

REMARKS
ON
THE PROPOSED UNION
OF THE
CANADAS.

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CONCORDIA RES PARVÆ CRESCUNT, DISCORDIA MAXIMÆ DISRUUNT.—Sall.

BY

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WHO, UNDER A BILL OF THE ASSEMBLY OF LOWER CANADA OF THE SESSION 1835,
WAS NAMED "AGENT OF THE PROVINCE."

QUEBEC.—1835.

ADVERTISEMENT.

It is hoped that the following remarks may be read without any feelings of rancour; conviction is sought—not animosity; all party heat has been avoided, and it is intended that none should arise; and when truth is meant, no offence can be given. An endeavour to conciliate all parties, to point out the true interests of the country, and to promote the welfare of all, has been the only aim of this work. The end will justify the undertaking, however badly it may be executed.

REMARKS
ON THE
PROPOSED UNION OF THE CANADAS.

AMIDST the loud altercation of party zeal, and the angry threats of disappointed revenge, the voice of him who declares himself impartial will be drowned by noisy opposition, or at least heard with suspicion or noticed with indifference. *But the zealots of party are not always the patriots they profess; nor are they who have lost all hopes of revenge, the most dispassionate auditors.* But while we leave to the former the pleasure of predicting evils that will never happen, and to the latter the no less gratifying occupation of planning schemes of opposition that will only prove abortive, let us not fear to canvass with freedom those circumstances that regard our own welfare, freely to condemn what we find inimical, and with candour to own what is meant for our benefit.

There are some whose whole aim is opposition without reason, whose whole delight is railing without argument; and whose political enmity arises from the fruitful source of private pique. The first spark of patriotism, in the bosom of the devoted advocate of his country, can often be traced to be the offspring of offended pride; and from that moment we find him opposed to every measure of Government, however beneficial, and decrying all those in power, however worthy; and thus sacrificing his country, that he seems to defend, to his own private malice, he stands a striking monument of the duplicity of party, and shews at once how easily a patriot is made, and the reliance that ought to be placed in his professions. From these we are not to look for advice: the opinions of such men should not be our political creed, for with them all friendship is a reproach, all communication a shame. Let us leave such polluted channels of information, and seek in unbiassed truth a guide for our enquiries.

The public mind is now anxious on the subject of the Union of the two Provinces of Upper and Lower Canada. It is considered as a political experiment, in which all are interested; each man looks to his neighbour for information; uncertain how to form an opinion, he seeks in the general one a guide for his own: in such situations, the most noisy are often the most listened to, and the violent assertor of fancied evils is favored as the watchful guardian of the Constitution, while the modest defender of truth is stigmatized as the advocate of tyranny.—To reconcile contending parties, to point out the interests of both, to endeavour to promote the welfare of all, is surely no mark of depravity, no evidence of corruption. The prejudices that arise from the difference of origin ought long since to have vanished: the Englishman and the Canadian can now have no separate interest; what is to the benefit of the one, conduces to the happiness of the other: England can derive no profit from the oppression of her Colonies; their welfare, as well as her own, guides her councils, and the present measure, it is hoped, will further both these ends.

The wisdom of a Government is marked by the happiness of its subjects: where in the place of tyranny, there is an equal distribution of law, where in the place of poverty, plenty equally diffused, the People cannot be said to be unhappy, nor the Government oppressive. *Such is the present situation of Canada.* Why then, it may be asked, change that Government under which we are so happy? In answer may we not say, that she who has uniformly been so generous, will not now change her conduct; that we ought to trust to her who has so long meant only our welfare, and that we should consider the present measure as one intended for our benefit. Thinking thus, we may reason calmly upon its utility or inconvenience, and decide; convinced, not by the clamorous abuse of systematic opposition, but by much safer guides in such investigations,—truth and reason.

A glance at our history for some years past, will enable us better to understand our present situation. By it we shall see the generosity of England towards us; how each act of beneficence rose one above the other, shewing at once the noble spirit of the Mother Country and the high estimation in which she held these her distant Colonies.

