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THE CROWN AND THE CONFEDERATION.

THREE LETTERS

TO THE

HON. JOHN ALEXANDER McDONALD,

Attorney General for Upper Canada.

BY

A BACKWOODSMAN.

Finis Coronat?

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THE
CROWN AND THE CONFEDERATION.

LETTER I.

The Writer introduces himself—State of opinion among his neighbors at Mapleton—Confusion of ideas as to the term Confederation—Monarchical Confederacies, ancient and modern—Lord Bacon's opinion that Monarchy is founded in the Natural Law—Monarchical elements in British American population—Analysis thereof: The French Canadian element—"Old Country" element—the descendants of U. E. Loyalists—The Confederacy ought to embrace "the three estates."

MAPLETON, C. E., *Sept. 27th*, 1864.

RESPECTED SIR,—In the ministerial explanations which you gave last June, in your place in Parliament, as to the occasion of that crisis, you were reported to have said that a settlement was to be sought for our constitutional perplexities, "*in the well understood principles of Confederation.*" You will, I am assured from all that is reported of your character, excuse a plain man, wholly out of politics himself (except in so far as every subject of the Queen and spectator of events may be said to be interested), for addressing you a few words of commentary on your own text. In justice to what may seem crude or impractical in my style or opinions, I may be permitted to introduce myself as one who has formerly had a good deal of commerce with the world; which lay, however, more with the past generation than the present; whose notions may therefore be open to the imputation of *old-fash-*

ioned, but who has not, if he knows his own heart, lost anything of his early hatred of all oppression, or his early enthusiasm for the happiness and good government of all mankind.

You and your colleagues propose to lead us politically "to other scenes and pastures new," but, not, of course, without our own assent. That assent must, to serve your purpose, be the free act of a large majority of the inhabitants of Canada; and it is of the grounds on which such necessary assent can be honestly obtained, that I respectfully present to you the humble views of one man. When I say of one man, I should add, however, that I have canvassed these views with many of my worthy neighbors, in not the least important county in the Province, and have found them very generally approved of in this quarter.

By "the well understood principles of Confederation," my neighbors and I are agreed that you must have meant a division of power between several local or minor governments, and one grand or supreme government. So far, the platform is broad enough to bear us all. The immense extent of British America as naturally calls for local superintendence in matters of detail, as its political circumstances call for one strong power in general, to oversee and harmonize all. No arm would, perhaps, be executively long enough to reach from the capes of Newfoundland to the plains of Rupert's Land, not to speak of stretching its operations farther westward. Moreover, all the provinces now invited to unite have been for two or three generations accustomed to their own local governments. This universal custom has grown easy and natural to them; it has begotten interests of locality, of office, and of class; its modification to fit it into your newly projected Union need not be a work of intrigue or violence, as other unions have too often been; while its abolition would be, perhaps, impossible, even if it were at all desirable.

This we can all see—and already the good will of the Provinces generally appears to attend your design, seeing it by this conciliatory and accommodating light.

But that, Sir, which most occupies the thoughts of our fireside statesmen here in Mapleton is, whether your confederation is to be framed on democratical or monarchical principles. The very words *confederacy*, *confederation*, *federation*, and *federal union*, have acquired so exclusively an *American* meaning in our part of the country, that some excellent people will reason, as though they could not possibly have a British meaning, wholly distinct from the American. As to this confusion of ideas, I may congratulate myself in having wholly escaped it. By the aid of a few good books, and the recollection of many, I endeavor to show those who converse with me on the subject, that there may be again (as there often has been) a confederation on monarchical as well as on republican principles; and in this argument I quote the most conspicuous instances, ancient and modern. Not to venture into Egyptian antiquity, the next oldest governments of which we have clear record, were the Asiatic monarchies,—all of them confederated rather than consolidated. The title of the Imperial ruler was usually “the great king” or “the king of kings,” because, says the learned Abbé Rollin, “they had several kings their vassals, either in their court, or dependent on them.” “Monarchical or regal government, as we call it,” observes the same wise and well read author, “is of all others the most ancient, the most universal, the best adapted to keep the people in peace and union, the least exposed to the revolutions and vicissitudes incident to States.” “For these reasons,” he adds, “the wisest writers among the ancients, as Plato, Aristotle, Plutarch, and especially Herodotus, have thought fit to prefer this form of government to all others.”

Of the three hundred constitutions which Aristotle con-

sulted, before he wrote his *Politics*, by far the greater part included the kingly element, under one form or other; and the conclusion to which he came, after all his studies, is very well known.

The Roman government commenced with a confederated and ended in a consolidated monarchy. When the rage of centralizing everything in one city, seized on the Romans, "the allied kings" ceased to experience the former consideration and fairness which had so attached them to the metropolis; hence provincial insurrections, such as Dion, Cæsar, and Sallust have described.

As to the confederated empires of modern times, I need but mention that of Charlemagne, or the West, which survived a thousand years, in the modern empire of Germany. So strong a hold upon that thoughtful and freedom-loving people had this confederate monarchy, that after resisting to the death the arbitrary recasting of their institutions by the modern Charlemagne, they forgot not to restore again, though in a modern fashion, the federal system, which their ancestors for so many ages had found to be not at all incompatible with a high degree of local independence.

