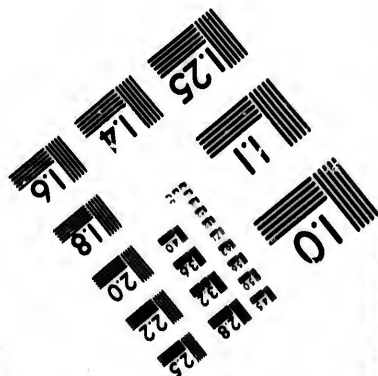
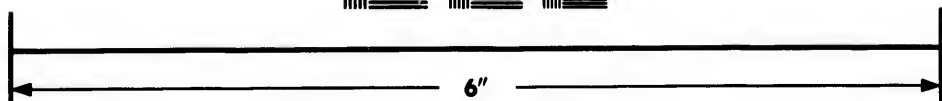
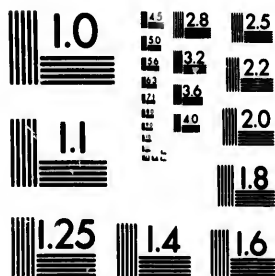


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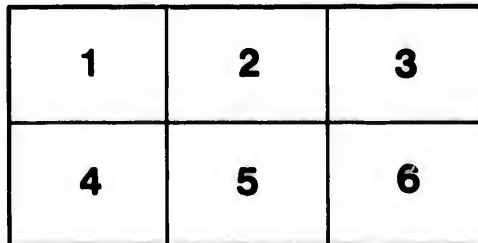
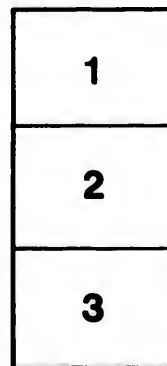
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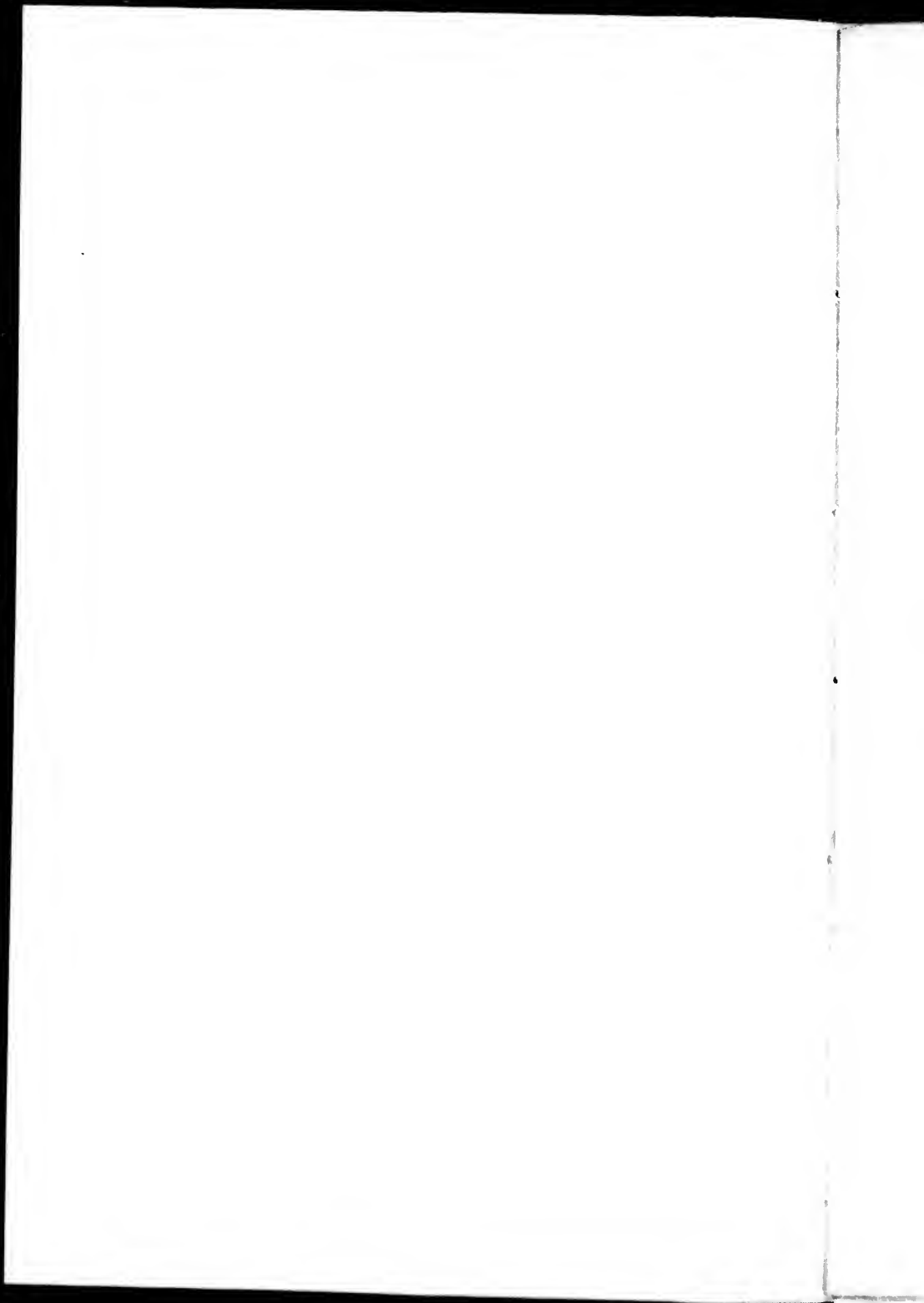
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COLONIZATION.

NOVA SCOTIA BARONET RIGHTS.

COPY OF THE
MEMORANDUM AND PROTEST

PLACED IN
EARL GREY'S HANDS BY A DEPUTATION,
On the 2nd of June, 1848.

AND OF
THE ADDRESS
OF
THE HON. SIR RICHARD BROUN, BART.

DELIVERED BEFORE THE
Committee of the Baronets of Scotland and Nova Scotia
FOR
Nova Scotia Rights.
On the 16th of October, 1848.

“We have the honour to rank ourselves with those friends of Government whose attachment to the laws and liberties of their country have taught them zeal for the dignity of the Crown, and affection for the person of their Sovereign. If his Majesty should be pleased to reinstate us in our ancient properties, we know that the influence which might arise to us upon the continent of America would be faithfully employed in his Majesty's service, and we flatter ourselves might be of some importance in disseminating the principles of genuine patriotism and loyalty.”—*Address from the Baronets of Scotland to the Government, 27th March, 1777.*

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1848
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COMMITTEE
OF THE
BARONETS OF SCOTLAND AND NOVA SCOTIA
FOR
NOVA SCOTIA RIGHTS.

*Appointed by a General Meeting of the Order, held at Edinburgh, on the 7th of November, 1844.
with power to add to their number.*

The Right Honourable The EARL OF CARNWATH.
The Honourable SIR WILLIAM GORDON, Premier Baronet.
The Honourable SIR WILLIAM BACON JOHNSTON, Bart.
The Honourable SIR WILLIAM OGILVIE, Bart.
The Honourable SIR ROBERT MURRAY, Bart.
The Honourable SIR WILLIAM ALEXANDER MAXWELL, Bart.
The Honourable SIR JOHN CAMPBELL, Bart.
The Honourable SIR CHARLES FITZROY MACLEAN, Bart.
The Honourable SIR ROBERT MENZIES, Bart.
The Honourable SIR JOSHUA C. MEREDYTH, Bart.
The Honourable SIR FREDERIC HAMILTON, Bart.
The Honourable SIR ROBERT K. DICK CUNYNGHAM, Bart.
The Honourable SIR JOHN MAXWELL, Bart.
The Honourable SIR JOHN PRINGLE, Bart.
The Honourable SIR WILLIAM C. SETON, Bart.
The Honourable SIR RICHARD BROWN, Bart.
The Honourable SIR JAMES STUART, Bart.
The Honourable SIR JAMES J. R. MACKENZIE, Bart.
The Honourable SIR ALEXANDER REID, Bart.
The Honourable SIR JAMES D. H. HAY, Bart.

Hon. Secretary

The Hon^{ble}. SIR RICHARD BROWN, Bart.

Bankers.

The BANK OF SCOTLAND, Edinburgh.

Committee Rooms.

CLARENDON HOTEL, Bond Street, London.

BARONETAGE OF SCOTLAND

AND

NOVA SCOTIA.

*REPORT of the Proceedings at a Meeting of the Committee of the Order for Nova Scotia Rights, held at the Clarendon Hotel, Bond Street, London, 16th of October, 1848.**

The Hon^{ble}. SIR FREDERIC HAMILTON, BART. in the Chair.

The Meeting was presided over by the Hon. Sir Frederic Hamilton, Bart.; and in addition to the members of the Committee at present in London, was open to such other resident members of the Order as found it convenient to attend.

