

ENGLAND.

POLITICAL.

THE REPRESENTATIVE SYSTEM.—LEARNED BODIES—THE COLONIES.

The Earl of HARROWBY presented a petition from members of the learned professions and others, praying that in any change which may be made in the constitution of the House of Commons provision may be made for the distinct and separate representation of the educated intelligence of the country. The noble Earl, in supporting the petition, urged that not mere numbers, but sound opinion, ought to be represented in the House of Commons. He added the conviction, that besides the learned and scientific bodies, whom the petition proposed to add to the representation, some measures ought to be adopted for direct colonial representation in the House of Commons.

The Earl of DEBRY said that the matter of the petition was of great importance, and though more fit in the first instance for the consideration of the other House, yet the noble Earl had done good service in introducing the subject to the attention of Parliament. There could be no doubt that in consequence of the changes effected by the Reform Bill, and the abolition of rotten boroughs, there had arisen increased difficulties in the way of men of science and learning in various professions, who were not well known to the general public, and not possessed of that fluent oratory requisite for conciliating popular suffrages, making their way into Parliament. Under the former system, there was one way in which science and the colonial interests were indirectly represented in the House of Commons; and there were means by which young men disposed to avail themselves of seats in Parliament, not for amusement but for the service of their country, might make for themselves characters in that service. To a great extent those facilities were removed under the existing system. Moderate men—men of good sense and sound judgment—who were not of extreme opinions, might in these days find it much more difficult than it should be to get into Parliament. He thought, also, it was not right or just, but was most inexpedient and impolitic, that everything should be referred in this country in the shape of representation to a mere question of numbers, although, in whatever way they distributed the constituencies, there must always be a large minority which must to a certain extent be unrepresented—nay, more, it might appear that, whatever the number of votes, the majority might be unrepresented; for, although there might be a majority of seats, that majority might not upon all occasions represent the majority of the constituencies. (Hear, hear.)

Perhaps he had not clearly explained himself. (Hear.) He meant that there might be a number of places in which a question was carried by a very small majority: and others in which the vast majority might take an opposite view, and the votes might thus neutralize each other, though the numbers of the constituencies might be very different, and the majority, therefore, might be unrepresented. But he did not see under what system of popular government it would be possible to escape from that dilemma. Divide the constituencies as they would, they must be guided by the aggregate votes of the different constituencies. If, however, it were necessary to enter upon an entirely new distribution of the constituencies, or merely to supply vacancies, or to make alterations which time and circumstances might require in the state of the representation, it would be exceedingly unwise to look to the single question of numbers, without taking into consideration the question of property, and, as far as it could be made matter of legislation, the question of intelligence. (Hear.) No doubt the numerical element commended itself most to the popular voice, and was most easily ascertained.

The next in the scale of facility of ascertainment was that of property; but it would be most difficult to legislate in such a manner as to give a due fairness in constituencies to intelligence. If what his noble friend suggested produced a certain number of constituencies, they might assume that, exclusive of numbers or property, they would represent the intelligence of the nation. At the same time, although it was very difficult to introduce that element to any great extent, he was far from thinking it would be undesirable to introduce into our representation the question of intelligence and education as apart from that of mere numbers or property. To a certain extent it was adopted in our representative system by the introduction of members for the Universities of Oxford and Cambridge, and also of Dublin; and, if there were other bodies sufficiently numerous—because he could not altogether overlook that point in dealing with a popular representation—and also sufficiently distinguished in point of science to be placed on the same footing with those Universities, he thought such bodies would have a fair claim to be considered. That subject had not escaped the attention of the Government, and even upon a recent occasion they had anxiously sought for the means of making some addition to constituencies in that point of view.

Take the Scotch Universities. No doubt they were as desirous as the English of being represented in Parliament; but there were three or four separate Universities in Scotland, some of them exceedingly the reverse of numerous, and altogether not giving a very numerous constituency from those who graduated there; and he was not sure that they would all receive such a proposition as a boon, as the smaller Universities might think that in their representation the general interests of science might be overborne by the larger bodies.

Then, again, there were the Inns of Court. They were bodies, no doubt, capable of furnishing most respectable and valuable constituencies, and probably would return to Parliament very useful members; and he did not mean to say it would not be highly creditable to any lawyer to be returned, rather than by a general constituency, by those who belonged to the same profession as himself, to sit as the Parliamentary representative of the lawyers of England. But of all classes of the community the class that appeared to find the least difficulty in coming into Parliament were lawyers. (Hear, and a laugh.) The tendency of the existing system was that which in America and other countries was considered objectionable—the great influx of professional men into the House of Commons, because they were precisely the men who, from going circuit, had the means of making themselves known and gaining local influence. (Hear, hear.)