Besides these examples of famous and long-lived monarchical confederacies, I confess, at the risk of being thought a pedant, that I am old-fashioned enough also, to quote from some of the great masters of the English system who lived formerly, such as Lord Bacon, Lord Somers, and Mr. Burke. Of the sentiments of the two last—uttered, by one in combatting an infidel and levelling revolution, and by the other in guiding and controlling a lawful revolution—I need not speak to one so conversant with English constitutional reading, as the Attorney General West. But the weighty opinions of Lord Chancellor Bacon are not, perhaps, equally familiar to all who may do me the honor, on account of your name at its head, to read this letter. They will be found

scattered throughout his State writings, but nowhere, perhaps, more concisely put, than in the early part of his famous argument made while Solicitor General, “before all the Judges of England,” in the case of the “*Post-Nati of Scotland*.” In my edition,* the passage referred to begins on page 322 of the fourth volume. The celebrated jurist and philosopher there argues, and to my mind conclusively, that the original of monarchy exists in the natural law, while the original of senates and commonwealths is found only in conventional laws or compacts. He finds three chief types of the monarchical state: I. That of the father, or chief of a family. II. That of a shepherd and his flock, “which Xenophon saith, Cyrus had ever in his mouth.” III. “The government of God himself over the world, whereof lawful monarchies are a shadow.” This last sacred original can never be challenged, he says, by “the Senate of Venice or a Canton of Swisses.” And on this head his Lordship thus concludes: “So, we see, there be precedents or platforms of monarchies both in nature and above nature; even from the monarch of heaven and earth, to the king, if you will, of an hive of bees. And, therefore, other states are the creatures of law; *and this state only subsisteth by nature.*”

Having overwhelmed my less bookish neighbors with my instances, I usually conclude by this question—*because the Americans have used a good word badly, is that any reason why we should not use it properly, and to our own advantage?*

Now, though I do not pretend that we, in this country, are in circumstances nearly analogous to those of our insular fathers, who laid the foundations of kingly government within the circumvallation of popular representation a thousand years ago, yet I do venture to affirm this—that what has been true of a whole people for above thirty generations, cannot be said without extreme presumption to have lost all applicability to

* Baynes & Co., London, 1824.

their descendants, in a single age. The monarchical principle has not, I dare affirm, ceased to be true for us, unless, indeed, we have ceased to believe in it, and are only "*making believe*" that we believe. If such be the unannounced secret of our hearts, then, like all other *shams*, this also ought to be forthwith exploded.

But I confess, Sir, after fair opportunities for observation, pretty constantly employed for many years in British America, I am not convinced for one, that the virtues and sentiments which are essential to a monarchical people have dropped away from our general public character. I take the chief of those virtues and sentiments to be—a high sense of individual honor; a proper pride of origin; a strong affection between members of the same family; local attachments; a passion for order; a reverence for law; a religious respect for age; a salutary awe of lawful authority; an irrepressible individualism; a tendency to classify; a predisposition to obey. These traits of British American character, I do not always find most marked in what are called with us Conservatives; their opponents, the Reformers, have perhaps as fair a proportion of the common stock; an observation which consoles me with the belief, that our national character is still substantially the same as that of our ancestors, and that therefore our national institutions need not necessarily be otherwise than British.

Nor does my analysis exclude from its compass our French-speaking population. That population has never been tainted, except on the very borders, with the bitter infusions of modern democracy. They were drawn off from Old France, like the pure waters intended to feed cities, at a point too remote for contact with the infidel sophists who attempted, towards the end of the last century, "to reconstruct society," on the devil's old design, of a world without a God. In their religious dispositions, in their historic retrospections, in their

strong local attachments, in their family government, in their general contentment with their born condition, they approve themselves a monarchical rather than a democratic people. They are the leal descendants of those Normans and Bretons whose blood has entered so fully into our British reservoir. Their two centuries' habitation in the new world has not obliterated the strong lines of character, which we have but to turn to our own history, especially under the Plantagenet kings, to see illustrated at every page. We, Sir, should never forget that to a race almost exclusively of this origin, and language, we owe the Great Charter; that to their countryman, Simon de Montfort, we owe borough representation; and, moreover, to the unexpended Norman energy of the English Baronage we owe the famous Statute of Edward I., *de tallagio non concedendo*. It is true their own privileges at those periods fortunately coincided with the rights of the people, as settled in the more ancient charters of Edward the Confessor and King Alfred; but it cannot be denied that either from policy or love of justice, or both, this race conciliated privilege and popularity, and gave a new lease of lives (may it be "renewable forever!") to the British Constitution.

While, I trust, I am not unmindful of that large and important community, whose language is French, still my associations better enable me to speak of the monarchical dispositions which distinguish our English-speaking people. As to the English, Scotch, and Irish, by birth or immediate parentage, they are all—especially the two last—a people of pedigree and precedent. They are, in the best sense, what they call themselves, "Old Countrymen." Europe contains their "home"; their home memories and home affections are often there. Almost every man among them expects to re-visit, at some time or other, his father's land, or "his own, his native land." Among men so minded there is no

humiliation in the thought, provided our local rights are respected, of continuing, for ages to come, dependencies of the Empire. They feel none of those petulant and ill-considered aspirations for a *bran-new* nationality, to which an Oxford Professor has lately appealed. If I understand them rightly, they would infinitely prefer, if it can be found mutually convenient, to remain in the Empire always, than by any wilful act of theirs to establish an upstart, costly, and precarious independence. And this denomination of people, be it observed, are nearer a third than a fourth of our whole population—a monarchical element not to be underrated.