When, by the fortune of war, and by the political schemes of Europe, this Province became subject to England, its situation could not entitle it to be the envied country it now is. Groaning beneath the iron scourge of military despotism, and the no less rigorous though less palpable dominion of the Church, she seemed doomed for ever to the oppressive burthens of bigotry

and rapine. From this state England rescued us, broke these bonds asunder, and annihilated at once and for ever this system of oppression: for the lawless dominion of a military commander, she gave us the mild and regular administration of her own laws, and for the capricious mandates of the Grand Monarque, her own unrivalled Constitution. By these successive events we became a free people; our property was to be governed by the customs of our forefathers, with the power in our own hands to alter or amend them. At the same time, the Province of Quebec was divided into the Provinces of Upper and Lower Canada, with respective Legislatures to each. This, then, was the important epoch, when the interests of the two Canadas became separate. Until that fatal moment, the politician the most penetrating, the patriot the most foreboding, had neither foreseen nor foretold such a difference in their welfare, such a dissimilarity in their expectations: the imaginary line that now ran across their forests seemed to sever them for ever; and thus two nations whom nature meant but for one, and who owe the same allegiance, are, by a mere creation of the imagination, by a line the geographer can trace with difficulty, led to believe their situations hostile, their re-union impossible. We are told, with a confidence that would almost induce belief, that our best hopes are sacrificed by this impolitic measure, that ultimate ruin must follow this coalition; and that present dissatisfaction is a proof of future unpopularity. This has received a strange refutation by the late petitions of Canada, in which names now appear complaining of re-union, which before were the clamorous opposers of disjunction. But who are the propagators of such dismal forebodings? What are the arguments on which they ground their belief? To substantiate such a supposition, more is required than assertion; to prove such a fact, more than declamation should be used: suspicion ought not to serve to prove England our foe, nor the *vindictive malice of party to interrupt the harmony of thousands*. If, upon investigation, these imaginary woes should be found the mere ebullitions of opposition, as arguments they must lose all their force, and their predictors considered as men rather impelled by the prejudices of habitual hatred than the more proper guidance of dispassionate truth. *By tracing them to their source, the candid will find that their most vehement supporters are the members of private cabal, who, because they by this are deprived of a flattering prospect of private revenge, decry it as a public evil; and thus make the welfare of the country subservient to individual malice.* The most foreboding have, as yet, conjured up no real subject of sorrow, no substantial cause of complaint.

These opinions have raised opposition, but have received no

refutation. Calamity has been foretold in the mystic language of prophecy, its uncertainty has added to its terrors; but like the phantoms of a diseased imagination, they vanish before investigation, by approach we lose all their horrors, and truth dissipates all our fear.

When political measures are combatted, when their utility is questioned, some palpable error should be shewn, some hidden mischief be proved; principle ought to guide our opposition; conviction ought to determine our measures. In the projected union, what art can detect inherent defect? what sophistry discover a latent evil? Because the machine of Government is less complicated, can it enslave the people? Ought we to praise it as it departs from simplicity, and estimate its worth by the difficulty it occasions? Can a United Parliament spread ruin where two would have promoted wealth and happiness; and can the collected wisdom of both differ so widely from the separate judgment of each? When, to support such a remarkable theory, the difference of laws and the dissimilarity of language are alleged, it can easily be shewn, though the civil policy of two nations be unlike, that their interests may yet be the same, and that a difference of language is no good reason for hostility. The various customs of France, and the Union of England and Scotland, are striking instances of the truth of both these positions. Scotland dates her wealth, and England her perfect security, from the happy epoch of their union. Future misery was predicted by the patriots of those days, with a positiveness equal to that which attends the prophecies of our own; and reason bids us hope that ours will receive as speedy a refutation. Men now wonder how the voice of opposition could be raised, how its clamour could be listened to. But how much greater must be our surprise, when, in our own times and in our own country, we find the same opposition to combat, the same prejudices to overcome. The same reasoning was then used that we now apply; the hostility of ages, the national hatred, that was instilled in infancy and increased with manhood, gave a color of truth to their arguments, that those of the opposers of our Union do not possess. Upper and Lower Canada have been divided but in name, their interests have always been but one, no feud has ever arisen to break their bond of union; the wealth that yields happiness to one cannot fail of communicating it to the other; the strong tie of commercial interest, the more endearing one of family connections, all conspire to make us one nation, in whose welfare we all are concerned, whose misfortunes we all would deplore. The various productions of our fertile land, the wonders of nature, are the constant subjects of our exultation, the frequent theme of our praise; and these with an honest pride are