When, however, his noble friend went to learned societies, he would find greater difficulty than with regard to Universities or Courts of Law, and he was not quite sure the introduction of the political element might tend in all cases to the harmony of different bodies. Take the College of Physicians and the College of Surgeons. If they combined the two, he was not sure the element of discord would not be introduced among them—(hear);—and, as to each particular body, he did not know that it would be for the benefit of either, as such, that they should have the power of

returning a representative to Parliament. Nor could they combine a vast number of these societies and desire them all to return a representative—it would be impracticable. Still less possible would it be to give each of those bodies their share of representation in Parliament. Again, many of those societies, though learned, technically so called, introduced members who had no claim to represent science, and who were admitted only for their rank and station as honorary members; but if they gave them the extra inducement of a share in the representation they would run the great risk of endangering the primary object of them, namely, the advancement of science, and of converting them into political engines.

The question of colonial representation, again, was one of very great importance and difficulty. (Hear, hear.) If it could be achieved, more particularly since the great alteration in 1833, and the consequent exclusion of our indirect colonial representation, it was one well worthy of the consideration of the Government;—(hear)—and if by any means such an amount of representation could be given to our colonies as should fairly represent their different and separate interests, and fairly bring before Parliament the questions that concerned their material, and social, and political interests, a very great advantage would be gained; it would be a great additional tie between the colonies and the mother country, and, not an inferior advantage in his mind, perhaps some degree of control might be exercised over amateur colonial legislators.—(a laugh)—who were not always the most discreet, if they were the most zealous advocates of the colonies to which they attached themselves. (Hear, hear.) But it was a question of extreme difficulty as to the number to be admitted, and the mode in which they should be returned by the different colonies, and the means by which, if returned, they would represent, collectively or separately, the interests of the colonies. He would, however, assure his noble friend that if in any alterations that might hereafter be made, means could be found of introducing the intelligence, education, and science of the country or the colonial interests into the representation, it would have his most serious consideration. The difficulty was to accomplish it, but, if it could be accomplished, it was a subject well worthy to be considered by their Lordships, for he thought it was desirable, if possible, to do something to neutralize that which appeared to be at present prevailing, a tendency to throw all power, not into the hands of the most intelligent and enlightened, but of the most numerous, and he feared in many cases the most easily misguided, portion of our population. (Hear.)

The petition was ordered to lie on the table.

It is impossible to deny that there is such a thing as conventional morality. Let casuists say what they will, people's notions of the enormity of an offence will always depend, in some degree, upon the estimation in which the offender is held. In Machiavelli's time, an Italian thought it rather a compliment than otherwise to be called a rascal; and until very lately, there was no country in Europe in which a gentleman could more effectually establish his character as a man of honour and courage than by an act of deliberate homicide. So long as duelling was in fashion, it was absolutely impossible that a man who had run his adversary through the body, in order to save his reputation, could be regarded by society as an outcast and a murderer. *Melatis Mutandis*, the same observation applies to bribery at elections. To take a bribe is not morally worse than to give one; yet society draws a broad distinction between the two offences. A public man who sold the offices in his gift would be held up to deserved execration, while a member of Parliament who corrupts three-fourths of his constituents does not fall a single peg in public estimation. The consequences of the distinction are obvious enough. Many a man who would blush at the slightest imputation of the former practice would smile at being accused of the latter. Few people feel uneasy at being suspected of an offence which is common to four or five hundred noblemen and gentlemen of rather more than average respectability; and many are not ashamed of openly avowing that at which everybody secretly convives. Take, for instance, the revelations of the Harwich and St. Albans committees. Nearly every elector in those two boroughs had been habitually bribed, and hoped to be bribed during the period of his natural life. To have a vote, and to get nothing by it, was a condition of political existence which they were probably incapable of realizing. To say that corruption can exist to such an extent without the sanction or knowledge of the very men who owe their seats to it, is of course an absurdity. It is to be supposed that a candidate who, on the day of his election, hands over to his agent a cheque for £2,000, seriously believes that the whole of that sum has been expended in the payment of village musicians, in the purchase of embroidered flags, and in the manufacture of blue and white cockades?