It is not, certainly, Sir, among that other great section of us, whose speech is English, the descendants of “the United Empire Loyalists,” that we are to apprehend the general prevalence of democratic dispositions. The Constitution to which their fathers clung with such desperate fidelity, for which they preferred exile to enjoyment,—the Constitution, to cling to which they fled into these northern wildernesses, and by which in the wilderness they were sheltered and fed,—that same Constitution, improved rather than decayed in this century, has now, for the first time in seventy years, a fair field open to it in North America. Will the descendants of those by whom alone of all the English colonists the monarchical principle was cherished and upheld here, during the reign of George the Third, abandon that hope of their fathers, represented, as it now is, by ample colonial self-government, under the good Queen Victoria? Will they, think you, write on their fathers’ graves, to which they so often point with justifiable pride, *Here lie the foolish adherents of an effete system, and a false principle?*

It was not from any affection for the despotic measures of a misguided Minister that so many educated American colonists in the last quarter of the last century preferred the wilds of Upper Canada and New Brunswick, to their former

pleasant possessions on the Merrimac, the Mohawk, and the Susquehanna.* They were moved by no aboriginal instinct for gew-gaws or stipendiary sustenance. They were, many of them, men of uncommon strength of mind and superior education: nor is it any injustice to their descendants to say, that among them, questions of government, of the origin of power, of the obedience due to those in high places, were much more fully considered than they have been of late among ourselves. There were probably more men, to a thousand of them, who had read Burke and Mackintosh, Priestly and Paine, and even Locke, Hobbes, and Lord Bacon, than among an hundred thousand of us. We have hardly yet crossed in the Canada of this day, the threshold of discussions, which they had pushed to their last results. A grave and God-fearing generation, they deliberately chose the side of monarchy for themselves and their descendants; and I repeat, Sir, once again, I do not believe you will find many, if any, of those descendants arrayed on the other side. It would, indeed, be a strange and unnatural reverse, if democracy were to be imposed on us by the descendants of men, who at all hazards, had upheld monarchy in these infant Colonies!

There will be, no doubt, Sir, when you meet the representatives of Acadia at Quebec next week, many who will cry out, "Oh! these ideas are not of the present age!" "The people will not approve of this! or of that! or the other!" The duty of a statesman is surely to make the people a study,

* The wealth and position of the colonists, who sacrificed their possessions in the Republican States, to adhere to the monarchy, may be estimated by the fact, that claims for the loss of property were allowed, by the Imperial Government, to 3000 heads of families,—the total of whose indemnity (apart from land grants) reached to about *ten millions sterling!* *Adolphus' Hist. of England, Vol. III., page 529.* [So that the indemnity to the U. E. Loyalists equalled the sum subsequently granted for the extinction of slavery throughout all British America!]

not a scare-crow. As one of that people so often, and sometimes so incorrectly, invoked, I dare assert that, in this quarter, we are prepared to give not only a fair but a cordial reception, to any constitutional Charter which may be agreed upon between the Provincial and Imperial authorities. We are well persuaded that neither will overstretch the reins of authority, and we are sanguine that neither will omit from the proposed new system, the power of regulation, and the guarantees of permanency. We repose, though not with shut eyes, all confidence in yourself, and the gentlemen acting with you, that you will not sacrifice the hopes of all these Provinces to the untested theories of superficial observers. Your coadjutor, Sir Etienne Taché, can give you many proofs in detail, why French-speaking Canadians prefer that the proposed union (their local institutions being religiously respected) should stand on a monarchical basis, and no other. The English-speaking people of Canada, Mr. McDonald, are not conscious of having ceased to be British at heart, and they look hopefully to you and your associates that you do not deprive them of a free government, moulded on the British model, embracing a fair, well-balanced representation of the three long tried estates,—the Crown, the Peerage, and the Commons. Of the *methods* by which this inheritance, with whatever unavoidable reductions, may be continued to us and our children, I will not presume to speak. But this much, I hope I may venture to say, without offence, that the gentlemen who are to assemble at Quebec, are understood to be, for the most part, Ministers of the Crown, from other Colonies, and invariably so on the part of Canada. This being so, it would be monstrous to suppose the interests of the Crown in this part of Her Majesty's possessions could be sacrificed by those who have been sworn of Her Majesty's Councils. Formerly, it was found necessary to move in the British House of Commons, "that the power

of the Crown had increased, was increasing, and ought to be diminished." With us, for many years, the exact converse is true—the power of the Crown has diminished, is diminishing, and, in my mind, ought to be increased. For her Majesty's Colonial councillors to unite their talents and influences to bring about constitutional changes, regardless of their official responsibility as Ministers, is what I am certain, they will never be guilty of. Rather, let us hope, they will approach their mighty task in the spirit of Lord Bacon, who, in opening the disquisition on government already quoted, commences with—" *but first of the King.*" A minister, argues Mr. Burke, in his "Thoughts on French Affairs" [1791] ought not to be ambitious of the glory of a speculative writer. "He is to support the interests of the public as connected with that of his master. He is his masters' trustee, advocate, attorney, and steward—and he is not to be indulged in any speculation which contradicts that character, or even detracts from its efficacy." I dwell, Sir, on this point lastly, because in a recent *pronunciamento* alleged to be "semi-official," I read a great deal that was said—and very properly said—about the rights and duties of the local and general legislatures, under the proposed Confederation, but scarce a word of the rights, pre-eminency, and prerogatives of the Crown. If we are to have a republic of any pattern, at least let us have it without disguise; but if, on the contrary, we are to acclimatize and cultivate the essentials of monarchy among us, surely that estate is the first, and not the last, thing to be thought of, in all your Conferences.

I beg to subscribe myself, respected sir, with great deference, your most obedient humble servant,

A BACKWOODSMAN.

The tabular form will show in outline what I consider to be the principal monarchical and democratical elements at work among us, including those already described.

