplus deposits in our Scottish banking establishments,—250,000 destitute Scottish fellow-subjects,—and 11,000,000 acres of unlocated Scottish soil in New Brunswick alone.

“It is easy to see how these three elements of national wealth may be made instrumental to the solution of those difficulties which more emphatically constitute our Home Condition Question. But to bring the recovery of these patrimonial rights more immediately to our own door, there are in the county of Dumfries eleven noble families interested in them, viz.—the Baronets Murray of Cockpool (*Earl of Mansfield*), Stuart of Bute (*Earl of Dumfries and Marquis of Bute*), Dalzell of Glensæ (*Earl of Carnwath*), Douglas of Kelhead (*Marquis of Queensberry*), Jardine of Applegarth, Maxwell of Springkell, Grierson of Rockhall, Kirkpatrick of Closeburn, Laurie of Maxwellton, Broun of Colstoun, and Johnstone of Westerhall. The joint estates of these families in Nova Scotia amount to 176,000 acres, nearly as much as the whole cultivated surface of Dumfriesshire. Now, in the banks of our county town alone there is lying idle £1,000,000. deposits, for which the owners are glad to obtain two per cent. per annum, whilst there are facts to establish that capital vested in colonizing North America, on the average of twelve years, has produced 70 per cent. per annum. Assuming, then, that our district Baronets, and district capitalists, and district unemployed, should co-operate for the improvement of their respective interests, it is easy to understand how idleness and poverty would be banished from our three dales for centuries to come. And what the revival of the rights of our county Baronets would do for Dumfriesshire as a part, the revival of the rights of all the Baronets would do for Scotland as a whole; for there is not one county in which members of the order, surplus capital, and redundant population are not to be found.

“Scotland is indebted to our fellow-countyman, Sir Richard Broun, now the head of a Family which since 1116 has often done good service for the country, for raising and advancing the Nova Scotia Question to its present stage. After directing his attention for the last ten years to this great mode of amelioration, the Baronets have recently adopted a series of resolutions, pledging all the concurring members to the prosecution of such steps as are yet necessary to make their common rights in British America good and effectual. We shall conclude this notice by giving an extract of Sir Richard’s speech on submitting the said resolutions, which embodies the reasons why the Baronets (about 160 in all) should as one man come.

forward and support the proceedings, premising, however, that Sir R. B. has matured a plan by which to make the nation at large parties to, and participators in the benefits of, the revival of the objects of the institution. This plan will first be submitted to the Government; after which Sir R. will return to Scotland, to submit his views to a meeting of the commercial interests in Glasgow, when the matter will come fully before the public.”

—*Dumfries and Galloway Standard*, 18 December, 1844.

“EXTENDED EMIGRATION.—Now, there is not really a grander or a kinder thought than what is called ‘a scheme of extended emigration.’ To move and extend,—to pursue the setting sun, and wear pathways across the ocean—to people desert shores—to wrest the first fruits of victory from rugged nature, and found great empires,—this seems the glorious destiny of the British race. It is an instinct in our souls, it is developed in our nurseries, and in our schools. Every British child is taught that he needs only nature, or the gentler savageness of uncivilized men to work upon, and he can easily obtain a single-banded triumph over the wilderness, over tribes. The opening genius of the schoolboy is nursed in the midst of dawning empires. From the deep springs of the great eastern monarchies he passes to the heroic beginnings of Grecian liberty and glory, and through the brilliant crowd of Egean and Mediterranean colonies he travels on to the rude foundations of Rome, to her early difficulties, her awful progress, her universal grandeur. Thence history takes up with him another tale, and out of the decay of Rome reproduces the conquerors and possessors of the world, amongst whom *he* stands.