The members of the Committee were convened for the purpose of having submitted to them Earl Grey's reply to the "Memorandum and Protest," placed in his hands by a Deputation, on the 2nd of June last, consisting of the Honourables Sir Wm. A. Maxwell; Sir W. Ogilvie; Sir Fred. Hamilton; Sir Thomas M. Cunningham; and Sir Richard Broun, Baronets; and taking into consideration the course to be now taken for the purpose of giving increased effect to the objects for which the Committee was constituted.

The following is a copy of the "Memorandum and Protest" referred to:—

"Memorandum and Protest placed in the hands of the Right Hon. Earl Grey, her Majesty's Principal Secretary of State for the Colonies, on the 2nd of June, 1848, by a Deputation from the Committee of the Baronets of Scotland for Nova Scotia Rights.

"The Deputation have the honour to wait upon the Colonial Minister, pursuant to a series of resolutions which were passed by the Committee of the Baronets of Scotland for Nova Scotia Rights, at a meeting held in London on the 23rd ult., the Hon. Sir William Alexander Maxwell, Bart., of Calderwood, presiding.

"The objects for which the Deputation have been appointed are threefold:—I. To present a copy of a compilation, entitled 'The Nova Scotia Question, with Observations Geographical and Statistical—Historical Summary of Events relative to the Baronetage of Scotland and Nova Scotia—Roll of Existing Members—List of Charters, and Opinions of Counsel.' II. To submit on behalf of the Order, that, in lieu of all territorial claims, a consolidated grant shall be made to the Baronets of 2,500,000 acres of the vacant land in New Brunswick, upon the line of the proposed Railway between Halifax and Quebec; and III. To place in the hands of her Majesty's Government a formal protest against the sale, grant, or concession of any of the

* This REPORT filled six columns of the *Morning Herald* of the 17th October, 1848.

vacant territory within the province of New Scotland, as originally bounded, pending the Settlement of the Claim of Right now urged by the Baronets.

"In discharging the duties devolved by the Committee on the Deputation, its members embrace the opportunity of drawing Earl Grey's special attention at this juncture to the fact, that the revival, in British North America, of the chartered rights and objects of the Baronetage of Scotland and Nova Scotia, would be a work of combined justice, policy, and humanity. As regards justice, the crown charters, acts of parliament, and other legal instruments founded upon (upwards of two hundred in number,) demonstrate, beyond all doubt or cavil, that the rights and privileges which they vest in the Order are still valid, subsisting, and effectual. The policy of restoring to activity and usefulness such a great monarchical institute as the Baronetage of Scotland and Nova Scotia, would be a means of rapidly settling, with a loyal and attached landocracy, yeomanry, and peasantry (the main constituent elements of British society,) that portion of our vast trans-atlantic empire which, from geographical position, mineral resources, and water facilities, is, and must ever be, the *ars et domicilium* of British power, industry, and enterprise, in the western hemisphere, is too self-apparent to require comment. Whilst the humanity of hastening the time when regulated emigration and colonization shall become the passion of the great as well as the necessity of the humble, will not be denied after the recurrence of a second Famine Visitation within the space of ten years, by any one who reflects that never was there an age or country in which problems in population of more signal difficulty, or awful importance, arose to demand practical solution, than those which multiply in Great Britain at the present day.

"The Deputation cannot advert to the second matter entrusted to it—viz., to submit that, in lieu of all territorial claims, two-and-a-half millions of acres along the line of the proposed Railway between Halifax and Quebec shall be assigned to the Baronets, out of the twelve million acres of soil now vacant in New Brunswick,—without observing that no possible inconvenience, on the one hand, can arise to the Colonists from closing with a proposition by which all litigation will be avoided; whilst, on the other, and that at a crisis when the pillars of civil order are being everywhere shaken, there would be an entire absence of any disposition on the part of the home government to countenance an infraction of Royal covenants, and a depraving of statute laws. It is a solemn and binding engagement between the Crown and the Baronets, twice ratified and confirmed by parliament, that 'no lapse of time, non-user, or any other adverse circumstance whatsoever,' shall bar the rights and privileges which are vested in the Order by their charters. Nor will the propriety of the restitution of these rights be denied by Ministers to a body that has ever deserved well of the Sovereign and the nation, seeing that, since 1798, no less than ten several consecutive territorial concessions have been made to satisfy the unjust demands of not merely a rival but a revolted state.

"The charters, acts, and other documents referred to in the compilation on the Nova Scotia Question—a copy of which publication is placed herewith in the hands of the Colonial Minister—constitute a complete chain of historical and legal evidence in support of the claim of right preferred by the Baronets. With such indefeasible grounds to proceed upon, and seeing that questions connected with subsistence and population will successively arise to embarrass the nation, the Deputation deem it to be impossible that a wise and paternal government, actuated by due fidelity to the Crown, and love for the people, will fail to recognise the duty of restoring the rights in Nova Scotia of the Scottish Baronetage, and making the Order again subservient for the great and paramount ends for which it was devised by the wisdom and patriotism of former sovereigns, privy councils, and parliaments.

"The duty of restoring the public functions and utility of the Scottish Baronetage, as a body constituted for ever to advance 'the opulence, prosperity, and peace' of Scotland, by and through the right colonization and settlement of Nova Scotia, is one alike onerous upon its members and the Crown. Corruption or non-utility in a great monarchical institute is, under any circumstances, a state evil of enormous magnitude—one which reflects equally upon the reigning Sovereign, as the representative of the Royal founder, and upon those whose titles and prerogatives have descended upon them as retaining fees for personal exertions. When James I. annexed Nova Scotia to his ancient kingdom, 'that its use might arise to the benefit of that kingdom,' and projected the creation of the Baronetage to superintend its plantation, he declared he would make the business a 'Royal work of his own.' And his last injunction to the Privy Council of Scotland, dated from his death-bed,

on the 23d of March, 1625, was, '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.' Whilst, then, in compliance with that Royal commandment, and in consideration of the necessities now pressing upon all ranks and classes of the subject in Scotland, the Baronets are bound in honour and conscience to revive the uses of their Order, our gracious Queen, her ministers and government, are no less bound in honour and conscience to facilitate the restoration of the Baronetage, and to do whatever is needful to render it again the state organ of utility, in that noble but neglected domain of social happiness and national aggrandisement, which its Royal institutor intended it hereditarily to be.

"Finally, whilst this Committee, as representing the interests of the Scottish Baronetage, consider the time has arrived when they may look with confidence to the government for aid and encouragement, as regards the claim of right now urged by the Baronets; nevertheless, pending that settlement, they have deputed it to this Deputation to lodge in the hands of Her Majesty's Government a formal protest against the sale, grant, or concession of the vacant soil in any of the districts of the Royal Province of New Scotland as originally bounded, and which comprehends, Nova Scotia *proper*, New Brunswick, Gaspe, Anticosti, Prince Edward Island, Cape Breton, &c. In discharge, therefore, of this trust, the Deputation call Earl Grey's particular attention, as presiding over the Colonial Department of her Majesty's Government, to the following clause in the foundation charter of the Scottish Baronetage, viz., that the said charter 'is and shall be valid, sufficient, and effectual, in all time coming, in all points thereof, against the Crown, its heirs and successors, and against all other persons whatsoever, in all the courts of the crown, and in those of its heirs and successors, and in all other places whatsoever, at all times and occasions, notwithstanding whatever law, custom, prescription, practice, ordinance, or constitution hitherto made, ordained, and published or provided, and notwithstanding any other matter, cause, or occasion whatsoever.' And the Deputation formally protest against the sale, grant, or concession of any of the lands still vacant in the Royal Province of New Scotland, as originally bounded, pending the issue of the proceedings in which the Baronets are now engaged; protesting and declaring that all such sales, grants, or concessions, if any such shall be made to any person or bodies whatsoever, from and after this date, are and shall be null and void in law, notwithstanding whatever practice, expedient, or device may be set up or alleged to the contrary.

"Signed by order of the Committee, and on behalf of the Deputation, this 2d day of June, 1848.

"W. A. MAXWELL, Bart., *Preses*.

"R. BROUN, Bart., *Hon. Sec.*"

A letter was read from Mr. Hawes, Under Colonial Secretary, dated the 17th of June, 1848, stating—"That Earl Grey having had under his consideration the 'Memorandum and Protest' left with him by a Deputation from the Committee of the Baronets of Scotland, on the subject of their claim to land in Nova Scotia, he was directed by his lordship to acquaint the Committee, that, entertaining a conviction that the alienation of the large extent of land which the Baronets claimed would be highly detrimental to the public interests, and at the same time believing their claim to such a grant, as one of right, to be untenable, his Lordship regrets that he can return no other answer than that he declines to admit this claim, and will feel it his duty to resist any legal measures which the Baronets of Scotland may think proper to adopt for its establishment."