all claimed as our own, though they are often divided by that imaginary line that has been such a fruitful source of chimerical evil, of predicted misfortune.—*Such are the feelings of every true lover of his native land, and which he ought to maintain, though questioned by the cunning of self-interest, or attacked by the malevolence of party.*

With the characteristic moderation and generosity of England, this measure is postponed for the period of six months, that the King's Ministers may know with what sentiments the people of Canada will receive it. It will therefore be necessary that we should now well understand our own interest; that our refusal may not appear the offspring of prejudice, nor our arguments adopt the tone of captious complaint. *We ought not without some consideration refuse the offers of England, lest we should seem to resent her interference, or to treat her kindness with contempt.* But perhaps self-interest may be a more powerful argument with many than the respect that we should pay to England for her power, or the gratitude we owe her for her generosity. Upon this principle, we should well weigh the beneficial consequences that may result from the union, before we lose by denial such hopes of aggrandizement; thinking thus, its rejection or acceptance will depend upon the happiness it may promote, or the evils it is likely to occasion.

The strength and the welfare of Canada depend upon the increase of its trade and the advancement of its agriculture. In these two great ends of national happiness, the interests of both Canadas are inseparable. A flourishing state of agriculture must increase the surplus produce of a country, which is the natural boundary of its exportation. Therefore the prosperity of Upper Canada will be the means of promoting our commerce, as we, by the situation in which nature has placed us, must necessarily be their carriers; and the increase of our trade, by the natural reaction of commerce, gives them a greater market. To govern both these sources of wealth with greater certainty would make our happiness more secure; while this depends upon the decisions of two popular assemblies, its instability may become a proverb, and the fatal reliance that may often be placed in it will be the ruin of thousands. By making this the duty of one, we may obviate, in a great measure, these evil consequences. The jealousies that must arise between states independent of each other, create counteracting resolutions: animosity is thus produced, pride lengthens its continuance, and the general interest is often sacrificed to the maintaining some fancied right, or avoiding some visionary evil. *The fickleness of popular resolutions, and their constant change of measures and opinions, is the only argument against the many acknowledged benefits they have conferred*

upon mankind: numbers of distinct Legislatures must increase the hazards of inconstancy, without adding to the chances of benefit. Where there is no division of interest, opposite measures would be destructive, and a want of co-operation would defeat every beneficial endeavour. These are not the vain deductions of theory, bending every difficulty to the support of some visionary idea, some speculation of idleness, but facts derived from the best foundation for argument,—the experience of those evils which this measure would redress, and from the records of Canada.

We have here seen Canada in the time of peace; take her in the more trying difficulties of war. We know that our defence depends greatly upon the mother country, but there is much that might be done by the Parliament of Canada, by the adoption of decisive measures, by a quick co-operation with the Executive; such aid would be given with more promptitude by one than by two independent Legislatures. There would be no separation of feeling, and therefore more unanimity of action: and being unanimous, the invader would have little chance of success; he would find no collision of interests, no division of councils, no petty feud to counteract the general good. Let it not however be imagined, that in pointing out these advantages of the Union, there is the least depreciation of the well-tryed valor of Canada. By showing the superiority of our combined resources, our strength when divided is not meant to be contemned. The courage and ability of Canada have had a strong test, and they have received their best reward, in being well estimated. The positions that have been stated, all who are without prejudice will foresee, all who have candour will own.

The objections on the other hand that may be urged against this combination, should with equal justice be weighed, with equal caution believed. The difference of laws and of language should be carefully considered, to examine how far such a dissimilarity will affect the interests of Lower Canada. These are the two grand objections to the Union, upon which all decide, though few have judged without prejudice, and determined without haste.