“So noble, so soul-inspiring is this vision of history and of hope, in which one hardly knows what is done, what remains to be done, and where the golden future is marked off from the glorious past, that we can never cease to wonder why colonization is not with us the passion of the great, as well as the necessity of the humble. Why do not our nobility themselves endeavour to surpass their Norman ancestors or predecessors in their titles, by substituting the conquests of peace for the conquests of war, by heading their countrymen across, not channels, but oceans, and adding new realms, not to the honours of one selfish man, but to the uses of the human race? Every thing is made to hand. Their armament is ready and waiting. They enjoy, or should enjoy, such a position, such a hold on affection, on respect and obedience, so helpful a Government, such openings, such facility of men and means, as no other aristocracy does, or ever did, or most probably ever will. Starving myriads wait the call of these illustrious chiefs. Did the rank and wealth of this country once lead the way, the many forms of poverty and dependence would follow, not so much willingly and readily, as without even doubt or choice,—mere shadows following their substance. Total banishment, and absolute surrender, of home, wealth, and position are not necessary; though they would have proportionate effect. But the sacrifice of a few years’ income, a temporary

absence from friends and equals, a mere sojourn on the edge of the wilderness, or even an occasional visit by the 12 days' steamers, would establish and elevate thousands of their degraded countrymen, remove vast evils at home, create vast blessings abroad, and, what is worth taking into account at this time of day, would restore the lustre of faded rank, and answer the often repeated question,—What is the use of the British gentry?

“Of all the aristocracies in the world what so fitted for such an emprise? They despise indolence, do-nothingness, and good-for-nothingness. Here is something to do,—something worth thinking and talking about. They have a just abhorrence of over-refinement, and the small arts of superfluity. Here is rough utility. They deride mere romance, the idle dreams of incapable spirits, the perpetual prolusions of an imagination which never really grasps its object. Here is a reality. They delight in territory to the very verge of the infinite, in wildness even to solitude. They are ever expanding their lawns into prairies, their groves into forests, their ponds into lakes, their covers into jungles, their preserves into wildernesses. They collect and cherish the vermin which they hunt. They are continually reducing cultivated farms and smiling homesteads to a state of nature; marring the peaceful works of men with destructive birds and beasts of their own introduction; converting corn fields into warrens, and ploughmen into foresters. They infect the simple sons of husbandry with the tastes of the Indian, peopling the very skirts of the village with animals of a wild nature, and, by unhappy consequence, the village itself with lawless and predatory men. For the employments of the day they substitute the works of the night. What a corruption of great occasions and noble qualities! When one sees a field of fifty gentlemen, representing and consuming, may be, some two or three hundred thousand a-year, mounted every day of the week with a noble hunter fresh for the task, with all the other expensive appurtenances of the chase, how one could wish to see so much courage, so much energy, so much capital, more usefully employed in those real undertakings of which this is an empty shadow,—in the great border warfare ever waging, though waged so precariously and so ill, between civilization and the desert.

“Grievous to say, nothing is further from their thoughts. Emigration, to be sure, is a word frequently in their mouths. If a party of gentlemen meet for the improvement or protection of agriculture, emigration is sure to turn up in some way during the talk. But who will set the example? The country gentlemen stand at the head of the line, always ready to charge British America up to the very Pacific. But, like faint-hearted captains, they do not say ‘Come on,’ but ‘Go on,’ to the timorous multitude. They will advise and plan, and compel, and thrust and goad, but still not conduct the surplus population. The island is too full, so they point somewhere beyond the ocean, and then compel the redundant crowd ‘to walk the plank;’ for that is all their talk of emigration comes to. ‘Your room, not your company.’ Yet, in heathen antiquity, we read of a

crowded state sharing equally the means of subsistence, till they could contain no longer; then dividing half the population to the king, and half to his son, who decided by lot which moiety should seek a new home on some unknown shore. Heroes, princes, and priests, were the colonists of those days; and colonies worthy—more than worthy—of their mother states, were the result. Degeneracy, at least, was not the rule, as it is with us." *The Times*, 23rd September, 1844.

"COLONIES AND EMIGRATION.—To emigrate, colonize, and form new empires, is the destiny and the hope of Britain. While other nations sink into effeminacy or barbarism, the mixed race of which British population is composed spreads itself with indomitable energy over the surface of the globe, and, defying alike the hostilities of other tribes, and the howling difficulties of nature in her wildest state, establishes art, commerce, and civilization, in the remotest and most impenetrable regions. France, with all her vanity and ambition, cannot form a colony in Algeria; and, amidst the failure of every effort to extend her name and dominions, is driven at last to the miserable extremity of thinking that it is glory enough if she can only conquer a petty island in the South Seas with its few thousands of semi-civilized natives. Spain, though once in the van of colonization, has only reaped luxury and indolence from possessions which should have imparted new life to her, and, like Byron's eagle, lies bleeding under shafts winged by the feathers which once warmed her breast. The Dutch, though once powerful in colonies, are fast losing this essential element of greatness by means of the baneful influence of their own despotic and monopolizing system. Amidst the group of European nations, Britain stands alone as a successful parent of vigorous and powerful colonies, and in whatever direction she casts her eye, can point to her numerous offspring as the trophies of her industry, her energy, and enterprize, and to some of them, indeed, as her rivals in imperial magnificence and power.