The attention of the Committee was called to the following ratification, by the Scottish Parliament, of the rights and privileges vested in the Baronetage, bearing date the 31st of July, 1630, viz.:—"The Estates presently convened, all in one voice ratifies, allows, approves, and confirms the Dignity and Order of Baronets erected by his Majesty, and his late dear father, of blessed memory, and conferred by them upon sundry Gentleman of good quality, for their better encouragement and retribution of their undertakings in the plantation of New Scotland, with all acts of the Privy Council, and proclamations following thereupon, made for maintaining of the said dignity, place, and precedence due thereunto, to continue and stand in force in all time coming. And 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 highly concerning his Majesty's honour, and the good and credit of this his ancient kingdom." Also to the following statute act passed by Charles I. and the Scottish parliament, on the 28th of June, 1633, viz. :—"Our Sovereign Lord and the Estates of this present parliament ratifies and approves the Act of General Convention of Estates, at Holyrood House, the last day of July, 1630, whereby the said Estates have ratified and approved the Dignity and Order of Baronets, with all the acts of Privy Council and proclamations following thereupon, made for the maintaining of the said dignity, place, and precedency thereof, &c.; and his Majesty and Estates aforesaid will, statute, and ordain, that the said letters patent, charters, 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 person whatsoever, shall stand and continue in full force, with all liberties, privileges, and precedencies thereof, according to the tenor of the same, and in as ample a manner as if the bodies of the said letters patent, infestments, &c., above-mentioned, were herein particularly engrossed and expressed."

There was laid on the table a copy of the book printed in 1842, by the order of the Court of Directors, entitled "A Concise View of the Origin, Constitution, and Proceedings of the Honourable Society of the Governor and Assistants of London of the New Plantation in Ulster, within the Realm of Ireland, commonly called the Irish Society." And extracts were read from Mr. Godfrey's pamphlet, entitled "Letters and Correspondence on the Halifax and Quebec Railroad," showing that the vacant lands recently held by the Crown in Nova Scotia *proper* amounted to 5,787,772 acres; ditto in New Brunswick, 12,300,851; ditto in Canada, 70,000,000; ditto in Prince Edward Island and Cape Breton, 1,000,000; ditto in Gaspe, 4,586,746. Total, 93,495,369 acres.

Letters were reported from various absent Baronets concurring in the propriety of the steps which are being taken by the Committee. Also communications from several correspondents in the Colonies, from one of which the following is an extract :—"If the Baronets do not exert themselves and vindicate their rights, depend upon it that every year tends but to weaken the connection between England and her North American dominions. This is my firm conviction from extensive local knowledge of the lower provinces. My feelings are strongly interested in the advancement of this question; because I am satisfied that the greatness and stability of the British connection with America is dependent on the success of your enterprise." Dr. Gesner, commissioner in Nova Scotia for Indian affairs, writes as follows :—"I trust all due allowance will be made for me when I remark that there exists in this quarter a common prejudice against the introduction of titled land-owners, and all large grants of land to such claimants. And this prejudice extends throughout the whole of North America. But this unfavourable opinion may, I have no doubt, be removed in this province by a timely development of the objects proposed by the Baronets of Nova Scotia, especially when they are associated together to promote immigration, and the improvement of the resources of the country. With the claims of the Order I am unacquainted; but having understood from articles that have appeared in the papers, that they still retain a desire to settle the wilderness lands that remain unalienated from the Crown, I have felt an interest in their cause, which, by being promoted, would be generally advantageous to this and the parent country."

Mr. Gillies, the loyal and talented Editor of the *Colonial Watchman*, published at St. John, likewise makes the following comments, in August last, on the proceedings of the Order :—"We repeat our conviction that it would greatly benefit the colony if the Baronets got 2,500,000 acres altogether in New Brunswick, on the express condition, however, of their occupying them by a resident population within a reasonable time. An increase of population is what we want, and we cannot understand what solid objections can possibly be made to 20,000 or 30,000 Scottish settlers, rich and poor as they may happen to be, who would bring with them habits of industry and economy, as well, as in many cases, a complete knowledge of agriculture. If gentlemen of rank, education, and property, should come with them, there is nothing in our view of things could be more valuable."

The following extract from the *St. John Courier*, received by the last mail, was read :—"For some weeks past we have observed, with much regret, the departure for the United States, by every steamer, of numbers of young, active, and enterprising persons, natives of this province, who go 'to return no more' to this colony.

In each succeeding week the throng of those departing seems to increase, and it is painful to notice among them many—sometimes whole families—whom we should have supposed firmly rooted to our soil, and attached to it by numberless ties.” Also the following, from a letter, dated Nov. 12, 1846, written by a Yorkshire gentleman, lately high sheriff of that county, who had twice during the summer of that year travelled over a great portion of New Brunswick:—“In traversing the province, I had many opportunities of judging of the soil, climate, &c. In the counties of Cumberland, Northumberland, Gloucester, and Restigouche, particularly in the two latter, the soil cannot be surpassed, and is not equalled by any that I have seen in this country, or on the continent of Europe. As a proof, wheat weighs 68½lbs. to the bushel, and, at the agricultural meeting at Bathurst, the average was 66lbs., and other produce in proportion. The climate is most salubrious and healthy. I saw numbers of emigrants who, in a few years, have been enabled to purchase their properties, and are now living in a state of independence. From its position, soil, and climate, I consider that New Brunswick possesses many advantages for emigrants over Canada, South Australia, and New Zealand; and, by documents, I am prepared to prove it. I am convinced that the government are not aware of the real value, importance, and resources of our North American provinces, or they would at once turn their attention to them, and adopt measures for preserving and assisting in colonizing them. These several provinces must be united by one governor-general, with one parliament, a uniform currency, and free interchange of produce.”

Mr. Godfrey, also, in his able pamphlet, already cited, states that, “between Halifax and Quebec there is sufficient space for the comfortable support of 1,000,000 people, provided they depended entirely upon agriculture for support—but that would not be the case.” whilst, in a letter dated February, 1847, he observes, “One great error that our rulers have fallen into is, that they do not distinguish between colonization and emigration. There are, on the average, some 30,000 souls who annually emigrate to these provinces. Yet I do not know a single instance where any number of these people have become permanent settlers. Of some 9,000 persons who landed at St. John, New Brunswick, last year, (1846,) I do not believe that one hundred persons are now to be found in that province of all who emigrated to it!” Another correspondent, whose letter is dated from Nova Scotia, in January last, says, “If the Baronets required the lands actually granted to them, and many of which have long since been sold by the Government, and are now occupied, a serious question would indeed arise. But they only ask a limited compensation in waste and ungranted tracts, the improvement of which would greatly benefit the country where they are situated, and relieve the sufferings of British subjects who are desirous to emigrate. What the Baronets seek to obtain has been granted to thousands of individuals in this country—to many who had no claims—and, in many instances, to those who are rank republicans. The offer of the Baronets is, therefore, one of favour to the imperial Government and to the colony. This view is capable of removing much opposition.”

Letters were reported from Robert Sherriff, Esq., of Fitzroy Harbour, Canada, the senior co-heir and representative of Sir William Alexander, Viscount of Canada, and Earl of Stirling and Doval, Over-Lord of Nova Scotia and Canada, and her Majesty’s Hereditary Lieutenant or Viceroy in those provinces.

These several reports and communications having been made, the Convener of the Committee and its Hon. Secretary, the Hon. Sir Richard Broun, Bart., submitted for consideration and adoption the series of resolutions hereafter noticed, and in doing so made the following Address:—

“It is in the remembrance of the members of this Committee, and also of the members in general of the Hereditary Order whom the Committee represent, that, on a former occasion, and after hearing various legal authorities on the point, it was unanimously resolved that the question of the validity of the territorial rights and privileges subsisting in the Scottish Baronetage, under the chartered covenants and grants of James I., Charles I., and succeeding sovereigns, should be raised by that process of law technically called a *Petition of Right*. The inducing reasons which led the Committee to that conclusion briefly comprised these—viz.: “That a *Petition of Right* was a much more preferable mode of raising the question than by a *Petition to the Queen in Council*, inasmuch as the adoption of the latter course would be for the Baronets to select a tribunal to adjudicate upon their case, which was liable to several objections, but especially to this, that the Judicial Committee of the Privy Council might, after considering the petition, come to the conclusion