<i>Monarchical.</i>	<i>Democratical.</i>	
The French Canadians, generally.	A small minority of French Canadians.	
The "Old Countrymen," generally.	A small minority of the Old Countrymen.	
Canadians of British origin, especially descendants of U. E. Loyalists.	A majority of Americans by birth settled in Canada.	
A minority of Americans by birth, settled in Canada.	Extreme radicals, of British origin.	
—		
The Church of Rome, generally.	The dissenting, or elective Churches, either in part, or for the most part.	
The Church of England, almost universally.	Persons of no Religion.	
The "Auld Kirk," largely.	—	
The Free Kirk, divided.	The Press—in part.	
—		
The Militia.	All those whose minds have been formed by the reading of American publications.	
The learned Professions.	The <i>Times</i> newspaper (in its recent defence articles).	
People of Property, generally.		
The Press—in part.		
The Universities and Colleges.		

I do not think you will consider enlargement on some of these particulars at all necessary. Of the first classification I have already said enough; as to the next, or denominational analysis, I ask permission to explain.

That the Episcopal and old-standing churches should have a predilection for monarchy is as natural, and as undoubted, as that the electoral churches should have a strong tendency towards democracy. When a man elects his guide for the next world, it seems natural enough he should desire to elect his governor for this one. Yet I must not be understood, Sir, as pronouncing the shadow of an opinion, favorable or unfavorable, on the elective principle, as applied to church government. All that I will say—and even that is somewhat superfluous—is, that the congregations organized on that basis,

LETTER II.

Reception of Letter first at Mapleton—Political analysis of Canadian Society continued—Episcopal and electoral Churches—Wealth and Intellect—The Press—The Colonial Militia—Recent defence writings of the Times anti-Monarchical in effect—Does the Times speak for England?—How to interest the crown and people of England in Colonial Union—A Crown Prince for the Confederation—A reduced Tariff—Constitutional defence due to the crown in the proposed changes.

MAPLETON, Oct. 4th, 1864.

RESPECTED SIR,—I am encouraged by the good opinion which my most intelligent friends have been pleased to express of my first letter, to continue the subject,—which I hope you will not find wearisome. It is barely possible that in this neighborhood we may be peculiarly subject to the weakness of overrating ourselves. However this may be, my next neighbors, a *ci-devant Seigneur*, the Parson at the village, and his *alter ego*, the Doctor, the Notary, and the *Cure*,—all courteous gentlemen and men of judgment, are united in approval of my late performance. It was first read aloud at a sort of club we have, which assembles in the rear part of the Postmaster's warehouse, on the arrival of our mail, on Wednesdays and Saturdays. Subsequently the *Gazette*, which contained it, made the tour of the Parish, and I believe it has now crossed the canonical boundary, and is holding on its course with unabated popularity, not less than twenty miles from this place.

The political analysis of our Canadian Society in my last, was hardly so minute as might be wished. Neither do I presume to touch on all that might be added, in the present epistle: but I give my contribution cheerfully, such as it is.

aristocracy of mere vulgar wealth will never leaven a democratic society; but associated with, adorned and inspired by, what *Old Ebony* once called "the Aristocracy of Talent," wealth may work wonders. If even the powerful peerage of England have been able to hold their own against the innovations of democracy during the last century, how much do they not owe to *novi homines* like the Pitts, Burke, Canning, Peel, and D'Israeli? Our Colonial men of property, if they are capable of learning by an English precedent, bearing directly on their own class, will endeavor, by all the social appliances they can command, to draw closely and cordially to them the men of talent of all the learned professions, and more especially the young men of most promise, as they emerge, class by class, from the halls of our Colleges. Talent rising from the ranks also, struggling with present poverty, a defective education, and a cruel want of leisure, ought to be tenderly and lovingly fostered. I should like to see the working-man, who gazes wistfully into the bookseller's window, attract the eye and excite the sympathy of the passing *millionaire*; I should like to see the youthful poet, though the provincial public may not yet have awaked to the beauty of his matin song, sitting of an evening an easy and honored guest in the study of the successful banker. Then we would all know that enterprize and imagination understood each other; that the two kinds of intellect, and the two descriptions of property, were combining, naturally and wisely, to give a high and refined, as well as a prudential and safe direction, to our growing communities.

Of other intellectual forces, I class the newspaper press as *divided*. Being a reader of but few papers, I speak on this head with great hesitation. In Lower Canada, I am told, all the most considerable journals are for the general federation, but on *British* as distinguished from *American* constitutional principles. The Toronto journals, which I sometimes see,

have as full and entire a right so to govern themselves, as the Episcopal churches have to their system. But I have the honor to know many warm dissenters, who see, quite as clearly as any churchman can see, the fallacy of carrying their Congregationalism into politics. They see that in exercising their electoral right in the one case they are choosing a pastor *for themselves only*; while to insist on the choice of judges or governors, on that principle, and no other, would be to impose their own consciences upon other men,—to place other men's lives, liberties, and properties at the disposal of authorities, chosen only on *their* principles! The state is a mixed community, and must be governed by compromise, for the good of all; the congregation is a sifted and select body, which has every right to be “a law unto itself.” This the majority, as I infer, of what may be called the Congregational churches, fully understand, and are quite prepared to abide by in matters of state.