Though the lower orders of Canada speak chiefly the language of France, *that of England is familiar to all the enlightened part of the population*, and these are the men that *represent their country in Parliament*; to these there would be no difficulty in communicating with the Representatives of Upper Canada.

The means of attaining the English language are so various, and its actual attainment so very common, that this objection dwindles to nothing, and seems only raised for the sake of opposition. *Without a competent knowledge of the English tongue*

it would be difficult for a Canadian fully to appreciate the benefits of our Constitution, to learn the interests of trade, or to know the political situation of his own country and of Europe. Thus necessity makes every one who aspires to represent his countrymen acquainted with the language of England; and he performs his duty with the same benefit to his country, and honour to himself, with the knowledge of two languages, that he could by being ignorant of one of them. His knowledge of English does not make him ignorant of the interests of his constituents, nor the welfare of his country.

To understand the laws of Canada also, the language of France is not sufficient, as the criminal code of England has been given us by the British Parliament. It therefore becomes the duty of every man to understand the language in which his law is written; and so sensible are the people of Canada of this, that to the most enlightened members of our House of Assembly, and those who have the greatest sway in its councils, English is the language of adoption, and by them is spoken so fluently that it denotes it to be as familiar to them as their mother tongue. French may be the language of infancy, but by him who wishes to succeed in commerce, at the Bar, or in the Senate, English must be spoken through life: its attainment is his first step in education, it opens to him the road to ambition, to power, and to wealth. If such be the case at present, what hindrance can there be to his advancement by the Union, what detriment can he receive by a connection with our neighbours?

The next argument which at first appears more serious, upon investigation proves equally futile; the contrariety of laws. *This objection is the production of designing and artful minds, who delight in disturbance, who prosper in commotion: each petty difference in their hands soon swells to an insuperable difficulty, what reality cannot furnish, imagination can supply; speculative evils rise up, clad in the formidable terrors of fancy, magnified by the suppositions of ignorance.*

In many parts the institutions of the Canadas agree, in some there is a difference, but this is not so great as we are led to imagine. How many mention this dissimilarity without knowing where it consists; how many deplore the danger of alteration, without knowing the consequences that would follow! Great surprise will no doubt arise when it is here asserted that with the exception of the Feudal System, there is no material diversity in the two systems of jurisprudence; and even in that not so much as the world generally supposes. In all commercial cases, the rules of English evidence are introduced; and the Courts of Law are inclined to extend the influence of the English Law much further: *many points must arise in extensive*

commerce that the laws of such a nation as France, whose trade was so limited, have not foreseen; here we are obliged to seek information from England; by this means her commercial law is introduced, its wisdom acknowledged, and its decisions adopted. And the *Lex Mercatoria* is nearly a universal law; therefore, so far as that of France has provided, there is little want of similarity. Again the principles of natural justice compel all men to follow, in some measure, the same rules in the same cases; except where some eccentric reason interferes to interrupt its natural course; thus the grand outlines of jurisprudence must agree in most civilized nations, though its smaller ramifications may vary. Artificial systems that are not founded on natural rights, but which are formed for some particular emergency, are another source of variance. Such, for instance, is the Feudal System, and in which consists the great difference in the laws of the Canadas. The slightest knowledge of the history of the English law, will show, that its tenures are derived from the same source, that though they have lost all the slavish parts of the system of feuds, its forms are retained, and that they have in every instance been materially influenced by its principles. Our institutions are derived from the same German origin; time has altered many of their lineaments, but they still preserve the same general appearance: being of the same race, we shall be the more easily united, our dissimilarity smoothened by time, our similitude improved by association; till at length the difference of our laws and of our language will become a matter of research for the future historian, and a never-failing theme of conjecture for the speculative Philosopher.

That part of the law which most nearly affects the security of our possessions, the preservation of our personal liberty, is like that of Upper Canada, the criminal code being derived from England; and the trial by jury, the inestimable gift of the mother country, adds still more to our similitude.