"It is painful, but necessary, to remark, however, that the British colonies owe neither their origin to the wisdom, nor their prosperity to the fostering care, of the home government. On the contrary, they originated in its despotism, and have prospered in spite of it. The first colonists that left our shores were driven from their beloved homes by no other necessity than the necessity of seeking shelter from the tyrannous operation of penal enactments. Their first hopes were dashed. They soon found that British tyranny did not confine itself to British soil. Wherever they went the taskmaster followed, until, gathering strength by degrees, they arrived at length at the full maturity of nationhood, and shook off for ever the incubus under which they groaned. The British government, however, learns nothing by experience. The American Revolution, and the establishment of an independent and rival republic on the other side of the Atlantic, might have taught the most stolid how dangerous it is, first, to drive men from our shores by misgovernment, and

then, to pursue them to their adopted homes with the same. British rulers, however, spurn all such teaching. Our system of colonization reflects as much disgrace on them as ever. Colonies are planted without any effort of statesmanship,—they are fed by no natural and appropriate stream of emigration,—fostered by no paternal care, nor yet organized upon any just and constitutional principles. The great process by which new empires should be founded goes on without plan, without arrangement, and without the smallest exertion of that policy which men consider necessary for their most important undertakings. Every thing is left to the rough chances of accident. Some thousands of our inhabitants, harassed and impoverished by misgovernment, annually betake themselves to ships without organization or concert, and have no sooner escaped from the fangs of oppression at home, than they find themselves the victims of neglect and knavery abroad. This is British colonization!

“What have the great and powerful done to mitigate these sorrows, and to conduct emigration on a plan commensurate with the greatness of the country, and the grandeur of the purposes to be achieved? Loud complaints are made of our crowded population, and emigration is held forth as the sovereign and only remedy. But those who talk most on the subject, are the parties who seem least disposed to act on their own principles. The aristocracy and men of capital are fluent in their praise of the advantages to be derived by crossing the deep. But do they set the example? Do they strive to lay hold on the glittering prize which they present to the dazzled eyes of the half-famished labourer? Do they take advantage of their superior information, their capital, their expansive views, and their capabilities for leading and organizing communities, and, throwing all upon the common altar of the country, go forth at the head of bands of enterprising and willing men, to discover new regions, and lay the foundation of new empires? Shame upon them, they shrink from such noble, though arduous undertakings. What a spectacle do the ruling classes of this country present! Every parliamentary speech recommends emigration as a remedy for national distress; and every agricultural association echoes the cry. And, all the while, what are members of parliament and agricultural associations doing? Manual labour is discouraged, cottages are torn down, estates are cleared of their tenants, trade is suppressed, the very fowls of heaven are watched and guarded by armed keepers, and every measure resorted to by which the people may be reduced to the alternative of choosing either to emigrate or starve.

“Men who allow themselves to be frightened by the bugbear of an over-crowded land may well be excused for their eagerness to encourage emigration; but there is no palliation for the ignorance, or something worse, which pursues emigrants to the farthest corner of the earth, with the same misgovernment and neglect which first drove them from their native country. Common prudence,—the very success of emigration, in fact,—suggests that colonies should be governed with the utmost care,

