

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

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1867.

FORTY-SIXTH LEGISLATURE.

SENATE.

No. 87.

The Joint Standing Committee on Federal Relations, to whom was referred so much of the Governor's message as relates to the proposed confederation of the British North American Provinces, having considered the subject matter thereof, ask leave to

REPORT.

Any question affecting the political relations of any portion of the continent of North America is of interest to the people of the United States; more especially to the people of those States which from a frontier position have a necessary connection with those dominions, and are influenced and affected by their proximity. The political relations of the Provinces bordering on the State of Maine, accordingly, are matters of interest, and, under some circumstances, of highest importance to the people of this State.

The Colonial Empire of Great Britain dates back to the charter of April 10th, 1606, by which the people of the British nation were authorized to establish colonial governments in North and South Virginia, under a claim of title to the territory bordering on the Atlantic Ocean, between the 34th and 45th degrees of north latitude. Subsequent grants to the companies of New England and Virginia extended this claim of title by England as far north as the 48th degree of north latitude, and over this broad belt of *fourteen degrees*, from the Atlantic to the Pacific Ocean.

The original grant by King James, under the guidance of such leading minds as Sir Ferdinando Gorges, Sir John Popham, Chief Justice of England, the Earl of Southampton and Lord Bacon, contemplated the establishment of plantations, communities or colonies in America, having the right of self-government in their local administration, subject only to the superior power of the

Imperial or Home Government. The system of territorial governments now known under our Federal Union is modelled on the same plan.

Increasing jealousy of the growing spirit of independence among the colonists led to a curtailment, by slow and almost imperceptible degrees, of the privileges clearly set forth in the original grant of April 10th, 1606, under which the colonies were first established. The amended charters, though claiming to be an enlargement of the powers of the colonial governments, were, in point of fact, more restrictive than the original grant. The right to choose officers; coin money; collect revenues by impost; organize military force for their own defence, and establish all laws necessary for their government, provided they were consonant to the laws of England, was clearly granted, in as full and ample a manner as the United States Government now permits the exercise of similar but lesser powers by the territorial governments.

Under this beneficent system, the colonial dependencies of Great Britain have dotted the surface of the earth in every hemisphere with free governments, the depositories of the rights of the people. With the exception of the Dutch, whose form of colonial government was similar to that of England, none other of the *seven* powers of Europe, who embarked together in plans of colonization, have left any great results as the fruit of their labors. The magnificent dominions of France in the new world, which for a century and a half surpassed all others in their promise of future greatness, disappeared before the power of a *free people*, whose habits of self-government had taught them how to conquer and rule men of equal military genius, but whose dependence was upon the uncertain favor of princes on another continent. And but for the invasion of the rights of the people of the Thirteen Colonies—granted to them by the original charter of King James—by the stupid kings of the house of Hanover, no one could see any possibility of an American Republic, within a hundred years from the time of their actual separation from the British Crown.

The revolt of the Thirteen Colonies and the recognition of their government by that of England, re-established the principles of King James' Charter, and *Fifty* Colonial Governments, scattered over different portions of the civilized world, now owe allegiance to Great Britain—embracing more than eight million square miles of territory, and about two hundred millions of people, in the form of British Colonies and Dependencies.

“The Colonial Empire of Great Britain, therefore,” as has been justly remarked, “the wonder of this age, had its root in the charter of April 10th, 1606, and its development in the New England charter of 1620. The idea of a strong central government having extended dominions in distant lands, divided into separate provinces, communities and states, enjoying equal and just laws suited to the local wants of each, which was developed in action under the rule of Cromwell,” seems well suited to confer the blessings of free governments upon all people capable of the exercise of political rights. The fundamental principle on which such governments rest, is that declared by the Declaration of Independence, that all just governments are founded upon the consent of the governed, and every colonial government of the British Empire has devolved upon the people the duty, and intrusted to them the right, of popular elections.

The admitted doctrine of the British Empire at this day is, that whenever any colony shall have reached sufficient age and strength to be capable of self-government, their independence is to be yielded them, in the same manner as the child is emancipated from the father's rule on reaching the period of majority.

Probably no new form of government can be devised, so generous in its administration, and so free from just irritation, as that under which the North American Provinces are this day held by Great Britain. Without being burdened to maintain the national power—completely protected and defended in all their external relations, they are allowed to collect revenues by impost, without discrimination in favor of the Imperial Government; or being taxed a dollar to maintain the Imperial Exchequer, they are allowed to tax themselves at pleasure, and to apply all their revenues derived from imposts and from the sale of their lands and mines to the development of their own local resources; the improvement of their means of communication by roads, canals and railways; the endowment of schools and other institutions of learning, charity and industry. The example of our more immediate neighbor, New Brunswick, is a sufficient illustration of this truth, where the population, during the last decade from 1851 to 1861, increased at the rate of 26 per cent.; while that of Maine, with similar characteristics in climate, soil and physical resources, increased only at the rate of 8 per cent. from 1850 to 1860. The Province of New Brunswick, with less than half the population of Maine, has been able to construct its leading line of railway from

the city of St. John to the Gulf of St. Lawrence, as a government work, without embarrassment to its treasury, and to contribute \$10,000 per mile, as a gift to other leading lines now in process of construction.