In the third classification of our monarchical and anti-monarchical elements, I place the great bulk of the wealth and intelligence on our side. Both these sources of security may be described by the one word—property. One man's property may lie more open to the public eye than another's: a fine house, and grounds, and equipage are tangible signs of riches; but the physician or the advocate, with his large accumulations of knowledge and science, represents, in his own person, no inconsiderable degree of wealth. A six-inch shelf may produce for him as much as the landed proprietor can gather off his best acre. Both men are naturally Conservatives, and, so to speak, aristocrats. Both look to peaceful times and settled governments, for the reward of their labors. Certain it is that some of the worst demagogues in history have been educated men, and (though more rarely) wealthy men. But these are, after all, the exceptions to the rule. On the other hand, it must be admitted that the

and those of Ottawa, for which I am indebted to a friend, seem rather undecided in tone. The Ottawa journals above all surprise me, published as they are at what bids fair to become the Federal capital. To find the organs of a city which owes its present and prospective importance to a royal intervention, sneering at "the rights of the crown" as chimerical—as obsolete—is, to say the least of it, rather unaccountable. Some member of the press will, perhaps, as this discussion advances, take the trouble of classifying his own order into monarchists and democrats. For though I do not admit that the newspapers are an infallible index of public opinion, except at certain critical periods, when the public seize the trumpet and displace the editor—yet they are at all times *one* index of that opinion. Bye and bye we shall no doubt hear an unmistakable expression of sentiment one way or other from every press in the country.

I have set down the Militia of British America as a monarchical force, and the *Times* newspaper, in its recent defence articles, as a Democratic force. The very circumstances that called our Militia into existence; the ready alacrity of the volunteers; the large sums (for us) voted unanimously for this service in Parliament, the well-known sentiments of the leading officers, all establish, beyond question, the firm loyalty of the Militia. Yet, just at this moment—when we are doing much, and are ready to do more, comes the *Times*, booming weekly "warnings" at us, across the Atlantic. These warnings, in *our* ears, sound of late ominously like adieus! "Take care of yourselves, for we can do nothing for you," is the plain English of all the recent *Times* writings about Canadian defence. And this is what the absolute editor facetiously calls, "endeavoring to arouse." It is certainly not very rousing to tell us we need expect nothing from England; that we must count on no material aid for our defence above tide-water; that we must stand or

fall by our own resources. This, in effect, is the tone of whoever "*does Canada*" for the *Times*; this is the warning stage-whisper, addressed specially to us, but loud enough to be heard and heeded by all the rest of the world,—certainly by all the American part of it.* If this be not the national sentiment of England, is there no one left in England to disclaim it at once, and with emphasis?

It is high time, Sir, we should understand clearly how we are to stand with the mother country, as to our defences. Let us know the worst, and the best use may be made of it. If we are expected to do impossible things, then let us know *that*. If we are called on for any contribution, in men or money which we *can* bear, let us know *that*. No one can, no one ought, to bring this long wrangle to an understanding except the Provincial and Imperial Governments. On the surface there appears no imminent need of any such arrangement being hurried on at this moment; but I am sure I need not tell so vigilant an observer of events as yourself, that at no period, since the *Trent* affair, were the unfriendly intentions of the Northern Americans ripening more rapidly, than during the Autumnal months of 1864.

If we are to interest the crown and government of Great Britain in our defence—that is in perpetuating the connexion—I see but two chief expedients to that end: To place the

* The last *Times* received here contains, in an article on the above subject, these pregnant sentences: "The question (of defence) is momentous for Mexico and for Canada, and we have endeavored to discharge our duty by pointing out the necessity of defence, and endeavoring to arouse our own colony to a sense of its danger. The language we have held has been plain and uniform, and yet, though plain, not such as could give reasonable offence to any community which feels a respect for itself, and estimates properly its duties and its responsibilities. We have stated that Canada leans on a broken reed if she supposes that, in case of an invasion from America, any considerable portion of the burden of her defence can be borne by this country."ⁿ

proposed Union under the sway of a Crown Prince, and to reduce, as much as possible, the tariff of the Confederation.

As against the appointment of a Prince to the Vice-royalty of British America, much, no doubt, may be said. Such an appointment would, in some of its concomitants, be more difficult to deal with than that of a subject, however distinguished. *Per contra*, it is to be considered that such a selection would identify the Confederacy and the Empire more intimately than any other possible selection; that he would surround the monarchical principle in the new Constitution, with a direct rather than a borrowed lustre; that it would place over us one who had nothing to gain or lose by the rise or fall of Whigs or Tories; one who, as one of your colleagues has said, "would not make the Province a stepping-stone" to the favor or patronage of any Imperial party. Both views will have their adherents; I only speak here of the general opinion in and about Mapleton, which is, I think, decidedly favorable to the experiment of a Prince of the blood.*

How far the views and wishes of the English manufacturers can be met, by a reduction of the general tariff, it is not for a private person, like the writer, to pretend to say; as on the subject of defence so on this topic of the tariff, all that Canadians can say is, that whatever can be done, ought to be done. "*An if 'twere done, 'twere well 'twere done, and done quickly!*" *Prima facie* the case seems a very hard one, that the English tax-payer should contribute to our

* I am reminded by my neighbor, the Seigneur, who has just looked in, that the Prince of whom we have often spoken in this connexion (H. R. H. Prince Alfred), has been named as successor to the Grand Duchy of Saxe-Cobourg and Gotha. With all respect for the Grand Duchy, with its population of 150,000 souls, and its capital city of 18,000,—a State scarcely equal to the Island of Montreal, and a Metropolis not so large as our New London,—I do not think Her Majesty's advisers would, for one moment, put such a paltry possession in comparison with British America, as a settlement for the second Prince of the blood!

defence, as part and parcel of the Empire, while we are imposing burdens on the products of his industry, as if he were no more to us than any foreigner. He does not even—when we consider freights and distances—stand to us, his fellow-subjects (claiming his military assistance), on the footing of “the most favored nation.” No one, I presume, will ask you, at home, to impose differential duties in favor of English importations; but may not this whole subject of inter-Imperial trade, be very fairly considered as opened anew, when you go to England with your matured scheme of a general federation?