and made as prosperous and inviting as possible. British statesmen have turned deaf ears to all such suggestions. Their whole anxiety appears to be to get the people banished out of the country, no matter how hard and unfortunate their lot may be afterwards. Our colonies are either spoiled by a system of sickly and ill-advised protection, or blasted by the grossest injustice and mismanagement. Take the Australian colonies as an example. At an expense of £800,000, ship-loads of the poorest, most unskilled, and degraded creatures which the British islands could produce, have been thrown into these colonies. At the very same time that this has been done, a minimum price has been fixed on Crown lands by act of the home parliament, which is declared by the colonists to be 'so far beyond their value as to amount to a prohibition of their sale.' And, as if this was not enough, wheat, the produce of these same lands, notwithstanding the great expense of transportation, is subjected to the exorbitant duty of 5s. per quarter before it is admitted to the British market. Here, then, is a series of measures, than which, supposing that the utter destruction of these colonies was intended, we defy the ingenuity of man to discover any means more effectual for the purpose. Thousands of human beings are thrown upon a great uncultivated continent, whose only hope of usefulness, either to themselves or to the colonies, consists in being instantly set to work in clearing, tilling, and fructifying the wastes with which they are surrounded. But the very parties who have been instrumental in sending them there, as if for the very purpose of keeping them in idleness, and throwing them over to plunder and prey on the industrious colonists, make a law prohibiting the sale of those wastes, except at a price which men of capital refuse to give. And then, as if to make the ruin of the colonies complete, the land is rendered still more unsaleable, still less worth the price affixed upon it, and of course still more forbidding to the capitalist, by shutting up the natural and most extensive markets for its produce. A system of more stupid and heartless law-making cannot be conceived. It is an utter disgrace to the Colonial Office which concocts it, and to the parliament and people by whom it is sanctioned.

"This is a subject of surpassing interest and importance. It must be investigated more thoroughly by the people of this country than ever it has been. We have arrived at a crisis when emigration and the foundation of colonies are in a manner forced upon our notice. We say so, not because we attach any weight to the doctrine that the resources of our own country are exhausted, and that our population has become too large to be subsisted at home, but simply because we regard emigration and colonies as necessary adjuncts of a great commercial and enterprising empire. It must be confessed, moreover, that by long misgovernment and long misapplication of national energies, this country has been brought to a dead stand. Whether we have resources at home fully adequate for our wants or not, it is abundantly clear that these resources have not been developed in a manner commensurate with our wants. Our necessities have shot far ahead of our

means. As a necessary consequence, we have great luxury on the one hand, and extreme poverty on the other; and the chief desideratum is some great industrial undertaking, which will dissipate the one, and fill the mouth of the other. The formation of colonies, therefore, on a grand and comprehensive scale, may well be entertained as a suitable and adequate remedy. In surveying our past and present history, we cannot evade asking ourselves the question, if the millions we have spent, and the energies we have wasted, in fruitless conquests and pernicious luxuries, had been applied to the development of our internal resources, and the culture of our foreign possessions, how much different would be our position at the present moment? The past cannot be recalled, but the future may be improved. If we would escape the ruin which has entombed every empire that has preceded us, war, luxury, and every species of extravagance must be laid aside, and our whole resources devoted to the peaceful pursuits of industry. If emigration be resolved upon, it must not be the wretched, torn-down and barbarous emigration which we have hitherto been accustomed to. The capital, genius, statesmanship, and enterprise of the empire must be thrown into it. Expeditions must be deliberately planned, and communities fully organized and equipped, so that their departure from our shores may not be marked with the tears and groans of dejected slaves, but the joyous looks and light hearts of brave and free men, proceeding on a noble and heavenly mission,—the establishment of colonies in the dark regions of the earth,—bearing in their hands the torch of Christian civilization, the horn of plenty at their feet, the wreath of liberty on their brow, and every blessing in their train that is worthy of their mother's name and magnificence."—*The Scottish Herald, Edinburgh, October 10th, 1844.*

“THE NOVA SCOTIA QUESTION.—In our last number we gave some account of the origin of the claims of the Scottish Baronets to the possession of territory in Nova Scotia, with an extract from a very able speech of our excellent countyman Sir Richard Broun, on the subject. It would be observed, from the statement given, that the Baronets rest the validity of their claims, on a royal grant and charter from the Crown, in consideration of the performance of certain conditions calculated to benefit the nation at large; and in this respect the measure becomes an important subject of public interest. We require, in the present circumstances of the country, men of capital and enterprise—we care little by what name they are called—who will undertake to find profitable employment and comfortable homes for our unemployed and starving population; and if the Baronets are willing to lead the way in so noble and desirable an undertaking, and can demonstrate, by the success of their enterprise, the efficiency of a judiciously conducted system of emigration, in alleviating the misery and privation of our labouring population, they deserve the thanks and gratitude of the country. To Sir Richard Broun no little praise is due for his persevering exertions, in defiance of obloquy and discouragement, to promote this important object. The view