We may be told that a certain amount of bribery is one of the necessary accompaniments of a representative system—that it always has existed, that it always will exist, and that nothing can stop it. But we should be very loath to believe that such is the case. Only a hundred years ago, there was as much corruption in the House of Commons itself as there has ever been at Sudbury or Horsham. In the days of Danby and Walpole, members of Parliament were paid so much a head for their votes. The support of Sir John So-and-So or my Lord So-and-So was purchased as openly, and was bestowed as unblushingly, as that of Mr. Waggett. A living or a commission in the army for a younger son, a diplomatic appointment, a valuable sinecure, or even a draft upon the Exchequer, was by means an uncommon recompense for an "honourable gentleman" who had gone out of his way to vote for the Government upon an emergency. Thanks to the influence of public opinion, such practices have now become matter of history. We hope to see the time when the same may be said of electoral corruption; but it does not therefore follow that we ought, in the meanwhile, to leave it to take its course. Until bribery is regarded as dishonourable, we do not believe that it will cease to be practised; but it by no means follows that, while it exists, it should go unpunished. There are plenty of vices which can only be effectually put down by the force of public opinion and feeling; but nobody thinks of denying, merely on that account, that they are fit subjects for penal legislation.

The Bill for Preventing Corrupt Practices at Elections, although not entirely without defects, is on the whole a salutary measure and a step in the right direction. Of course we must expect that gentlemen who, like the gallant member for Lincoln, spend their lives in voting in minorities of two or three against any proposal calculated to afford pleasure or do good to their fellow-creatures, will persist in denouncing the bill as "un-Christianlike, unconstitutional, unjust, dangerous, and odious to the community." What may be the precise application of these five adjectives to the subject under discussion, we cannot very readily discover.

For our own part, we are not over-sanguine as to the results of the measure. We do not believe it will put a stop to bribery, any more than we believe that it will effect an alteration in human nature. Nevertheless, it is infinitely more politic, as well as more just, to organize a general judicial apparatus, which may be worked at any time and in any place, than to issue an exceptional Commission to deal with each particular instance of corruption as it occurs. Prevention is better than remedy; and, at any rate, there is no harm in legislating against abuses by anticipation. Nor must we forget that example only exercises a deterring influence when it is near enough to be felt. Mankind are not apt to take warning from isolated punishments. Since the time of the Reform Bill, several millions have been spent upon elections; and about a hundred constituencies have been systematically bribed, over and over again, at an average interval of three years. During all this period, however, only two places have been disfranchised; and we fear it is more than doubtful whether a single other borough has been in any way benefited or improved by the merited punishment which has tardily overtaken Sudbury and St. Albans. The cause is obvious enough. It takes the best part of a year, and about a thousand pounds sterling, to accomplish an act of public justice by means of a Parliamentary commission. Of course so cumbersome an instrument of retribution is not likely to be put in operation very frequently; and what criminal will not laugh at a punishment which is only inflicted once or twice in ten years? But it does not for a moment follow that a well organized and steadily administered system of penalties will be ineffectual to check so flagrant and intolerable an abuse. Publicity has its terrors, and many a man whose malpractices are pretty widely known would shrink from having them openly exposed. No borough, however degraded, envies the fate of St. Albans—no electioneering agent would court the notoriety which clings to the name of Edwards—nor would any innkeeper glory in the name of Blagg.

The Government experienced a well-deserved defeat on Monday night, in their attempt to exclude counties from the scope of the Bill. Nothing could be more absurd than the notion of exempting any particular class of constituencies from the operation of the measure, merely because no complaint has yet been made against them. We might as well exempt all "respectable" persons from capital punishment. Every honest man who walks the streets knows that, if he picked the pocket of the person who goes before him, he would be imprisoned or transported; but he does not think of resenting his liability to such treatment as an indignity. The purest of constituencies will not feel itself aggrieved by being declared subject to punishment on a contingency which is never likely to be realized. We see no reason whatever why counties, or even the universities, should have been excluded from the Bill. We cannot have different laws for different places, any more than for different persons; and Mr. Disraeli's objection to "taxation founded on a basis of exemptions" is equally applicable, in point of principle, to exceptional legislation against particular bodies of electoral delinquents. We sincerely thank the Marquis of Londonderry for the just and rational decision of the House of Commons on this point; for there can be little doubt that we owe it mainly to his Lordship's opportune disclosures respecting "the relations of patron and nominee," and the mode in which a "family seat" is purchased by an "immense expenditure of treasure."

Foreign Countries.

THE CAPE—THE CAFFRE WAR.