upon it that they had no jurisdiction. That, on the contrary, by a *Petition of Right*, the Sovereign was asked to name the tribunal, and it did not follow that Her Majesty might not be advised to refer it to the Privy Council, in which event, however, it would come before their lordships, not from the Baronets, but from the Queen, with the endorsement, 'Let right be done.' That, in this latter case, the *Petition* would come before the Privy Council not in their judicial capacity under the recent Act, but in their elder capacity, and they would sit upon it as a commission to instruct the conscience of the Queen. That a *Petition* to the Queen in Council might be inoperative, whereas a *petition of right* embraced the widest possible range. That, by going to the Privy Council, the Baronets would ask for litigation, whereas, by going to the Queen, they would ask for right. That, on considering the *petition of right*, the Queen might be advised to grant its prayer, otherwise it would be certainly referred to some Court competent to entertain it, and to come at once to a decision on the merits. That there was little difference in a *petition of right* and a *Petition* to the Queen in Council, as regarded forms, but the effect of the former would be very different from that of the latter, and would be attended with much less delay and expense." Since the date of the meeting of the Committee referred to, an elaborate *Petition of Right* has been prepared under the professional supervision of Mr. H. S. Westmacott, of St. John-street, Bedford-row, the head of one of the most eminent solicitor firms in London; and further, the joint legal opinion of two of the ablest jurists—consults at the English bar has been taken upon the same, who agree in thinking, after a full consideration of the documentary evidence laid before them, 'That the Baronets of Scotland, created from 1625 to 1638, hold their respective Baronies of 16,000 acres each in Nova Scotia, (as originally bounded, which includes New Brunswick, &c.) given with other titles, in free blanch farm, and as liege regal fiefs immediately of the Kings of Scotland; that the Baronets created between 1638 and the Union in 1707 have the same equitable rights to Baronies of 16,000 acres each in Nova Scotia as they would have had if their charters had been made out *ad longum*, the general words in their family patents, taken in connection with the regulating patent of the Premier Baronet and other instruments, constituting a sufficient obligation to bind the conscience of the Sovereign; that the rights and privileges of the whole body or Order are valid and subsisting, not having been extinguished or impaired by statutes of limitation, by adverse possession, by foreign conquest, by non-usage, nor by any other cause or circumstance whatsoever; and that it is open and competent to the Baronets to recover the same by an application to the Sovereign in person, as the fountain of justice, through the legal medium of a '*Petition of Right*.' This Opinion was laid before a meeting of the Committee held at Edinburgh on the 9th of September last year, the Right Hon. the Earl of Carnwath presiding, when the Committee unanimously approved of the presentation to Her Majesty of the *Petition of Right*, and directed that all due diligence should be used to urge forward the proceedings to an immediate conclusion. The circumstance, however, that a noble Baronet then present, placed in the hands of the Committee copies of various important documents previously undiscovered, showing that the Baronets, after several general meetings, had made in 1777, (only fourteen years after the Treaty of Paris, when Nova Scotia was finally restored by the French, and when scarcely any portion of the Province as originally bounded was settled) a formal application to the Crown for the restoration of their rights and privileges—taken in conjunction with the exigent necessity for an immediate regulated colonisation of British North America, produced by the late Famine Visitation—led the Committee, on its first assembling for business this session, to think, that previous to presenting the *Petition of Right*, it would be desirable to adopt the intermediate course of waiting upon Earl Grey by a deputation, and placing in his hands the "Memorandum and Protest," a copy of which is now before the public. That document contains a proposition, not only unexceptionable in itself, but one which was, and is, supported by considerations that well may be held irresistible. And yet what is the issue? It is one that leaves the chartered rights of the Order wholly unharmed. It is one that will checkmate all colonising enterprise, all railway projects, all investments in lands, in mines, in fishings, in buildings, &c., throughout Nova Scotia, New Brunswick, Cape Breton, Prince Edward Island, and Gaspé; for what British emigrant or capitalist, in the face of this '*Memorandum and Protest*,' will or can have any security on which he can rely for any outlay of money from its date within these bounds? It is one, further, that will astonish and aggrieve every just and loyal-

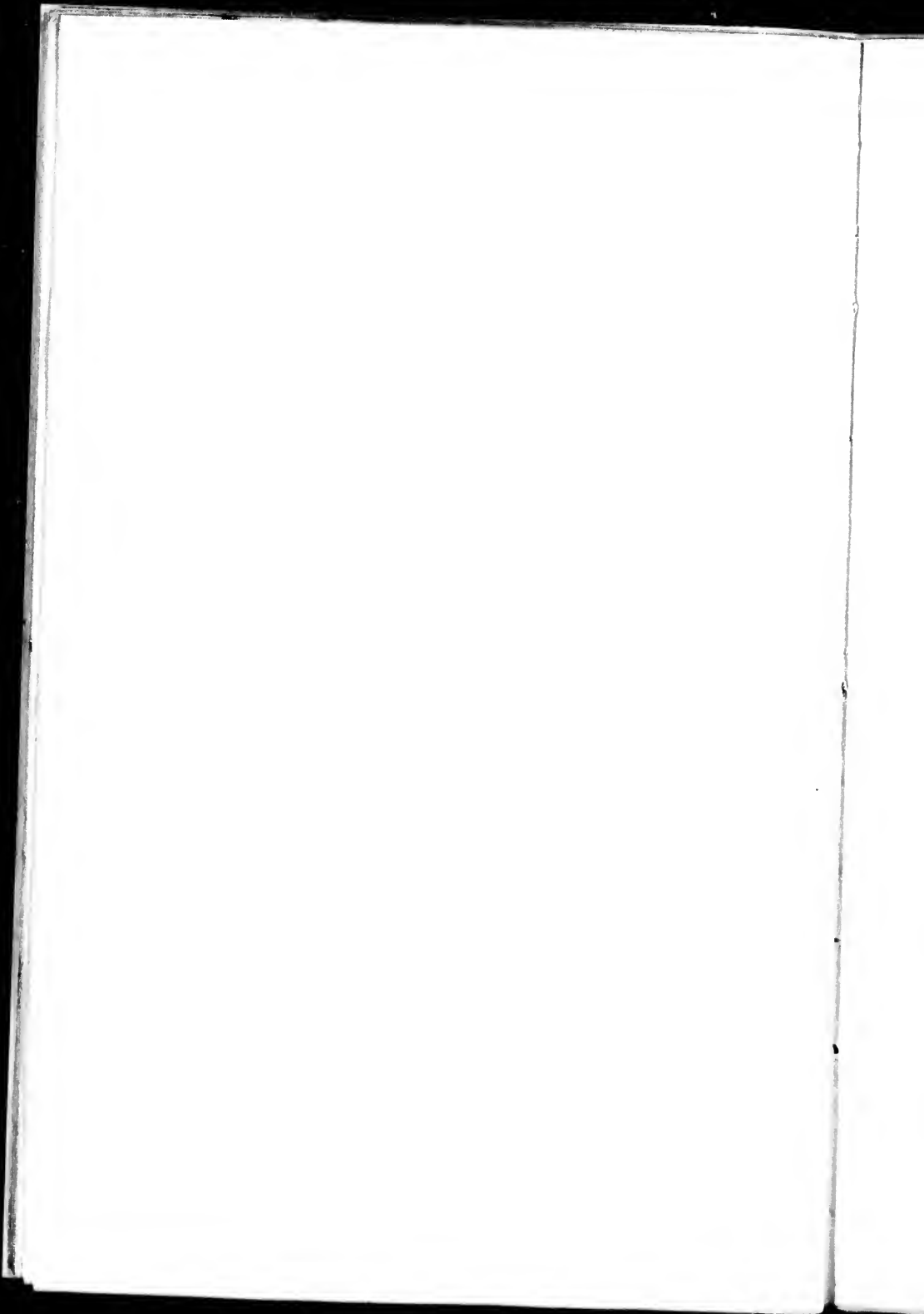
minded subject of the Crown, both in Scotland and in Nova Scotia. The adage is as old as the days of the Romans—'Quod Deus vult perdere prius dementat.' And if anything was wanting to fill up that cup of popular indignation which the present administration have of late brewed for their own drinking, it is just this answer—an answer, given at a crisis when revolutionary emotions are rankling in the breasts of millions in the United Kingdom, which demonstrates an amount of injustice in the official advisers of the Sovereign in regard to matters of regal covenant, privy council decree, and parliamentary statute, which is exceeded alone by its imbecility. Supporting, as I have ever done, Conservative principles—abhorring, as I do, the degrading policy of that Power-loom School, which would barter the whole dependencies of this great maritime empire for such a mess of pottage as the practical development of that new rule in ethics, 'Buy in the cheapest—sell in the dearest market,' is certain to entail—nevertheless I was one of those who hailed Earl Grey's advent to Colonial Office rule with satisfaction, fancying that he was a statesman of such a calibre as would in some measure have redeemed that department from being the sink of administrative inutility and corruption into which it has fallen. But the combination of great opportunities which recent events have produced for making his term of official life glorious to himself, and memorable in the social annals of the monarchy, have all been perverted, abused, and rendered nugatory. And now it is manifest that a mind more inane, more shallow, and opaque, in all main questions of international concernment, never darkened the councils of the cabinet, nor ministered to the well-affected of the subject, whether at home or abroad, more poignant grounds for merited reprobation. This man, be it remembered, stands in the place of him in the counsels of the Sovereign, and in the administration of the general affairs of the realm, who pre-eminently has the power, were the volition also present, to do for this age and people services higher and more enduring than those which Nelson achieved on the quarter-deck, or Wellington in the field. And what hitherto have been the sum-alls and the do-alls of this Colonial Office chief? What, with millions of oppressed and suffering fellow-creatures in the united isles, willing to emigrate—what, with millions of vacant acres of fertile soil, only eight days' distance from our shores, seeking to be brought under the dominion of the plough—what, with the ability to create, and put into colonial circulation, millions of such currency as that by which Pennsylvania was planted, has been the upshot of Earl Grey's colonial career? A continuance simply of that 'Dog in the Manger' policy, which will neither occupy aright this vast field of national aggrandisement, nor suffer others, even those men who are its legitimate owners, to occupy it! True it is, Earl Grey, since his accession, has thrown overboard that Jonah of Colonial Office thimble-rigging and defaults which had raised against that department a just storm of *sæva indignatio* in every colony and dependency of the British Crown. But what avails the exchange from a stool in the bureau to a chair in the Privy Council, so long as every nook and corner of the Colonial Office is filled with the haze of an impure atmosphere, through which for centuries there has never permeated one noble thought—one bright wish—or one effective volition in favour of that command first breathed as a blessing over our race in paradise; but disobedience to which, within the British isles, has filled our workhouses with idleness, our gaols with crime, and our cottages with penury? The *Times* has lately remarked, that 'a great statesman long ere this would have planned, encouraged, adorned, and ennobled emigration.' But what minister has ever yet held the Colonial keys of whom it may not truly be remarked that by so doing 'he unlaced his reputation,' if he ever had such, and 'spent his rich opinion.' Colonization! the word, as an expression, is to be found within the leaves of our dictionaries, but, as a 'great fact,' as a living reality, it has no existence in any portion of world-wide Britain. 'Amid the spoils of every clime,' says a native authority, 'Britain nowhere sees the likeness of herself. A true child of the majestic mother is nowhere to be found. We have stocked plantations with slaves; we have occupied rocks with soldiers; and peopled solitudes with crime. We have increased the nominal rent-roll of the empire by almost any compliance and at any expense. Yet the Englishman who once embarks from these shores will never again see happy England till he returns!' On the same theme a foreign writer pours out upon us this burning reproach, 'You seem to have made a choice diametrically opposite to that of Solomon. He chose mind—wisdom. You have chosen the world. But do you hold it? The British empire is indeed a grand world! But what is an empire? A harmony of nations. You have, I know well, your triplicity of powers—agricultural, industrial, and naval