which he takes of the subject is exactly what we might expect from a gentleman of enlightened understanding, ardent philanthropy, and sincere Christian principles. He sees around him an incalculable amount of misery and destitution, from want of employment, and from inadequate remuneration for labour, the country 'ulcered over with pauperism,' at a time also when not fewer than twenty-three thousand needy gentlemen have made applications for Government appointments since Sir Robert Peel's recent accession of office; and reflecting earnestly on the present aspect of things, he is led to observe, in a letter to which we may again refer, 'Can any one say that we are ten years removed from scenes of social desolation more awful and calamitous than those which erected the scaffold at Whitehall? Let the Baronets beware how they tamper with the duties and obligations which their institution entails. If they act much longer on the *laissez faire* policy of the age, they may rest assured that the time is at hand when their orange ribands will be converted into halters, by the millions of our destitute fellow-subjects, who even now regard the titled aristocracy as an effete superincumbent mass, fit only to be broken as piercrust and scattered to the winds.' Sir Richard finds from the original institution of the Baronetage, that this degree of hereditary dignity and rank was intended to mean something of utility to the community at large; and he would convert the sham chiefs and leaders of the people into true chiefs and leaders—to lead them not to battle-fields, but to Western forests and uncultivated lands, where their labour will be abundantly rewarded. We entirely coincide with Sir Richard in thinking that it is only by devoting themselves to measures of active benevolence, and the amelioration of the condition of the working classes, that the aristocracy can be saved, and the peace of the country long preserved. But we have little hope of their seeing their real position in its true light, till it be too late."—*Dumfries and Galloway Standard*, 25th December, 1844.

"PAUPER EMIGRATION.—Extensive plans of Pauper Emigration are not much better than Penal Emigration. We have no right to cast out among other nations, or on naked shores, either our poverty or our crime. This is not the way in which a great and wealthy people—A MOTHER OF NATIONS—ought to colonize."—*The Times*, 27th May, 1844.

"If we might resolve their recent acts into any one principle, we should say it is an acknowledgment of the great but neglected truth, that MAN IS THE MASTER-PIECE OF THE CREATION, and that for him all earthly things are made and should be administered. He is better than money, or houses, or land, or rank, or learning, or any work, or quality, or institution of men. As far as the bulk of our fellow-creatures does not partake of these, or of the benefits flowing from them, so far are they a disgrace and a burden to the possessors. The gifts of Heaven live and flow. Favoured men and classes are their channel—and THE MANY are their rightful recipients. Monopoly, selfishness, and negligence are sins against this divine dispensation. Wealth in the midst of misery—literature dwelling con-

tentedly by the thick of ignorance—thousands of acres for the sole use of one, whilst thousands never tread the native turf, or know the shade of a tree—these are blots in the sight of heaven and make a nation old—old in weakness, old in misery, old in crime.”—*The Times*, 17th October, 1844.

“Thus we have ever exposed any mere pauper emigration. We have not unfrequently called for an amended system of emigration, WORTHY OF A GREAT EMPIRE, and of its obligations towards its subjects. By a ‘pauper emigration,’ we mean a scheme for meeting the labourer’s demand for employment by just shipping him across the Atlantic into the heart of an American forest, and there leaving him to his own resources. Its humanity is of the New Poor Law school. The landowner computes the probable expense of a labourer and his family to the parish, and finds that it will cost him a good deal less out of hand to pay his passage to Upper Canada. In fact, the scheme is a good investment. It pays better to drain off the human surplus than the water. But the result is a PAUPER COLONY without capital, without intelligence, without dignity. Such is the manner in which we have peopled our noble Provinces in British America! The highest destiny we anticipate for them is that some day they will develope into a vulgar republic, full of hostility, jealousy, and perhaps contempt, for the mother country. The substitute for these private speculations is an emigration conducted from first to last with such superintendence, and such provision for future wants, as shall render the change as little like EXPATRIATION as possible, and make a colony only another name for a county.”—*The Times*, 19 October, 1844.

“In this country we have almost come to that pass that man is a drug. The increase of every other item we hail with delight and pride, and conclude ourselves to be thereby ascending in the scale of nations. From the increase of our own flesh and blood we recoil with horror. Yet it is our multitude that makes us strong. We are productive because we are prolific. Of all the natural and artificial productions of this productive country, its noblest is in our eyes the vilest.