Permit me, Sir, in conclusion, to make one other observation. The *mode* by which a great constitutional change is wrought, is second only in importance to the substance of that change. This is certainly true of changes wrought within a monarchical system of government. I need not remind Mr. Attorney General, that *Magna Charta*, though framed by the estates, was submitted to the king’s grace for his sanction, or that the Bill of Rights was in the first place presented to William and Mary, as “the Declaration of Rights.” As with us, the Crown is still the fountain of justice, as well as the fountain of honor, I am sure I need not say it is the general expectation in this neighborhood, that our statesmen, when they have made up their own minds, as to the framework of their future union, will proceed with all proper regard for the rights and prerogatives of the Crown, in bringing their plan before the Imperial government.

I beg to subscribe myself, respected sir, with great deference, your most obedient humble servant,

A BACKWOODSMAN.

LETTER III.

Cause of reprinting former letters—Anxiety in writer's neighborhood as to powers of Federal and Local Governments—Analysis of a late semi-official statement—Protection for minorities in Upper and Lower Canada—Difficulties attending restoration of the Old Province line—Local Executives—Constitution of Upper House in Federal Legislature, considered—The writer not adverse to a general union of all the British American Provinces—Conclusion.

MAPLETON, Oct. 8th, 1864.

RESPECTED SIR,—A requisition has been made upon me to allow my two former letters to you, which appeared in the *Montreal Gazette*, to be reprinted, in the more accessible form of a pamphlet. In complying with this desire of several friends, and placing the copies in the hands of Mr. John Lovell of Montreal, (our patriotic publisher), I am reminded by those friends that I ought to add something on a very vital point,—the distribution of powers, between the local and general government.

In this vicinity we are pretty equally divided by language. In the villages the English speech prevails; in the open country the French. English shopkeepers sell to, and buy from, French cultivators. English churches are more numerous, though smaller than the French; in some parishes, while Protestants are the dissentients from the common school system, in others it is the Roman Catholic minority who set up *their* dissentient schools. Thus mixed and balanced as we are, the future constitution of the local governments is a matter which comes directly home to every man among us.

In the semi-official statement of the range of discussion at the Conferences which began at Charlottetown on the 1st of

September, which appeared about a fortnight ago,* we were all pleased to observe this sentence—"Every point will be open to unfettered enquiry at the Quebec Conference." Yet it is evident from the same document that those who authorized its publication had pretty well made up their own minds, as to the general outlines, at least, of their scheme. The subjects to be committed to the federal authority are enumerated with a good deal of confidence, while those to be left to local disposal, are stated more hypothetically. The following table drawn from the document, may serve as an index to its contents :

<i>Federal subjects.</i>	<i>Local subjects.</i>
Trade and Navigation.	All Civil and Municipal Laws (with the exception of Criminal Law).
Currency and Coinage.	Public Lands.
Banking.	Roads and Bridges.
General Taxation.	Inland Fisheries.
Bankruptcy.	Education.†
Criminal Law.	Prisons.
Militia and Defence.	Hospitals and Charities.
Weights and Measures.	Agriculture.
Lighthouses.	Fairs and Markets.
Sea Fisheries.	
Patents.	
Copyright.	
Census.	
Postal Service.	
Intercolonial Works.	
Immigration.	
Naturalization.	

† "It has been suggested," says the same official statement, "that provision should be made for the educational interests of the minority in each section."

In this classification I will not conceal from you, Sir, there are three subjects proposed to be referred to the local legislatures, which excite a great deal of apprehension among my English-speaking neighbors ; I allude to the local control, of all Courts (other than Courts of Criminal Jurisdiction), of the Public Lands, and of Education. The *proviso* attached to the last mentioned subject, will go far to relieve the ap-

* See *Appendix* for this paper.

prehensions of the minorities in each section ; if embodied in the Constitutional Act, I should say it would entirely remove them, unless from the minds of the very sceptical, or very factious. But to place the civil rights of the minority, either in Upper or Lower Canada, at the absolute disposal of the majority, and to further endow each sectional majority with the whole business of the settlement of the public lands, will, I apprehend, greatly embarrass your undertaking. On this point—living near the line—I speak from personal knowledge.

In Lower Canada the minority is best distinguishable by language ; in Upper Canada, by creed. If the old Provincial line, from Coteau du Lac to the Ottawa, and thence westward, is to be restored, as a sectional boundary, and the composition of the local legislatures is to resemble generally, the present representation in each section, how would the minorities stand, east and west ? We, in Lower Canada, have at most, in the local assembly, say fifteen English to fifty French-speaking members,—a hopeless minority. In Upper Canada matters would be still worse. There the large Roman Catholic minority would be still less adequately represented. Against any change of the school law, or the jury law ; against any monopoly of the public lands ; against any attempt to establish an Orange ascendancy, or any other Camarilla, they would be absolutely powerless, unless explicit and ample constitutional guarantees for their civil and religious rights can be inserted in the Imperial Act, alterable only by Imperial authority. I state this danger strongly, for I have many friends and correspondents among that denomination of people in Upper Canada, and I see that it is a danger to be dealt with, justly but firmly.

In the distribution of powers above enumerated, we see with satisfaction in this quarter, a predisposition manifested to strengthen the general government, without reducing the

local assemblies to mere municipal councils. But it is to be observed that the evil you thus guard against as to subjects of legislation, may overtake you in another guise. If you have one local government for what was once Upper Canada,—if you erect a section which is more than one third of the whole Union,—you may call it a local, but will it long consider itself a subordinate government? Even limited powers, extending over such a space, and affecting so large a population, must create a power within the Union, which it may be found very difficult to subordinate to the superior jurisdiction.