These are certainly very powerful means. And yet how does it happen that having them, you have succeeded so little in taking root? I see you everywhere on the surface of the globe—but firmly rooted nowhere. The reason is, that you have been everywhere gathering and sucking the substance of the earth, but implanting nothing, no sympathy—no thought! Having brought no moral ideas with you, you have founded nowhere. But of all the English countries, the one that has suffered the most by such a policy is assuredly England herself. Here the bankers will laugh, and so will the lords perhaps, and with them a few hundred thousand men—the vampires of England. Yes! but 20 million men are weeping, and these men are England herself.' The time, however, has come when the sin and shame of colonization neglect must be 'put down,' and when the intellectuality, the loyalty, and the christianity of the nation must be aroused, and put in action, to advance the mighty and beneficent work for which the wisdom and patriotism of former kings, privy councils, and parliaments, called this Order into perpetual existence—albeit the revival of its uses appears 'alienation' to the conglomerated vision of a minister of the Crown and a member of the Baronetage, on whose family shield shines the plantation hand of Ulster, as a hatchment does on the sepulchre of the dead! Earl Grey, too, since his term of official sway, has busied himself with Labuan schemes, and Australian settlement concerns. But the statesman who can balance such acts of commission in our remote eastern hemisphere, 20,000 miles distant, with his acts of omission in British North America, is fit only to rock the cradle of incipient democracies, and to be parcel of a cabinet who can see the mote in the eye of such puny rebels as Ireland gives birth to, without discerning the beam of treason that darkens their own. What is Ireland to us? what would be the addition to the fabric market of Manchester of all the *sans culotte* tribes of Oceana, compared with the right monarchical plantation of that mighty continent, only 1650 statute miles from Valentia, and stretching from the Atlantic to the Pacific, which is destined by Providence to be the home-seat of British power, of British industry, of British outlet, through all the future generations of mankind? And yet that continent is now in jeopardy—yet now that continent is hourly slipping from our grasp. 'Look at the map, and where on the face of the earth do we find anything compared to the position of Nova Scotia in its ancient limits? Where do we find elsewhere throughout the globe anything like its harbours, its mines, its facility of transport, and whatever has furnished the richness of Britain, 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, Nova Scotia (*proper*) New Brunswick, Prince Edward Island, are the very sources of maritime power—it is there the Trident has sprung! England has held that trident only since she possessed them; and when she loses them, it will have fallen from her grasp for ever, 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. An England stands 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 count the fortune we hold out to other powers the moment we are regardless of the value of our own North American possessions. In these Colonies reside manufacturing means equal to those that Great Britain enjoys. There is the same happy juxtaposition 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, besides these things, the stern revolutionary necessities which excess of population is

* From Valentia Harbour to Canseau the distance is only 1650 statute miles, and the Hon. Capt. Owen, R. N. states, the passage may be made in six days, or in six and a half.

† Mr. Urquhart, M. P.

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hourly giving birth to in the United Kingdom. Put, besides these things, the animosities and the tendencies of the United States—not, be it recollected, of the monarchial community, sprung from our loins, for even although revolted she would have been a glory in that—but of a republican rabble, a democratic, Frankenstein populace, burning towards England with the deadliest hate. Put, besides these things, that *imperium in imperio* 'La Nation Canadienne,' now presided over by men for whose apprehension ten years back, as traitors and rebels, rewards varying from £500 to £1000 were offered—and whose banner, displayed in December, 1837, bore a motto justifying their treason, culled from a document of one of Earl Grey's own predecessors in office. Put, I repeat, these things together, and then let every man who owns fealty to this great, this resplendent monarchy—every man who has a heart British at the core—every man who 'Fears God, honours the Sovereign, and loves the brethren,' in contradistinction to the modern war-whoop, 'Liberty, Equality, Fraternity'—consider whether this noble and powerful Order should regard Earl Grey's reply to our 'Memorandum and Protest,' in any other light than as dirt to be trampled under foot with ignominy and scorn!

"But to turn from this topic. Noble sir, we muster to-day in no great force. I am speaking in a small assembly—as small almost as the quorum of the House of Lords when a great act of oppression and injustice was done to Scotland, and a vote was passed by a tribunal at once alien and incompetent to deal with matters of Scottish ecclesiastical polity, which had the effect of rending in twain her national church. But I am not speaking alone to those that are now present, but to the whole membership, the whole chartered corporation, Peers and Baronets, (upwards of one hundred and fifty in number,) who have a family interest in the vast question at stake. This is a Committee of the entire Order, of our whole house, and all who are absent in person are present by representation. Further, I am speaking in the audience and on behalf of the Scottish Nation; and by the words Scottish Nation I mean the inhabitants of Scotland, whether European or Transatlantic, for Old Scotland and New Scotland form part and parcel of one integral state, and are inseparable by any statute that a British legislature may pass or sanction having such a purview. I am speaking, too, on a matter concerning which it has been remarked by one—now, alas, in the tomb—who received hereditary honours from the hand of George III., for services such as few men in any age or reign ever rendered to the Crown: 'It is a grand, a glorious project—its influence extends over a vast space, both in the old world and in the new, and must affect the destinies of hundreds of thousands of human beings. not only now, but for ages yet to come.' I am, finally, speaking when the chair is filled by the head of the senior line of the premier ducal house in Scotland—a house declared in 1543 heir presumptive to the crown; and when there are present men of whose ancestors it may truly be said, that they mainly helped to lay the foundation of the Scottish Monarchy, and to fight those battles for freedom and patriotism which have jointly conspired to render that throne one of the most stable and illustrious in Christendom. On this occasion, then, and seeing from the correspondence on the table that doubts elsewhere exist as to the views and objects proposed by this movement, it may be well at this juncture to re-capitulate what they are. And, first of all, this is not to be regarded as a mere question of interest to the members and families of the Scottish Baronetage on the sordid consideration of pounds, shillings, and pence; but one as defined by the charters of the Sovereigns who united the parent and the daughter country; as one of national 'opulence, prosperity, and peace.' James I. and Charles I. called this Order into perpetual being, and endowed it with its vast territorial, seigniorial, commercial, and political rights and privileges—and why? That 'every Baronet in particular, and that the whole Scottish people generally, might thereby have the honour and profit.' Not honour alone, nor profit alone, but both combined. We seek, then, the restitution of our rights and privileges on the highest of all public considerations; and we say further, that their restitution to the fullest extent compatible with the advanced state of society can be urged upon, and is supported by, the most exalted principles of national justice, humanity, and policy. What would be the practical working out by the Baronets of Scotland of that well-devised code of polity which their charters contain, but simply this—the creation in British North America of a reflex of Scotland, not as what she was in the dark periods of her feudal system, not as what she now is, ulcered over with the worse than 'Pit and Gallows' bondage of pauperism—but what she ought to be, and will and shall be, when her natural resources are fully developed, and when