“There must be something very wrong in this. A blessing cannot be at the same time a curse. If numbers are sent to us for good, it is our short-sightedness if we think them evil; or rather our fault if they turn out to be actually so.

“This depreciation of the human race is one of the most serious errors of our country, and is at the bottom of some great failures. No legislation, no course of action, no political theory can be right, which proceeds on the idea that men are vermin. With this false and unnatural leaven in it, any measure is sure to develope in loss, injury, and disgrace. Men are the best cattle. If men could be bought and sold, the labourers on the farm would be found worth all the other live and dead stock put together,—worth perhaps the fee-simple of the land. It is computed by the economists of the United States, that every good labourer they get from us is worth more than a thousand dollars, and may be considered as adding

that much to the capital of the Republic. If then such a being brings actually no price in our market, it is the fault of the purchasers. A watch, or a musical instrument, is of no value to a savage or an unskilled person. The intrinsic value of a well trained labourer is everywhere the same. His profitable value is fixed by his relations to nature. If the nation despises him, and throws him aside, it must be because it cannot bring his music out of him.

“ Most particularly is it impossible that any project of emigration can lead to respectable results which proceed on so unworthy a supposition. As soon as colonization assumes the form of a receipt for killing rats, let statesmen, let Englishmen beware of it. It is a dishonest and disgraceful scheme, and no good can possibly come of it.”—*The Times, October 12th, 1844.*

“ NOVA SCOTIA.—The following observations relative to the geographical position and internal resources of Nova Scotia, may serve to illustrate the importance of the question now agitated by the Scottish Baronets regarding their claims to the possession of territory in that province. Nova Scotia, as anciently bounded, is the key of North America, commanding the St. Lawrence to the north, and the Bay of Fundy to the south; and, whether for peace or war, it is the ARX ET DOMICILIUM of British sovereignty in the Western Hemisphere. This fact gives increased emphasis to the appeal which Sir Richard Broun makes in regard to the policy of counteracting the calamitous effects of Mammonism at home, and the hostile intentions of Republicanism abroad, by the rapid and systematic extension of Scotland over her magnificent transatlantic domains; a measure which it is proposed to effect by the revival of the rights and objects of our Baronetage. The more clearly to demonstrate how much interest and policy combine to call for the adoption of such a measure, we insert from the pages of a very able politician, D. Urquhart, Esq., a passage which appeared shortly before the settlement of the disputed Boundary Question:—

“ ‘ At a moment when clouds are gathering around, and storms bursting upon us, when forebodings rise in the hearts of men, and danger springs even from the remotest corners of the earth, a British Parliament is occupied in the pettiest and most insignificant of internal interests, and a nation is agitated with parish affairs! Questions involving the rights, security, integrity, and honour of the nation itself, can inspire neither Parliament nor people with thought nor care!

“ ‘ Look at the map, and ask yourselves where on the face of the earth do you find any thing to be compared to the position of Nova Scotia and Cape Breton? Where do you find elsewhere, throughout the globe, any thing equal to its harbours, its mines, its facility of transport, and whatever has furnished the richness of England—its fisheries, its navigation, its maritime greatness, its means of constructing ships, and of forming the men by which they are to be navigated? Cape Breton and Nova Scotia

are the very sources of maritime power; *it is there the Trident has sprung.* England has held that trident only since she has possessed them; and when she loses them, it will have fallen from her grasp, if it has not been already shattered in her hand. We stand, and have stood, in war invulnerable, not merely because we are an island, but because our island is constructed in a peculiar manner. It has the advantages of attack, without being liable to the injuries of assault. We have harbours looking upon and threatening the shores of France and Germany, whilst they have no corresponding fastnesses and keeps. Further, we are to windward, and they are to leeward; we can send forth fleets to their coasts, favoured by the winds by which they are oppressed. This controlling power possessed by England over the continent is exercised by North America over Europe. As England with respect to the coasts of the Northern Ocean and to France—so does Nova Scotia stand with respect to Europe and to England herself. Westerly winds blow during two-thirds of the year; and from Nova Scotia's thousand harbours fleets may reach the Mediterranean sooner than from Plymouth or the Downs. Look at this position, and then look at the fortune we hold out to other powers, the moment we are regardless of the value of our own possessions. In these colonies reside manufacturing means equal to those that Britain possesses. There is the same happy juxta-position of iron and coal. There are fisheries equal and superior to those of England. There are to be found coasts and harbours, and extensive means of water communication, still greater than even the wonderful natural advantages of England can rival. There resides the maritime power which must command Europe, both by its timber and its naval position. Put beside these things, the spirit and tendencies of the United States. If you see, then, that there are those in the world who are ready to take advantage wherever there is weakness and wherever there is wealth, be assured that the wealth and the riches we possess will not long be ours, unless there be such a change effected in the national mind as shall make it equal to our fortunes and our difficulties.'