Of course, Sir, all these matters are, as you say, open to “unfettered enquiry at Quebec?” We will await, in this neighborhood, I do assure you, with lively anxiety, to learn how your local lieutenant-governors, or whatever they are to be called, are to be chosen; whether by election or appointment; to whom responsible; whether *they* are to be the *nexus* between the Federal and local authorities; whether they will have the right to reserve measures of doubtful policy, for the Federal or the royal assent; what tribunals of appeal will be open to the aggrieved minority in any section, as against the acts of the local majority. I am so much of an Optimist as to believe that on all these heads the apprehensions of my British neighbors here may be fully and satisfactorily met; but in order that they may be met, it is necessary they should be stated.

You will be good enough to observe, Sir, that I am not at all arguing against Federation *per se*. As to the objections to that system on the score of cumbrousness and costliness, they are, as yet, rather suppositious than tangible. They have not been worked out, and, therefore, cannot be answered. But the argument founded upon the probability, if not certainty, of a conflict of powers, between the local and the general governments, has fastened on many minds. Are we

to have "the state rights" struggle over again on our own soil? This is almost the only question now asked in connexion with your undertaking, for which we can as yet find no answer. The only answer that can be given hereafter must be by the production of the Constitutional Act itself.

"In regard to the constitution of the general or federal legislature," says the semi-official announcement already quoted, "the representation in the Lower House must be based *on population*, and that of the Upper House *on sectional equality*." Unless it is intended to make the Upper House, in part or whole, nominative by the Crown, this is the American system, pure and simple. And if it be intended to give the Crown the power of nomination, in part or whole, in one form or another, directly or indirectly, how can you limit the choice of the crown by the rigid rule of absolute "sectional equality?" We cannot see our way out of this difficulty at Mapleton; but we hope, nevertheless, it may be found soluble at Quebec.

Will you permit me, Sir, to say, as an observer of your public course, and that of your friend Mr. Cartier, for many years, that one of the few acts of your legislative lives, to which some of us took an early and settled objection, was your yielding to the clamor for an elective Upper House. The objections to the old system were, ten years ago, purely theoretical; they originated in Lower Canada with that able, and, I believe, honest, but most unsafe politician, Mr. Papineau,* and they continued to be part of the small stock-in-trade of his disciples—the *Rouges*. Charge of incompetency, obstructiveness, or corruption, against the life members, there was none, ten years ago. In Lower Canada, in the last generation, it was indeed otherwise; and that branch of the legislature did, in 1833, call loudly for reform, though not necessarily for reconstruction.† But in 1856 there was

* See the Ninety-two Resolutions.

† See Mr. Bedard's Report (L. C. Assembly Journals, for the year 1833).

a new state of facts. For fifteen years we had had responsible government; we were no longer under the dominion of a Dalhousie or a Craig; our system was working as well as could be expected, when, unfortunately, this innovation was adopted, from mere theoretical love of change. It is not, Sir, I trust, one of the least cheering indications of what we may hope for out of the present crisis, that yourself, and so many of your colleagues, whose opinions are well known on this subject, have now, after eight years' experience of the elective principle as applied to the Upper House, so fair an opportunity of reconsidering the whole question.

I have expressed the hope, Sir, that you would not consider me, in stating the objections I have stated, as being adverse to the scheme of a general union of all British America. *Not adverse*, is a weak form of expression for what I feel on this subject. It is a consummation I have long desired and looked for. I have followed every phase of the discussion, from Lord Durham's (or rather poor Charles Buller's) report, to the report of Mr. Brown's Committee of last Session. I do not forget that two at least of your present colleagues, with the authority of all the then Government, urged this project with great zeal, on the Colonial Office, five or six years ago. Those with whom I converse are quite satisfied, Sir, that you and your present colleagues have not taken up so grave a matter in a light spirit; or as a temporary expedient; or to gain time upon sectional agitation; or from any other mean or unworthy motive. We see in the twelve gentlemen, who at present surround His Excellency in Council, men of all origins, of the most various antecedents, of every description of connexion known in our system; in short a true microcosm of all Canada. We believe and trust they will all approve themselves good men and true in this trying emergency for them and for us; and our prayer is that they may successfully assist in moulding

our future Constitution in the image and likeness of that original, which rightly understood, has hitherto been the envy and admiration of the civilized world.

I beg to subscribe myself, respected sir, with great deference, your most obedient and humble servant,

A BACKWOODSMAN.

APPENDIX.

CONFEDERATION OF BRITISH NORTH AMERICA.

(From the Montreal Gazette, September 23rd.)

A good deal of public interest is felt as to the recent visit of members of the Canadian government to the maritime Provinces. People are anxious to know the nature of the Federative scheme brought under the attention of the Charlottetown Conference, the reception it received from the maritime delegates, and the probability of its being acceptable to the several Provinces. But little reserve is now necessary as to the general scope of the scheme of federation now under consideration. It is only as to the details which have yet to be discussed and determined, and as to which diversities of opinion may arise among the numerous contracting parties, that reserve is expedient. The measure cannot be framed from any one point of view; it must be a work of compromise; objections from the east, west and centre will have to be debated and overcome, and it would be manifestly unwise and injurious to give publicity to details that circumstances may hereafter cause to be modified or abandoned. Thus far all the proceedings of the Canadian government have been entirely unofficial and informal. The Provinces of Nova Scotia, New Brunswick, and Prince Edward Island have agreed to hold a conference at Charlottetown, the capital of Prince Edward Island, to consider the propriety of uniting their fortune under one government and legislature. The Canadian government sought leave to attend that conference for the purpose of inviting the attention of the delegates to the larger question of a Federative union of all the British North American Provinces; consent was at once given, and on the first day of the conference the Canadian deputies presented themselves at Charlottetown, and were most cordially received. The government of Newfoundland was not represented in the conference, but communications from it have been received, heartily sympathizing with the movement, and expressing a desire to take part in any future proceedings. The conference commenced its deliberations on

