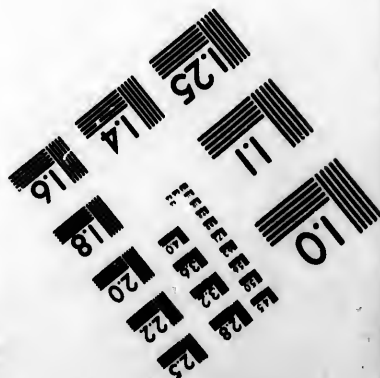
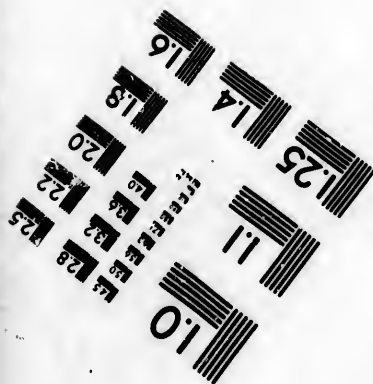
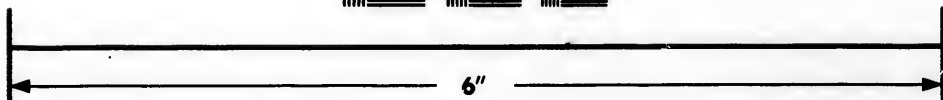
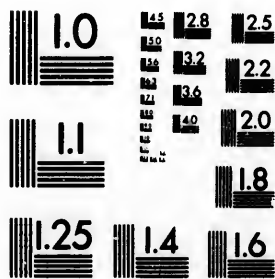


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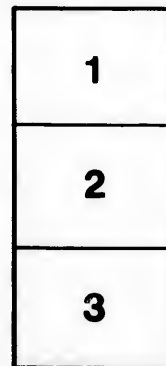
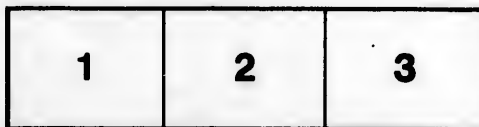
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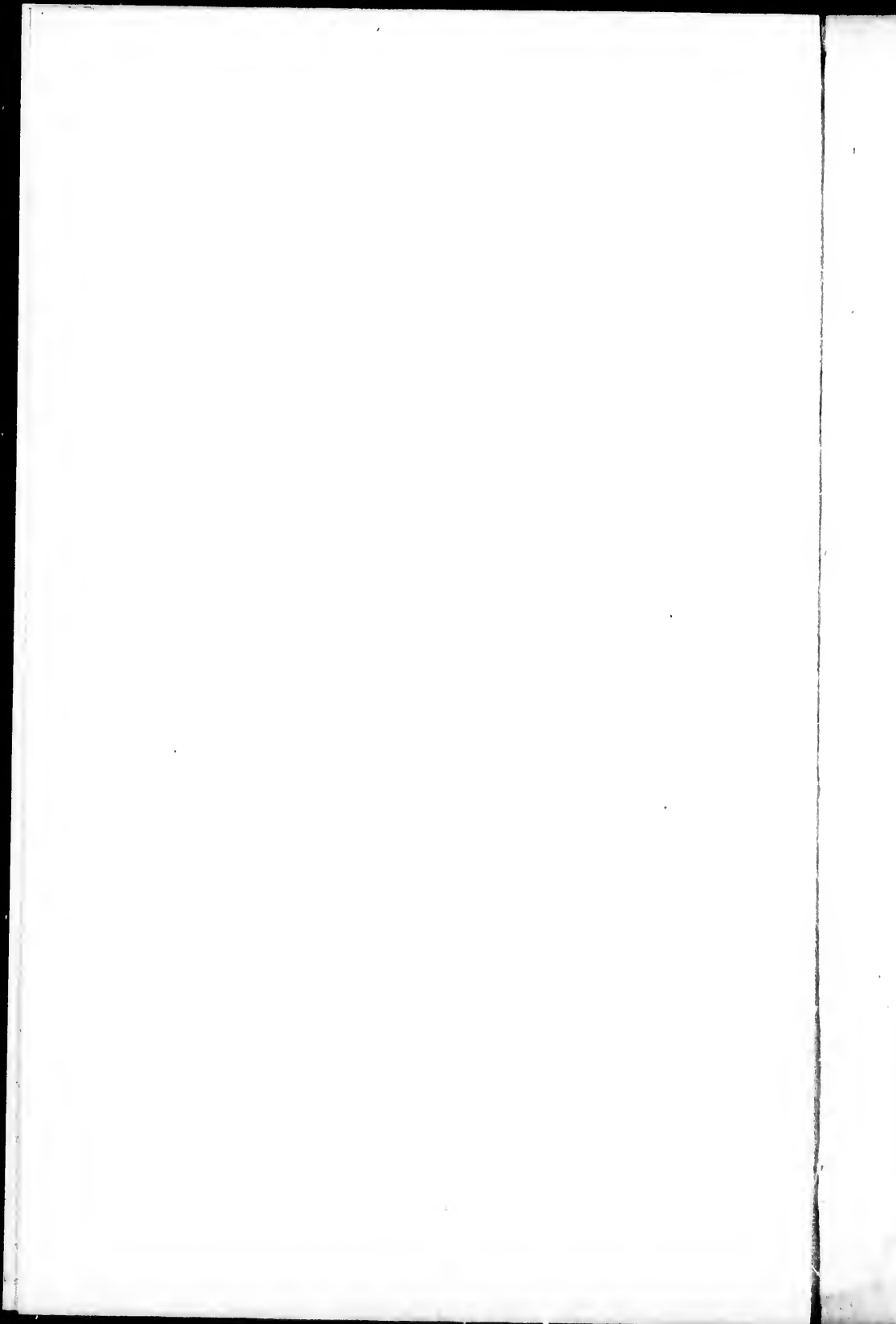
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REMARKS