“Referring to the eleven Baronies and Regalities of 16,000 acres each, belonging to our Dumfriesshire Baronets, perhaps some of our readers may be curious to know what may be their value^a. Since the extract above given was first published, and notwithstanding the forcible monitions it conveys, our Government has yielded up to the unjust demands of the United States property in Nova Scotia estimated by the *Times* at three millions sterling. What the worth of the eleven properties may be, it is impossible to say; but, a few years ago, a Baronet had his grant, which lies in the immediate vicinity of the town of St. John, surveyed and valued, when it was reckoned to be worth £1,000,000 sterling. Assuming, however, that each grant was not worth a tithe of that sum, nevertheless, as an example of what land, money, and population can effect, we may mention that the Island of Manhattan, on which the city of New York now stands,

^a See page 16.

was purchased for the sum of 24 dollars. If Edinburgh, with the accumulated riches of 1,000 generations, was brought to the hammer at her own market-cross, the sale would not realize the value of the property which two centuries have sufficed to create on that spot."—*Dumfries and Gallo-way Standard*, January 1st, 1845.

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"These then, Mammonism and Republicanism, form the HOME CONDITION QUESTION with which we have to deal—and together they combine to instruct the high and solemn duty which now rests upon this noble and mighty ORDER in both its branches, and even as one man, to take up alike in England and Scotland, in Ireland and in Wales, the functions of the lofty and beneficent calling with which separately and collectively its members are endowed. It is essential for the life and the salvation of the Empire, for the annihilation of mammonism and the extirpation of republicanism, that we should fall back upon the Command first breathed out as a blessing on our race in Paradise, 'BE FRUITFUL AND MULTIPLY,—REPLENISH THE EARTH AND SUBDUE IT.' We have obeyed the former,—we must obey the latter. And who is he that will venture to affirm, with all the signs and shakings of the time around us, that PROVIDENCE has not gradually shut us up to this course,—this glorious course, which ought to be the passion of the great, as well as the necessity of the humble,—this course, by which we can substitute the conquests of peace for the conquests of war, and add new realms, not to the blood-stained car of one selfish despot, but to the hearth-seats and the uses of the human race?"—*Sir Richard Broun's Speech at the Meeting of Nova Scotia Baronets in Edinburgh, on the 7th of November, 1844.*

"The appointed mission of this nation is evidently to people the boundless regions of North America with a race of men possessing the purest religion, inheriting the richest literature and proudest history, and endowed by nature with the largest share of personal energy, perseverance, moral courage, self-command, habits of order and industry, and, in a word, possessing the highest degree of aptitude for practical civilization, of any race which the world has yet seen."—*Laing's Prize Essay, 1844.*

"We should look to that great area cultivated by our own countrymen in our colonial possessions in North America—a country to which we are united by the closest relationship—a country which finds constant employment for our surplus labourers—a country which still looks to Great Britain with feelings of affection—a country which offers a market for our manufactured goods—a country subject to no hostile tariff—which supports our shipping—which improves the condition of our fellow countrymen—a country which we may hold with signal benefit to ourselves, but in which

we cannot maintain our supremacy, unless we are cemented to her by *the closest bonds of affection as well as interest.*"—*Lord Stanley, in the House of Commons.*