Nova Scotia, with greater physical resources than New Brunswick, from the extent of her exhaustless and invaluable coal mines, is constructing a magnificent system of railways, connecting all the chief business points with her metropolitan city, Halifax.

These illustrations are sufficient to show the entire want of motive in the people of these Provinces for any change in their political system—such as the proposed confederation. They need only the markets of the United States to become rich, prosperous and powerful. The market of Canada is of no more value to them than that of Vancouver, or the West India Islands.

In the midst of our political troubles, while the British Provinces were enjoying the benefits of the late Reciprocity Treaty, a plan—originating in the cupidity of that enemy of republican institutions, Lord Palmerston, and his chosen ally, the Emperor of France—was set on foot to extirpate free institutions from the American soil, and supplant them with monarchical governments. Assuming that the American Union was broken up, and the North and South permanently separated, Napoleon boldly played his part, placing Maximilian on the throne of Mexico, to become the ally of the Southern Confederacy, while a new power was to be created in North America by the confederation of the British North American Provinces, placed under the kingly rule of a scion of the house of Hanover, to form the nucleus of a new order of government for the Northern States.

The early seizure of New Orleans by the forces of the Republic was the first fatal blow to this magnificent scheme of European aggrandizement; and the freeing of the Mississippi from traitors' fetters placed the dismemberment of the American Union—to the surprise of the civilized world—beyond the reach of all Europe in arms.

While Napoleon has been forced to an ignominious surrender of all his plans in Mexico, and the feeble Maximilian driven into exile, the successors of Lord Palmerston, who, while sharing his hatred of republican institutions, lack his audacity, are forcing upon the British North American Provinces a new form of government, without a single movement in its favor among the people of British North America. Against their known opinions and wishes, an

attempt is being made to secure their assent to an imperial law that places the people of the Lower Provinces at the mercy of Canadian politicians.

If the people of the several British Provinces are allowed to vote on the question of confederation, and shall agree to it, this would be satisfactory to all; for we admit their right to alter, amend and change their constitution of government at pleasure. No such liberty, however, is to be given. The Imperial Parliament proposes to lay its iron hand upon all British North America, crush out existing provincial governments, with the same disregard of popular right, as they exhibited in that "Act of UNION" by which Lower Canada in 1840 was placed under control of Canada West, and an union of the two provinces, unnatural and uncalled for by the people, forced upon both by imperial power—a condition of things now most distasteful to Canada West, as its superiority in numbers can receive no additional representation over the Catholic population of Canada East.

Any invasions of the rights of the people of British North America, made in the interest of monarchical governments and against the wishes of the people, are as clearly a violation of the principles of the Monroe doctrine, so called, as was the invasion of Mexico by Imperial France, and call upon our General Government to interpose in behalf of free institutions and the rights of the people of British North America, as clearly as in the case of Mexico.

Brought into intimate commercial and social intercourse with the people of British North America, by the necessary force of their position, the people of Maine cannot fail to respond with alacrity and enthusiasm to the suggestions of His Excellency the Governor, whose timely warning has met a generous response from all liberal minded men, throughout the British Empire, and should arouse the National Government to a proper vindication of its principles in reference to our northern neighbors.

We would do nothing to accelerate the progress of political opinion throughout British North America. Republican institutions should never be assumed by any people, until the whole population has been inured to habits of self government, and thoroughly imbued with the principle of implicit obedience to law, whenever that law is the declared will of a majority. Hence we discard all thoughts of the annexation of the North American Provinces to this Republic, and cheerfully await the matured

wishes of our neighbors. If the advantages, commercial and social, which shall follow their union with the republic, are less in their estimation, than the corresponding burdens of greatly increased taxation, and the instability of administrations, they must enjoy without interference on our part, that form of government most congenial to the tastes, habits and interests of their people, in the assurance, that nothing but friendly relations can grow out of the existing state of things. They can never be involved in a war with us, unless it is forced upon them by the circumstances of their political condition.

In view of these facts, the Committee report the following resolutions.

JOSIAH CROSBY.
NATHANIEL HOBBS.
JOHN L. STEVENS.
EUGENE HALE.
WM. P. FRYE.
CLEMENT PHINNEY.
J. P. CILLEY.

STATE OF MAINE.

RESOLVES in relation to confederation of the British
provinces.

Resolved, That any attempt on the part of the imperial government of Great Britain to establish monarchical governments in North America, or to place a vice royalty by act of parliament over her several North American provinces, would be an implied infraction of those principles of government which this nation has assumed to maintain upon this continent.

Resolved, That the people of Maine, deeply interested in the preservation of peace and of friendly relations with the people of British North America, respectfully appeal to the United States government to interpose its legitimate influence in friendly and earnest remonstrance with the British government against establishing any system of government in North America, the influence of which would endanger the friendly relations of the people of the British provinces with the people of the United States.

Resolved, That the governor be requested to transmit
2 copies of the foregoing report and resolves to the pres-
3 ident of the United States and to each house of con-
4 gress.

STATE OF MAINE.

IN SENATE, February 27, 1867.

Read and accepted, and on motion of Mr. CROSBY, laid on the table and ordered to be printed.

THOMAS P. CLEAVES, *Secretary*.