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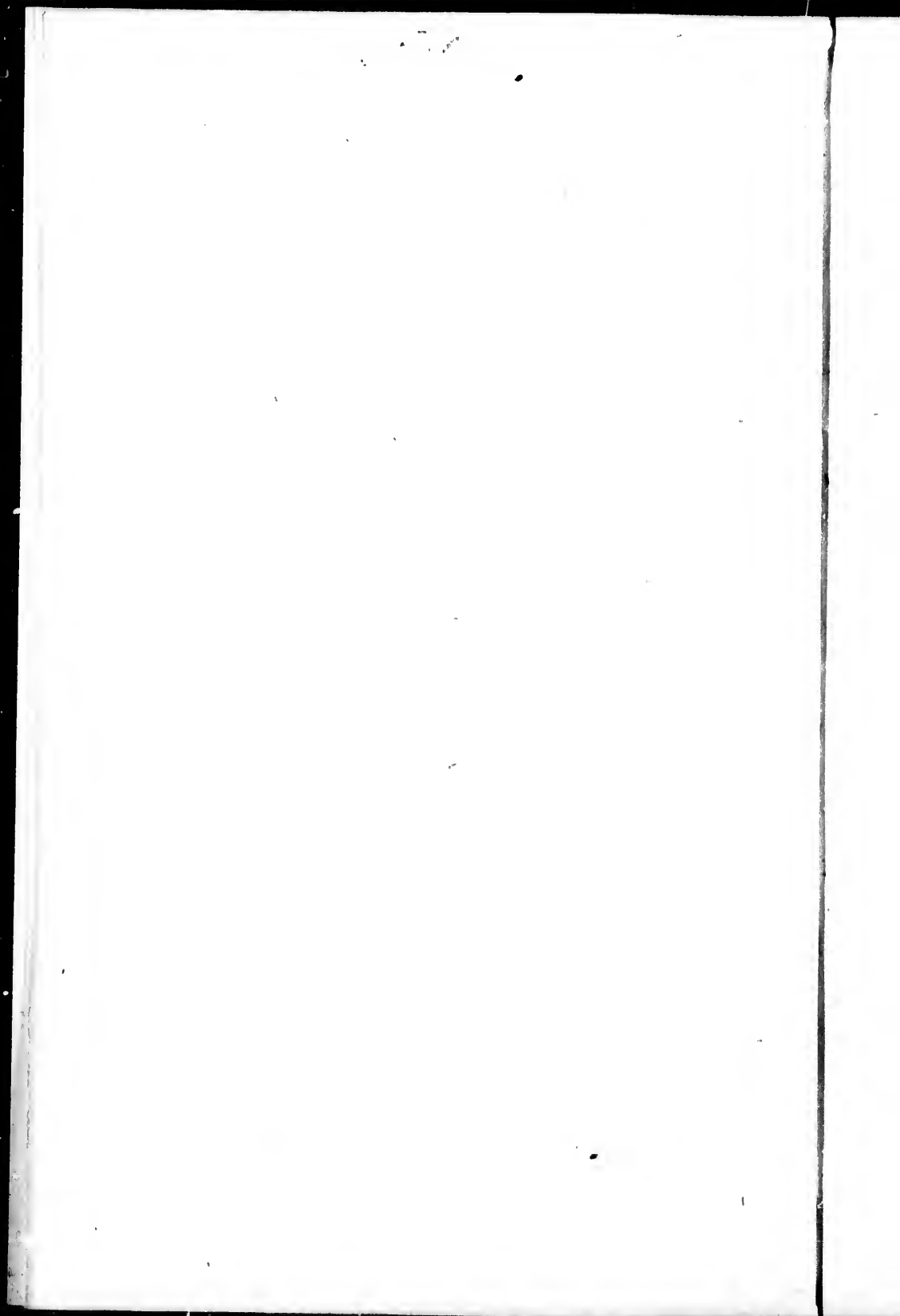
INTITULED,

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

LONDON :

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT.

1824.



REMARKS.

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

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

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

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

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

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

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

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

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

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

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

erately

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

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

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

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

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

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

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

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

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

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

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

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

London, 8th April, 1824.

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