want, ignorance, and vice are generally put down by means of that noble and ever active and efficient Machinery in her Churches and in her Schools, which has already made her the best bulwark of the Protestant faith, and the purest exemplar to Europe of whatever is highest in monarchical loyalty, in constitutional fidelity, in industrial enterprise, and in social worth. For myself, and knowing that low democratic and republican sentiments in regard to great Crown tenants in chief supervade the mind of the nascent population of New Scotland, I do not consider there is one clause within the four corners of the instruments collectively forming the Magna Charta of the Scottish Baronetage of which the people of Scotland ought not to be as jealously, as unitedly protective, as is the English subject of those which the Barons of that realm achieved at Runnymede. And, in this view of the case, I will never, for one, rest satisfied until I see the vice-regal throne of Nova Scotia restored in the person of the rightful heir of that illustrious house to which it hereditarily belongs, and until I see, likewise, the common banner of this noble and mighty Order unfurled on every battlement and keep of that keystone against United States' aggression on the one hand, and of French Canadian predilections on the other, which, by position and resources, must ever be the *ars et domicilium* of British sovereignty in the western world. Let there, then, be no dubiety as to the extent to which this movement tends, or, in relation to this other point, that the Baronets of Scotland—*i. e.*, such of them as may become domiciled in the province—will assert that right to hereditary seat and voice in the legislative assemblies of Nova Scotia which their charters give to them, in virtue of their respective Baronies and regalities of 16,000 acres each. But, at the same time, whilst every foot of British North American soil south of the St. Lawrence is the property of the Stirling Earldom heirs and of the Baronets, no parties in present occupation need be under the slightest apprehension that their private interests will be disturbed. Within the bounds defined by the grants to the hereditary Lieutenant and the Baronets, there are still vacant and unsettled upwards of 24,000,000 acres—a quantity more than will suffice to meet, by many times told, all our demands. The properties belonging to the Baronets do not exceed two million and a half acres; and these, if selected from the vacant lands in New Brunswick, in consolidated blocks of seven Baronies each—*i. e.*, 112,000 acres—would put a simultaneous plantation machinery at work in that district of New Scotland, equivalent to that which would be produced by upwards of twenty new corporate associations. But no mere commercial company can do the work that this Order united can accomplish. For the *prestige* of an old nobility in the heading of an enterprise of this description is a thing which money cannot manufacture, nor a reigning Sovereign create, nor a democratic government countervail. Hence, if we are ever to have an effectual Crusade of Peace to the western hemisphere, its leading staff can alone be wielded by the Baronets of Scotland—a body whose family honours are identified with this cause, and whose hereditary titles render it censorious that they should advance it in every age and reign. In this view of the case, well may the writer of one of the letters on the table—one of the most intelligent and loyal men in Nova Scotia—remark, 'The offer of the Baronets is one of FAVOUR to the Imperial Government and to the colony.' That it is both, will be a question to no mind in which dwells any correct perceptions of public virtue. No nation was ever so gifted, so fitted, as is Scotland for colonization enterprise. And when the 150 Baronies and regalities of her Baronets become, not cesspools for the reception of such drift as the ravages of hunger and want ever and anon waft across the Atlantic, but plantation-adjuncts to our Sabbath and industrial schools, where the rising generations of generous Scottish youth are continually being trained in the pathways of religion and science, who can estimate the moral and the social excellencies of such a course, or shall dare to arrest it in its onward progress to so glorious a consummation? Nor let there be any feelings of jealousy or ill-will in this affair, on the part of either or both of the sister Kingdoms. They also have their Baronets; and between the Great Lakes and the Pacific there is room enough, and to spare, for the erection of two vice-royalties—New England and New Ireland. History is written in vain, and Ulster is no standing monument of the colonizing wisdom and beneficence of the first British Monarch of the House of Stuart, if, through the instrumentality of the Ulster Baronetage, there was not made, 'in the short space of nine years, more advances towards the reformation of Ireland, than had been made in the four hundred and forty years which had elapsed since the conquest of it' was first attempted.' The times are out of joint worse than when James I., in 1615, in a letter addressed to the Lord Lieutenant of Ireland, urging forward settling operations in Ulster, added,

in his own handwriting, this memorable postscript:—'My Lord, in this service I expect that zeal and uprightness from you that you will spare no flesh, English or Scottish; for no private man's worth is able to counterbalance the particular safety of a kingdom, which this plantation, being well accomplished, will procure.' And it would be worth the bestowal of 16,000 acres of British North American soil, in the territories indicated, upon every English, Irish, British, and United Kingdom Baronet, provided the Order collectively would recollect, that the Baronetage was instituted 'to establish that so great a province of the empire as Ireland should more and more flourish, not only in the true practice of religion, civil humanity, and probity of manners, but also in the affluence of riches, and the abundance of all things which contribute either to the ornament or to the happiness of the Commonwealth,' and make that remembrance not a dead letter, but a living inducement for practical action. It is clear as noon-day that Ulster is the only oasis in the social desert of Ireland, and there is no exaggeration whatsoever in the remark that 'It may now be said that the plantation of Ulster was an act of political wisdom of more importance to Ireland, to Great Britain, and to Protestantism, than, perhaps, any other Royal act in the history of our country.*'

"Having adverted to the views and objects which this movement implies, I have next to say somewhat as to the ways and means by which the proceedings now in progress shall be carried onward. We are engaged in a contest for the revival of our birthrights which has already exceeded in duration the length of the Trojan war. But we have worthier ends in contemplation than those for which blood was ever spilt in any portion of the Pagan world—even an outlet from the bondage chains of want for the millions of our countrymen who ask bread, and to whom the Government offer a stone. We are not, then, a Body occupied with a warfare in which there should be any hesitation—any lack of co-operation—or any feeling of parsimony. The Cotton-spinner's League, to throw down the protective laws which mainly built up those huge manufacturing lazars in which Mammon and Moloch alone are deified, and to enable them with, a 600 million IRON-MAN-POWER, to wage an exterminating competition with the manual industry of every neighbouring state, subscribed the sum of £414,000. This cause, in which the Baronets are embarked, contemplates, through a farming of the pauperism of Scotland, the addition to the fabric consumption of Manchester of a larger, a stabler, and a better market than they will ever elsewhere find within the precincts of the globe. And what is required to do this, regain for every Baronet a princely inheritance in New Scotland, and add to the confines of Scotland a realm twice as large as herself? A subscription only of £20 each from the several Peers and Baronets forming the order. Twenty pounds, multiplied by 150, the number of members, is £3000, a sum total so petty compared with the stake at issue, involving as it does patrimonial inheritances that cannot be estimated worth less than £5,000,000 sterling, that I should be ashamed to think that there can be found even one man wearing the orange riband and jewel of Nova Scotia who shall fail to give his quota towards the expenses, whether the issue prove favourable or adverse. Twenty pounds is such a sum as blacklegs every day venture upon the upshot of a cock-fight—and its negation in a cause like this by any Baronet would not only be the height of injustice to the heirs of his title coming after him, but also a fraud towards the one hundred and forty-nine other members of the Order. Our ancestors paid for these lands and privileges 3,000 merks each—450,000 in all—no inconsiderable sum two centuries back, when Nova Scotia was a *terra incognita*, lying across what was then considered an impassable ocean; and shall we to-day with the signs and shakings of the times around us, grudge £20 a-piece to regain them now? But some may act upon the principle of standing aloof, and letting this Committee fight the battle, with the mental reservation of Rob Roy at Sheriff-Muir, that they will step in at the close, and share the spoil. I have not occupied for twelve years the place in which I stand to the Baronetage in both its great divisions—Ulster and Nova Scotia—without knowing the length and breadth of every man's foot that it enrolls; or without knowing also that within the Baronetage, as well as without the Baronetage, there are to be found rotten-hearted men, men of crawling minds—betrayers of their state position, whether as regards hereditaments of Family honour, or elements of Order power—and whose necks a halter would become as much as a cordon! But I have yet to learn that there exists within the circle of this noble fraternity a spirit so despicable as would first shrink a contribution of £20, and afterwards clutch a property of 16,000 acres. Neither can I imagine that there can be in our ranks one heart so unpatriotic as to doubt the propriety of the steps now in progress—or

* Rev. Dr. Laug.

