

**A PLAIN STATEMENT OF THE
QUARREL WITH CANADA, IN
WHICH IS CONSIDERED WHO
FIRST INFRINGED THE
CONSTITUTION OF THE COLONY**

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A plain statement of the quarrel with Canada, in which is considered who first infringed the constitution of the colony by Charles Neate

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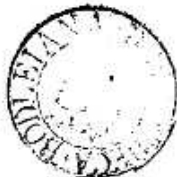
THE COLONY.

by
Charles Keate, M.A.

LONDON:

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1838.



ON THE

QUARREL WITH CANADA.

IN the course of a few days the Parliament of this country will be called upon, for the first time since many years, to pronounce upon a question involving many lives, affecting also the integrity of our empire and the character of our Government in the estimation of Foreign States. The question is, unhappily, to some extent, a party one, there being too many on one side who think to dispose of it by the word Treason; while others are not wanting who regard little else in the matter but the right of self-government, or what they value even more, the extension of Democracy. A few words written in no other spirit than that of justice, may be possibly not altogether without use to those who would consider before every thing, the real merits of the quarrel. But before we enter upon these, there are two points which we must assume; first, that there is such a thing as a right of dominion

founded in conquest, which some seem reluctant to admit; as if a nation could ever grow powerful in any other way, and as if this, the only means of applying on a great scale the principle of association, had not tended upon the whole to the benefit of mankind. The other point we must take for granted is this: that a Colony is not, as soon as it has attained, perhaps only in its own opinion, the capacity of self-government, entitled, like a minor come of age, to turn round upon its parent or its guardian, and to say, We thank you for your past care, but for the future we are able and willing to take care of ourselves. We will assume, on the contrary, that though the tie is not to be perpetual, the parent state has a right, for some time at least, to profit by the maturity of that which it has fostered and protected, and that the colony is bound to repay, even in its prime, the debt which was contracted in its infancy. The payment, it is true, should be exacted in a fair and liberal spirit, and above all, the growth of the dependent state ought not to be checked, in order to retain it the longer in leading strings.

To apply this to Canada, which, succeeding as we did to the title of the French, we hold by the double right of colonization and of conquest: Can it be said we have abused, in her instance, our right as conquerors, when we have given her institutions as nearly after the model of our own as the difference between a ruling and a subject country would

admit of? Or will it be pretended, either that we have not fulfilled towards her the duties we took upon ourselves of a guardian and protecting state, or that, setting aside her present alleged grievances, we have been upon the whole harsh or unreasonable in the payment we have exacted for our services? Money we have never asked, nor since our quarrel with America were we ever likely to do so; and if we have confined the trade of our colonists for our advantage, we have no less restricted our own for their benefit, and that in such a way as to hold out to them, at the same time, a premium for clearing their lands, and thereby in a two-fold manner adding to their wealth. In fact, for all that we have done to increase their riches in peace, and their strength in war, we have exacted little else in return but employment for our seamen, and to some extent also a field for our native industry and capital, from which the colony would derive as much benefit as ourselves.

But it is said, the debt, whatever it was, is cancelled by our ill usage. The plea if made out, is undoubtedly valid in its kind; for if it be true, that our domestic administration of the colony has been marked by habitual injustice or neglect towards the great bulk of its inhabitants, the people of this country ought not now to demand from unwilling Canada, that allegiance which they have fairly forfeited by the misconduct of their own servants. The account in that case should, if at

all, be settled at home, between this country and its Ministers.

But how stands in truth the catalogue of Canadian grievances? By the confession of their own advocates they resolve themselves into two; the refusal of an Elective Council, and the recent alleged breach of the Colonial Constitution. Other grievances of a practical nature have it is true been brought forward, and have undoubtedly been proved to this extent, that there had been some jobbing ignorance and malversation in the government of the colony, and that the mischief, such as it was, arose in great measure from a corrupt and overbearing spirit in the legislative council.* These evils, however, if very great of their kind, cannot have been of very long duration, for it is admitted that, some twenty years ago, the rule of England was popular in Canada, and whatever abuses may have grown up in the interim, it cannot be denied that the Government has given proof of a disposition to correct them, and that there is enough, now in the House of Commons, of

* It is not only the House of Assembly, but in some cases also the Home Government, that have had to complain of the opposition of that body, they have represented on some occasions a party which might be called, without much injustice, the Orange party of Canada; but then, as that council is nominated by the governor, the remedy is in our hands, and the country is not therefore called upon to renounce a most important right.

Transatlantic patriotism, to prevent their recurrence, at least in any great degree. It is not therefore on these administrative wrongs that the Canadian House of Assembly are content to rest their quarrel, it is as was said before, upon the refusal of an Elective Council. That is to say, in other words, they were determined to provide in their own way for their future security; they had been ill-used by the Tories, and therefore they would not trust to the Whigs; they had been aggrieved by an unreformed Parliament, and therefore they looked for no redress from a reformed one; they had suffered wrong from England, indifferent or deceived, and therefore they hoped nothing from her justice, awakened and attentive; and because the constitution which we gave them, and which they had no right to make, has not excluded all abuse, they resolved upon obtaining a new one, by the very simple method of suspending the operation of that which they now have.

This brings us to the point, whether the right given to them by that constitution, of appropriating the net produce of certain duties to be levied in Canada under *acts of the British Parliament*, was ever meant, or can by possibility be supposed to have been meant, to answer such a purpose. Relying upon the apparent analogy of their constitution to ours, they contend that the right of appropriation carries with it the right of refusing to appropriate at all, that such right of refusal is