Thus this dreaded evil has, by a slight survey, faded away; its threatening aspect shown to be the effects of misconstruction, its dangers an idle phantom, raised by design for the purposes of faction, and brought forward by ignorance to support an ill-founded assertion.

These are the avowed and open arguments of opposition, but there lurks behind a danger more felt but less insisted on: but lest this hidden fear should have more influence than the apparent difficulty, its truth had better be discussed, its futility had better be shown; a speculation of fear, it receives its only support from conjecture: from it has originated the opposition of many who have industriously circulated the arguments we have canvassed, that by this thin artifice they might remedy their

private loss, by making it a public misfortune. The fear of losing that interest and influence in the United Parliament that they may now possess, has urged many to decry the present measure as impolitic, because personally hurtful; as an infringement on liberty, because it may deprive them of their power. To say that these will lose their influence it might not be difficult to prove; but to declare that the Representatives of Lower Canada would not have their proper and equal share of power, would require much ingenuity unsupported by truth, much sophistry in the place of argument. It has artfully been insinuated that measures will be proposed inimical to Lower Canada, and carried by a superiority of interest in favor of the Sister Province. It would be difficult, when united, to find a separation in their interests, and idle to suppose that our members would be so ill-chosen that they would leave our welfare to the guidance of chance, or that they would lose their own power through the want of exertion. But half the end of faction is gained by a discussion of its objections, a present ferment is occasioned, and the chances are calculated that though the greater part will condemn, some may believe; future dissatisfactions are prophesied, that they may be fulfilled; being foretold they are more likely to happen. The watchful jealousy of pride will be ever awake, and the cunning artifice of faction will be ever alert, to construe every action as hostile, to prove every measure detrimental; but the enjoyment of advantage will in time silence all opposition, the proof of utility be an argument superior to the opinions of theory.

While the political danger is proclaimed, the more powerful aid of religion is not forgotten; its perils have always been made to excuse the miseries that have arisen from commotion; *its mask has often been employed by the calculating hypocrite, to cover the designs of ambition; it is an armour that has suited all parties, and has been only so long considered as it was useful to worldly advancement: while it is the solace of the good man, it has often been no more than a tool for the attainment of power. It is with difficulty that we can distinguish pure devotion from hypocrisy, a true regard for the welfare of religion from the feigned interest that is taken by the unworthy. Many a worthy man, however, imposed upon by cunning, or misled by fear, may believe it to be now in danger; sophistry can do much, and falsehood often wears the garments of truth; having once alarmed, it is easy to convince, for fear is a powerful instrument to disturb the understanding.*

In the attainment of any object, some interest is generally proved, some certain advantage proposed, to recompence the trouble of obtaining it. Established forms are not changed for

the pleasure of alteration, public opinion is not combatted without some appearance of utility. What benefit could accrue to the United Canadas from altering the religion of one half of the population? Could it make the people more rich, could it make them more worthy or increase their happiness? Would the Government hazard such a measure from caprice, or incur a nation's opposition for a shadow?

But we have a bond of faith more than sufficient to preclude such an attempt for ever; an Act of the British Parliament, and its uniform practice of toleration for more than half a century. "Religion," to speak the language of its decree, "is to be inviolate." Can such a security be doubted, or such an authority opposed?

Our situation when united would not be unprecedented, nor such a combination discordant. The Republic of Switzerland is formed of separate States, which profess the religions of Rome and of Calvin. Their harmony has become a proverb, and was, until the late convulsions of Europe, the envy of the world. Let us be actuated by the same feelings, and we may be equally happy.

Having thus canvassed every complaint, all sides of the question have been seen, every bearing brought to view; the prospects of actual benefit have been shown more substantial, than the fears of future evil; dissimilarity but a name, and danger a mere speculation.

Let not opposition be hastily adopted, and pertinaciously adhered to. Our welfare should not be sacrificed to caprice, and hereditary prejudices ought not to usurp the place of reason. The question requires mature deliberation, before every point can be understood, every objection considered, and time will be necessary to discover the advantages of UNION.