one head so shallow as to be sceptical about the result. The time, however has now arrived when those men in the Order who have hitherto been deaf to the calls made upon them, should adopt one of two alternatives.—either pay the contribution expected, or agree to sell to this Committee their claims and rights. If any, after the legal opinions taken and the progress achieved, shall be of the notion that £20 is a better bird in the hand than 16,000 acres of virgin soil in the woods of New Brunswick, then we will readily buy up their interests in their Baronies and regalities at such an estimate of their value. But my desire is that no Baronet may be found either faithless or unfaithful in this cause, and that all concerned, as one united and determined phalanx, may approach the Sovereign with our Petition of Right, and abide the issue. Be it remembered, that we are not a Body that can be driven to the wall, unless we continue to be, through self-defection, a mere parcel of disintegrated titularies, without common utilities, common sympathies, or common aims. The Baronetage nobility occupies in Scotland a position next in rank and dignity to the Peerage nobility; but far excelling the latter in the social and political franchises which are vested in it. We have, at this moment, one of our members in the Cabinet. About a third of the House of Commons is made up of Baronets, their sons, brothers, and relatives; whilst in the House of Lords we have more than twenty votes. If report speaks correct, the coming Prime Minister will not only be a Baronet of Scotland and Nova Scotia, but one also of that name which stands first upon our roll. But, however this may be, no ministry can stand the force of the corporate action of this Order, when urging demands so rightful in themselves, and which are supported by such considerations as those which our ‘Memorandum and Protest’ embody. It is perhaps a work of supererogation to dwell longer on this topic. Yet this is no ordinary occasion—it is needful that great truths should be reiterated ever and again in the national ears. When the Committee was instituted in November, 1844, I then observed that ‘the time was at hand when the Christian public of the whole united empire would esteem the Baronets that shall fail to support this movement, to be such men as in a former age would have played the coward on the field of Bannockburn, and, in times more recent, would have headed the massacre of Glenco.’ I repeat that language to-day—and I also repeat what I then urged on behalf of the necessity for, and the policy of, an extensive emigration and a methodical colonization. ‘The press, the pulpit, and the platform have all,’ I said, ‘within the period of my labours in this selected field of usefulness, plied on these themes the most convincing rhetoric. They have likewise been the subjects of manifold addresses to the Throne—manifold petitions to parliament—manifold appeals to the nation at large. Both cogent, and loud, and long have been the articles penned, the speeches spoken, and the arguments used, in or on this wide but neglected domain of social enterprise. Is it needful then, that I should supplement what the wisest heads, the largest hearts, and the loftiest minds in the nation have exhausted? Systematic colonization is now a thing to be done, not a question to be talked about—an experiment to be practised, not a theory to be promulgated. And why? Because the reasons to be assigned in words are results in operation. Problems not they in the ideal regions of fancy or conjecture, but corollaries in masses of organised matter and moral existence. Facts—great, mournful, overwhelming, terrific, have we to deal with, not merely laid up in sanitary reports, in poor-law-commission proceedings, and in parliamentary investigations, but moving around and about us in the gaunt flesh and bone of millions of our fellow-subjects, whose unheeded sufferings are silently, but surely, preparing Heaven to pour retribution on all the first-born of the land.’ Since these words were spoken but a few short years have elapsed, but how pregnant they have been with woe? How many and awful have been the handwritings upon the wall. Famine, devastations, mercantile collapse, community revolutions, sceptres broken, dynasties swept away. Is this, then, a time when, with ancestral rights, and personal inducements, and posterity obligations, such as no portion of the nobility of any kingdom or people ever possessed, we are to omit the opportunities now patent to us of making Great Britain in the western world the theatre of a mighty operation for the remedy of those evils in population that afflict the united realms? Or, by apathetic conduct, to countenance the growing supposition that the titled Orders are an effete superincumbent mass upon the energies of the nation, fit only to be broken like pie-crust, and scattered to the winds?

“Already I have exceeded the length of an ordinary speech—and yet I cannot conclude without making some observations somewhat partaking of a personal nature. Throughout the long, the laborious, the chequered, the painful career, during which,

in good report and bad report, I have done what in me lay to advance this cause—I have had the gratification to experience the unbroken confidence of men of the highest honour and personal worth in the Order, and to carry with me, through almost insuperable difficulties, abating a few casual defections, the Order as a general body. But the task of breathing new vitality into an institution that for 200 years has been a *corpus cadaver* for all the high uses contemplated by its erection, is not a work for one man's strength, nor yet, for a Committee, however distinguished in zeal, in talent, or in consideration. In our 'Memorandum and Protest' we have ventured to submit that 'the duty of restoring the public functions and utility of the Scottish Baronetage, as a body constituted for ever to advance 'the opulence the prosperity, and the peace' of Scotland, by and through the right colonization and settlement of Nova Scotia, is one alike onerous upon its members and the Crown;' that 'corruption, or non-utility, in a great monarchical institute, is, under any circumstances, a state evil of enormous magnitude, one which reflects equally upon the reigning Sovereign as the representative of the Royal Founder, and upon those whose titles and prerogatives have descended upon them as retaining fees for personal exertions;' and that 'whilst in compliance with Royal injunctions, and in consideration of the necessities now pressing upon all ranks and classes of the subject in Scotland, the Baronets are bound in honour and conscience to revive the uses of their Order, our gracious Queen, her ministers and government, are no less bound in honour and conscience to facilitate the restoration of the Baronetage, and to do whatever is needful to render it again the state organ of utility in that noble but neglected domain of social happiness and national aggrandisement, which its Royal Author intended it hereditarily to be.' Whilst this, then, is a work for the Sovereign on the throne and for the rulers in the land to put their shoulder to, I have to bear my humble meed of praise to the noble and untiring labours which the leading journals in the United Kingdom and in the British North American colonies have given to the advancement of a cause in which I have only been a fellow-worker with others whose minds and whose attainments are superior to my own. This, however, I can say, that none of all who have put pen to paper on colonization questions in the present reign has had to encounter such difficulties as have interposed themselves to the progress of that mission which it is my lot to serve. Nor do I stand this day in this assembly without having it to say with poignant feelings of pain 'They that hate me wrongfully are many in number, they also that reward evil for good are against me.' It is now six years, at this same season, when, during a short absence in Scotland, the labours of many previous consecutive years of toil were rendered abortive, and an avalanche, directed from the hand of a colonial minister, prostrated an association organised by me for 'the best devised colonization plans,' to quote the language of a London banker of thirty years' standing, 'that had ever, within the course of his experience, appeared upon the Stock Exchange of London.' Nevertheless, I have since borne forward, not as I best would, but as I best could, the standard of this cause. And, notwithstanding the catastrophe I refer to, let no individual, in recollection of it, quote against me the fable of the 'Ass kicking the dying Lion.' Earl Grey, though expiring daily in public estimation, still stands in the position of a minister of the crown—and I myself, when less in my own eyes, and acting single-handed, made good my right to a national honour, in despite of the present head of the government, who, in 1839, debarred the Queen from the exercise, in my behalf, of a regal duty, made onerous upon her alike by coronation vows and statute acts of parliament, on the pretence 'that the reigning sovereign is not bound by the engagements of her predecessors to confer the same!' It is true that my conduct in that particular, and in consideration of which the general Committee of the Baronetage for Privileges bestowed upon me a testimonial of approval, has been viewed by some few individuals, better fitted to hold a chamber door whilst a daughter was contaminated than to sit in judgment on such a proceeding, as tantamount to a 'bearding of the Sovereign.' The Sovereign, however, never received at my hands, at any time, or in any place, anything but loyal and dutiful respect. The bearding in the case was a bearding of the Sovereign's mal-advisers—of men in office, who depraved the laws, tampered with the personal obligations of their Royal mistress, and compromised the functions and the dignity of the Crown. And further, that upright man—THE LORD CHIEF JUSTICE OF ENGLAND—who shortly afterwards opened the prison doors of O'Connell, thereby putting one foot on the decision of the law courts of Ireland, and the other on the opinions of the Judges in England, has expressed himself, from the judicial bench he adorns, with special reference to the step

taken by me, that he saw *no harm* in it. I am the O'Connell of a better cause than that of the Repeal of the Union—even of one that not only contemplates the extinction of disaffection and distress within the British islands, but which will also see to it, that within the vast confines in the western world now hooped together by England's diadem, the injunction of William the Fourth shall be obeyed—'Let Canada neither be lost, nor given away.' If this Committee, then, stands true to its trust, I know what my power with the nation is to carry this cause—and I abide my time. We do not represent a titled aristocracy of that squeezable kind, through the downfall of which the minions of Henry VIII. wormed their way into ducal coronets, and grew 'bloated upon confiscations voluntarily surrendered by their rightful owners, with a gibbet at their doors.'* Moreover, whilst the lamented Lord George Bentinck was as yet occupied with his stables, and Cobden with his looms, I was doing battle for the protective interest of the agricultural and industrial classes in the United Kingdom, and receiving, at the hands of vast public assemblages of my countrymen, votes of confidence and applause. My apprenticeship in economics has been served in no mean, in no false school. My creed, whether as regards man's temporal or eternal welfare, is drawn from the Bible; and as regards the former, it will be found to divaricate not from that which, in the wildest and best sense, says—'Do unto your neighbour as you would be done by.' WASTE LANDS, SURPLUS POPULATION, COLONIAL EXCHEQUER NOTES—these are the elements for a practical Golden Rule of Three, by which to redeem the PAUPERISM of Britain, provided they are wielded by a Christian Government—by one consisting of men capable of founding NEW STATES in the humanities of wisdom, education, virtue, religion, loyalty. This is the mission on which I am embarked; and if any individual may presume to think he can win spurs or challenge consideration, on account of the gratuitous advocacy, and the unrequited advancement, of great social questions for the general amelioration of society in the British islands, I consider, after fifteen years' consecutive devotion to such ends, I am entitled so to think. And now, when difficulties overwhelming are rapidly approaching that pitch which would almost warrant a practical compliance with the declaration once made, in my hearing, by a Cambridgeshire Yeoman, and which contains more sterling virtue than all that was ever uttered against Free Trade in either House of Parliament—namely, 'that he would rather mount his cavalry horse and shed the last drop of blood in his veins, than see the last penny in his purse;' and when it has crossed my mind that I might yet be called upon to throw my sword, as I have done my pen, into that scale where trembles on the beam the dearest and best interests of Old England—the *Times*, long halting between two opinions, has offered the choice of an alternative of another description. 'Events show,' says that great authority, 'that a city is on the eve of revolution when half of its inhabitants are out of work. This is the choice, therefore, we are called upon to make—COLONIZATION or REVOLUTION; a peaceful increase of the empire in its Colonies, or an overthrow of authority and order at Home. In other words, we must make the increase of our race our worst enemies or our best friends.' *Colonization or Revolution*—with this putting of the issue, I, for one, am fully content; for whilst I would speak daggers, and have spoken daggers, to the criminal apathy that pervades the upper ranks in society, I would use none. This, this only, is the thunder I would employ:—"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 fruit 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 uncivilised men to work upon, and he can easily obtain a single-handed triumph over the wilderness, over tribes. The opening genius of the school-boy 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

* Edmund Burke.