Thursday, the first of September, and continued to sit daily at Charlottetown, until the 8th, when an adjournment took place to Saturday, the 10th, at Halifax. On Friday, the members of the conference left Charlottetown in the Canadian steamer *Queen Victoria*, for the town of Pictou, in the Province of Nova Scotia. At Pictou the party separated, a portion going by the steamer to Halifax, and the remainder overland. The latter, after examining the coal works of Pictou, proceeded the same day by stage to Truro. On Saturday morning they went by railway to the gold fields and examined the extensive and successful quartz crushing establishment of the German gold mining company, and then proceeded to Halifax, where they arrived in time to re-open the sittings of the conference. On Monday the discussions were continued, and in the evening the subject of Federation was presented to the citizens at a public dinner given in honor of the delegates. On the morning of the 14th inst. the delegates proceeded by railway to Windsor, and from thence to St. John, New Brunswick. The advantages of Federation were there again presented at a public entertainment given to the delegates. On Thursday the members of the conference and their Canadian visitors went up by the St. John river route to Fredericton, the seat of government of New Brunswick. On Friday they returned to St. John, and the party separated. The Canadian delegates the same night went by railway to Shediac where their steamer awaited them. A quick run up the St. Lawrence brought the Canadian delegates to Quebec on Monday, 18th September.

The proceedings of the conference were conducted with closed doors; but it is understood that the question of union in all its bearings was fully debated, and the conclusion unanimously arrived at that a Confederation of all the British North American Colonies would be highly advantageous to all the Provinces, provided equitable terms of union could be agreed upon. No insurmountable obstacles were encountered; and a formal conference of the governments of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island has been summoned by his Excellency the Governor-General, to meet at Quebec on the 10th of October, for the purpose of ascertaining formally whether the details of a scheme of Confederation, acceptable to all, can be arranged. The Canadian delegates were deeply impressed by the great material resources, and the gratifying industrial prosperity of the maritime Provinces. There is not one of them who does not subscribe heartily to the conclusion arrived at by the conference, that a federation of all the Provinces would be highly advantageous.

Thus far, nothing definite as to the details of the scheme has

been agreed upon, notwithstanding the discussions of the last three weeks. Every point will be open to unfettered enquiry by the Quebec conference. No one, however, could have failed to gather from the newspapers of the Lower Provinces the general outlines of the scheme under consideration at Charlottetown. It appears to have been suggested that the Confederation might consist for the present of three sections, namely, Upper Canada, Lower Canada, and the maritime Provinces coming into the Union either collectively or separately, and that provision might be made for the admission into the Union hereafter on equitable terms of the North-west territory, British Columbia, and Vancouver Island. The whole country might have one name, say Canada or Acadia. It appears to have been suggested that each of the Provinces should have a local legislature and executive, charged with the control of all local matters, and that in a general legislature and executive should be vested the control of affairs common to the whole country. It seems to have been held as indisputable that the functions of the general and local governments and the subjects delegated to each, must be clearly defined in the Constitution, so as to prevent collision and give security for local interests, the whole to be embodied in an act of the Imperial Parliament. In regard to the Constitution of the general or federal legislatures, the representation in the Lower House must be based on population, and that of the Upper House on sectional equality. The mode of selecting the members of the Upper House is a fertile subject of discussion. Some favor election for a term of years by the people; others prefer to have their election vested in the local legislatures; while others again advocate their appointment for life by the Crown. Upon the advice of the ministry of the day the solution may be found in a compromise of these views. The Federal government would be constituted as now, the representative of the Crown being advised by an administration possessing the confidence of Parliament.

To the Federal authority thus constituted would obviously be committed all questions of trade, navigation, currency, banking, general taxation, bankruptcy and criminal law. It would have control of the militia and defence of the country, coinage, weights and measures, lighthouses, sea fisheries, letters patent and copyright, naturalization, census, postal service, immigration, intercolonial works, &c. The manner in which the local legislatures should be constructed, affords scope for debate. There are those who advocate for each section two legislative chambers, while others prefer one chamber. Some are for an executive government, responsible as at present to the legislature, while others are in favor of the lieutenant-governors and other officials being

selected by the people. It would of course be desirable that all the local governments should be constituted on some uniform plan, but this does not seem absolutely essential in the event of serious variance of opinion arising. As to the powers and duties to be committed to the local governments there is also room for much discussion. Manifestly, however, Lower Canada will insist that all judicial and legal matters, in fact the whole body of civil and municipal law, with the exception of criminal law, must be vested in the local legislatures. It is equally clear that Upper Canada and New Brunswick will contend that the wild lands of the several sections shall be vested in the local governments. The control of roads, bridges and harbors, with the exception of international works, of inland fisheries, education, prisons, hospitals and charities, of agriculture, and all local matters would naturally be committed to local bodies. It has been suggested that provision should be made for the educational interests of the minority in each section. A difficulty would manifestly arise in committing these duties to the local legislatures from the absence of local revenues to meet the necessary expenditures. It has been suggested that an allowance from the public revenue might be distributed for local purposes according to population, inasmuch as the general government will, by the federative arrangement, be relieved from charges now borne by each Province, and will have absorbed all the sources of revenue from which they are now defrayed.

It is very fortunate that little or no difficulty seems to present itself on the subject of the federal finances. On the consummation of the Union, all the debts and assets of the several Provinces would, of course, be assumed by the federal government; and a close examination of the financial position of each Province shows that no injustice would be inflicted by the arrangement. The debt and the annual burden now borne by the people of the several Provinces are pretty nearly equal, and the public exchequers of all of them show a surplus.