"The time is not far distant when this country will be better known than it is now—the time is at hand when our people at home will not consider that coming to Canada is coming to the back woods of a wilderness. They will find, as I have found, to my great astonishment, good roads, good modes of conveyance, and as good towns as in Europe, with shops well stored, not only with the necessaries, but the luxuries of life. They will learn that this town, (London, Western Canada,) which now consists of handsome buildings, the one in which we are now assembled—the Mechanic's Institute—giving a stamp of respectability, intelligence, and a taste for the fine arts, of which you may be justly proud, contained *but four cottages* 14 years ago. These facts will speak trumpet-tongued, and render this noble country, under British rule and your unanimity, the noblest appendage to her Majesty's dominions. It is the natural and the fittest outlet for the superabundant CAPITAL, PEOPLE, and ENTERPRISE of the mother country—presenting, as it does, an opening for the investment not only of thousands but of millions of capital, abounding in all the elements of wealth, navigable rivers, a luxuriant soil, and a congenial climate; and undoubted security on real estate, at high rates of interest, and to an unlimited extent."—*Views of Canada and the Colonists, 1844*^a.

"That British North America should long remain connected with this country, indeed, indissolubly united until monarchical institutions have taken firm root in the soil, and have attained a growth not to be checked or overshadowed by the surrounding democracy, is a result which every true lover of England must desire to see accomplished. At a period when communication between the Old and New World was counted by weeks, and not as now by days, the shock of the AMERICAN REVOLT was felt over the whole continent of Europe, and its contagious influence exhibited itself in the bloodshed, and horrors, and protracted wars of the French Revolution. England, though she surmounted, did not escape the convulsion of nations, and there were seasons during that tumultuous and memorable era when every one of her institutions, civil and religious, was menaced with destruction. Let the patriot and the statesman of the present day contemplate the flood of consequences that would burst over this country from the loss of our North American Colonies."—*Systematic Colonization, by Dr. Rolph, 1844*^b.

"The province of Nova Scotia alone, if possessed by the United States, would render that republic independent of all Europe; and, in the event of another war, when steam-ships will become terrible to all others, the Americans would be enabled, by possessing the exhaustless coal and iron

^a Published by A. and C. Black, Edinburgh; and Longman and Co., London.

^b J. Mortimer, 1, Adelaide Street, Trafalgar Square, London.

mines of Nova Scotia and Cape Breton, to defy the united naval force of all Europe on the shores of the Western World."—*M. Gregor's "British America,"* 1832.

"Steam-boats may go up from Quebec to Lake Superior ere three years from this time. From thence with little trouble they will pass through the *Notch* of the Rocky Mountains, and be locked down the Columbia to the Pacific Ocean. The town of Nootka is likely yet to be as large as London, and ought to be laid out on an extensive plan, as the trade between it and the Oriental world may become wonderfully great in a short time. Then, when the steam-packet line is established between Quebec and London, as it soon will be, we may come and go between China and Britain in about two months. Can this be called a foolish prophecy, or an idle dream? By no means, it is perfectly practicable. The magnitude of the whole may probably be too much for the minds of the generality of mankind to grasp, but what signifies that? Were the work absolutely finished, millions would not believe it."—*M. Taggart's Work on Canada.*

"When will our legislators learn that their 'extensive emigration' is not COLONIZATION? To colonize is to transplant the nucleus, not a disjointed fragment of a state—an antitype and likeness, not a mere accidental and isolated *torso* of a finished polity. In the days of ancient, and the most auspicious period of modern colonization, settlements were formed, and the foundations of governments laid, by the representatives of every class from the parent state. The heads of families and clans—the old aristocracy—the priest and the bishop; each order of the state confederated with the artisans and labourers, to found the social edifice of a new and distant commonwealth. But it is reserved for a luxurious and civilized era to preach new doctrines, and practise new methods; to neglect the maxims and despise the example of former days; to transport the poor like herds across the sea, and leave them without the control of authority, the discipline of subordination, and the benefits of experience and knowledge, to found new Republics of ignorance and barbarity—where rank is despised because its kindly influence was never felt, and religion is derided because its ministers had no concern in the medley and tumultuous flight nicknamed 'extensive emigration.'"—*Times, Tuesday, 17th September, 1844.*

"Our mission from the MOST HIGH is evidently to go forth and possess the earth and the 'fulness thereof;' and nothing but ignorance, tyranny, or a most contemptible imbecility, can keep men cooped up in an exhausted island or territory to starve, while surrounding abundance and the ocean—Heaven's great ready-made highway—invite the noble enterprises represented in a phrase which has happily become to us a national sentiment—'Ships, Colonies, and Commerce.'"—*Scottish Herald, 14th Nov. 1844.*