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 Colonisation 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 despot, but to the uses of the human race? Everything 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 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 a 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 twelve 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?'"* Yes, this is the Exodus by which alone the surplus of our people can effectually be led from the slaughter-house of pauperism—find a dwelling-place of plenty and repose on the plains of our inheritance—have some respite from the toils of the perishing body—some relaxation for the concerns of the immortal soul. To this course God in his mercy is now shutting us up by manifest dealings of his Providence, and let us not seek to evade, or tamper with our destiny, until the calamity of a third Famine Visitation shall arise to convert the common breast into one universal lair of stormy and irrepressible passion. Sixteen years ago, commissioners appointed by Earl Grey's government reported to the British nation the fact, 'that there then existed in Ireland 2,385,000 of the people in a condition always bordering on starvation, and sometimes in a state of actual famine.' Each subsequent year those numbers have steadily increased, and yet during that period nothing whatever was attempted by the imperial government to arrest, to diminish, to remedy, or to eradicate this monstrous evil. Providence gave us fourteen long years of grace. Then was the accepted time. We passed them in a state of morbid apathy to the unexampled sufferings of our fellow-subjects. The Almighty suddenly foreclosed upon us in 1846 by the annihilation of their food. The night came when no man could work. We sowed the whirlwind and we reaped the storm! Let us go on to pursue that precedent—and ere long chaos will come again. Ten years before Charles I. erected his fatal standard at Nottingham, he addressed a letter to our ancestors the Barons of Scotland, in which he observed, 'There are none of the subject whom it concerns so much in credit to be affectioned to the progress of the work of colonizing Nova Scotia as those of your number, for justifying the grounds of our princely favour which you have received by a most honourable and generous way.' Can any one living say, with the signs of civil commotion around us, that we are ten years removed from scenes of national desolation more awful and calamitous than those which erected the scaffold at Whitehall? Let no man deceive himself. We have not only Cromwells among us, as yet guiltless of their country's blood, willing to cross the Atlantic and found settlements, but also, in many districts in England, in Scotland, and in Ireland, physical masses of hungry men, far out-numbering the three armies at Waterloo, whose despair, ready to burst into delirium, is a very different and very superior argument for a new Civil War to that which either produced the first, or would have sanctioned the contemplated Whig insurrection in 1832, which the publication of 'the Young and Napier Correspondence' has just brought to light. Were there then no falling thrones in Europe, were there no other grounds for popular discontent at home, it ought to suffice that the reins of power are held by men who, after wriggling for years through every species of political quackery, now stand manifestly convicted at the bar of national opinion as

* *Times*, September, 1844.

being fit for no higher vocations of statesmanship than to nurse into vitality incipient rebellion in Ireland, and to sit in incubation over bastard republican dependencies in North America! The movement, in which we are now engaged, will scatter no seed that will ever, at any time, spring up in armed hands. It is a holy movement; one that, in its broadest phasis, contemplates 'filling the mouths of all the families in the land with food, and their hearts with gladness'. Although, then, it likewise implies what Earl Grey calls the 'alienation' of 2,500,000 acres of soil, to those, however, who are alike the faithful vassals of the Queen and its lawful owners, I will venture to say that the negation of the same, whether at the hands of our present or any future rulers, will *alienate* from them, not only the confidence and respect of two and a half millions of the subjects in Scotland, but of every just-minded liegeman of the British Crown. And further, I will add my belief that the common, the universal distrust which this treatment of the Baronets will create at this juncture, as regards ministerial fidelity, capacity and honesty, will immeasurably tend to accelerate and evoke that other extremity predicted by the *Times*. Yet it is possible to redeem the error—yet it is possible to save the State! But the good and the faithful of all ranks and denominations must be up and doing. This noble Order may indeed fail me—the unquestionable justice of this cause may fail me—the expansive humanity of it may fail me—the sterling policy of it may fail me. But the *VIS A TERGO* produced by the unexampled necessities of 15,000,000 souls in the United Kingdom almost ready to perish, *that* will not fail me. Already we have had our 'Three Warnings'—railway mania, potato-crop rot, and free-trade delusion. Let us go on to chaffer about, to dally with, and piecemeal betray all vital questions of social concernment until the horrid '*Sauve qui peut*' of another Famine Visitation rings throughout the British Islands, and *TUEN* that hurricane of vengeance will come that shall shatter to their foundations all the time-glorious institutions of England—which will leave upon another not one stone of that focus of monarchical plantation discouragement the COLONIAL OFFICE—and which will also break the roof-trees of every gradation of titled rank that stands nearest in proximity to that once brilliant font of honour and justice—the British Throne."

A series of resolutions were then submitted, and, on the motion of the Hon. Sir William Johnston, seconded by the Hon. Sir James D. H. Hay, unanimously adopted, to the effect that the proceedings should be printed and communicated to Her Majesty, to the members of the Order not present, and to the official authorities in Canada, New Brunswick, and Nova Scotia; that steps to present the Petition of Right shall be taken between this and the opening of Parliament; and that such Nova Scotia Peers and Baronets as have not yet complied with the resolutions of the meeting passed at Edinburgh, in September, last year, Lord Carnwarth presiding, shall be requested to do so.

After a vote of thanks to the noble Baronet presiding, for his conduct in the Chair; and to the Hon. Secretary, for his long and valuable services to the Order, the Committee adjourned.

Clarendon Hotel, Bond Street, London,

16th October, 1848.

LIST OF CHARTERS, DOCUMENTS, &c.,

UPON WHICH THE

CLAIMS OF THE BARONETS TO LANDS AND RIGHTS IN NOVA SCOTIA ARE FOUNDED.

- I. The Charter of James I., 10th September, 1621, annexing Nova Scotia to Scotland.
- II. Charter of Novodamus, 1624.
- III. One hundred and fifty Charters to the different Baronets, granted from 1625 to 1707; and the Infeftments taken by many of them to their grants of land.
- IV. The Royal Commission of Charles I. to the Lords of the Privy Council of Scotland, 25th July, 1625, empowering them to complete the creation of one hundred and fifty Baronets, and to confer upon each like privileges, grants, immunities, &c.
- V. Two Acts of Parliament, made and passed 31st July, 1630, and 28th June, 1633, ratifying and confirming all the rights and privileges of the Baronets then created, or afterwards to be created.
- VI. A Charter of Novodamus by William III. in 1698, to the Premier Baronet, thus recognising the validity of his ancestor's Charter of 1625.
- VII. Numerous Royal Letters, Warrants, and Proclamations, connected with the erection of the Baronetage.
- VIII. The Treaty of Union in 1707, which provides that no alteration shall be made in the Laws which concern the private rights then subsisting in any class of the subjects within Scotland.
- IX. The Treaty of Utrecht in 1713, and the Treaty of Paris in 1763, when Nova Scotia was finally restored to Great Britain, and the rights of the Baronets revived *jure postliminii*.
- X. The various steps and proceedings taken by the Baronets in 1775, 1777, 1781, and 1836, to keep alive their rights.

LEGAL OPINIONS.

First, By GEORGE BOWYER, Esq., of the Temple, Doctor of Civil Laws, &c.,
11th Nov. 1844.

"I have read the Report of the proceedings of the Baronets of Scotland, with much interest, and trust they 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 postliminii*; and I cannot understand how it is possible for the Treaty of Paris, in 1763, to affect them."

Second, By T. CHISHOLME ANSTREY, Esq., of the Chancery Bar, Professor of Jurisprudence, &c., 21st Nov. 1844.

"I take a great interest in the proceedings of the Scottish Baronets, with respect to the Lands and other rights they claim in Nova Scotia. 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 on my mind, as a lawyer pretty conversant with this department of 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."

Third, By JOHN HOSACK, Esq., of the Middle Temple, Author of *Conflicts in the Law of England and Scotland*, 22nd Nov., 1844.

"I have read, with great interest, the Reports of the proceedings, both at 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 ground the Government could resist the just claims of the Order."