SIR HARRY SMITH'S PARTING DESPATCH TO EARL GREY.—A final despatch on resigning his appointment from the late Governor of the Cape of Good Hope to Earl Grey, has been just published. It is dated King William's Town, 7th April, 1852. The whole of it is too long for quotation in our columns, but we cannot resist extracting the concluding paragraphs which supply so excellent a defence on the part of the gallant veteran to the charges brought against him by the late head of the colonial department:—

I have now reported to your lordship the progress of events up to the date on which I relinquish the government of the colony of the Cape and the command of the army. My position has been as arduous, and one of as great difficulty, as ever man was placed in. The origin of this war involves a most intricate and truly complicated question, requiring a general view to be taken of antecedent subjects. It is an incontrovertible fact that the Kafir people were most contented with the rule established in British Kaffaria; while shortly previous to the outbreak a restlessness on the part of some of the chiefs became apparent. At this period the treachery of the fickle and ungrateful Hottentot was at work. Many of them, possessing just sufficient education to make them mischievous and capable of observing what occurred at public meetings held within the colony to resist and oppose every measure of Government which the colonists regarded as the exercise of constitutional rights, though in point of fact, such proceedings approached the brink of anarchy and confusion, could not discriminate between national remonstrance and open resistance. Filled with the belief that they were an "oppressed and ill-used race," they proceeded covertly to concert with the Kafirs those hostile schemes which were fast approaching maturity, when my presence on the frontier, and the measures I took, most fortunately precipitated the war ere the conspiring parties were prepared and their means collected. Had it been otherwise, the outbreak would have been far more formidable than it has been. I tried every expedient to avoid war short of that concession which would have lowered the dignity of her Majesty's authority; yet a most peculiar feature of this outbreak was, that no specific reason was ever assigned, nor any redress sought, by the Kafir chiefs, though frequently called upon to state their cause of restlessness, if such actually existed; while the Gaika people professed attachment to the existing order of things, and were apparently most contented with a rule which protected them from tyranny. All mission stations were flourishing, and more than usually attended. During this time the Hottentots were passive. Some doubted their loyalty; this roused them, and from several places, even from Kat River, I received public assurances of their fidelity and devotion. When the war broke out it was regarded by me and every other functionary as a most unpopular revolt of the Kafirs to support Sandili in error; the other chiefs openly expressing themselves to that effect. The torch of tumult however, was soon blazing; and my means were for months most inadequate, amounting to only 1,700 British troops, the greater part of whom occupied twelve unavailing garrisons, leaving 800 available to control 4,000 Hottentot auxiliaries of doubtful loyalty, and to meet these hordes of well armed, athletic, and intrepid barbarians in the field. Operations had to be

carried on over an extent of country larger than Great Britain and Ireland, of the greatest natural difficulty, intersected as it is by mountains and rivers, and filled with woods and rocky fastnesses. My scanty force enabled me alone to maintain, with unflinching determination, every position. I relied, most faithfully on the inhabitants rallying round her Majesty's troops; and they have themselves to blame for many of the horrors and miseries they have suffered at the hands of the enemy; all which I predicated in my proclamation of the 3d February, 1851, must inevitably happen unless they should turn out *en masse* to resist the torrent. I encountered a revolt—as I have already shown most unexpected—of nearly the whole of the eastern Hottentot population, formerly so useful against the Kafirs; as also an extensive defection in a corps of that class, previously most loyal and of the highest utility in Kafir warfare. The Hottentots had been taught or had imbibed, the marked impression to which I have before alluded, that they were an "oppressed and ill-used race," and that Holy Writ, which they are very fond of quoting taught them they were justified in fighting to regain the country of which they regarded themselves as deprived. Surrounded as I and Major-General Somerset were by these people, drawn from the eastern and western districts, one false step or untimely exercise of power and martial law would have plunged the whole into a chaos of revolution; her Majesty's troops must have abandoned their advanced positions, and fallen back on Graham's Town; and the T'Slambie tribes would have risen, as well as every curly headed black from Cape Town to Natal.

During the prosecution of this war, 6,000 warriors according to the Kafirs' own statement, have fallen, including 80 chief men all of them of some distinction 19,975 head of cattle, and innumerable goats, have been taken from the Gaikas, Tambookies, and from Krelli, the latter having suffered an additional loss by the removal of 7,000 of the enslaved Fingo race, bringing with them 15,000 head of cattle; many arms and nearly 900 horses have been captured; the enemy has been driven, with great loss, from the strongholds which he so determinedly held; and through the whole of their locations, the crops of the Gaika have been utterly destroyed.

Thus have these most formidable barbarians been visited with the punishment their murders and robberies merit, the result of that horrid war which they so wantonly commenced, fraternizing with the ungrateful Hottentot race; and which the military measures now in effectual course of operation for their expulsion from the fastnesses of the Amatolas will complete. The effect must be, as far as human foresight can predict, to establish permanently that peace and tranquility which the colonists hope for, and to relieve the Imperial Treasury from a recurrence of an expenditure which has been indeed enormous, notwithstanding my utmost exertions by every practical and energetic restriction to control it.

I am accused in your Lordship's despatch of having "failed in showing that foresight, energy, and judgment which my very difficult position required;" and censured for not having sooner brought this war to a termination; although in your Lordship's despatch, No. 592, of the 8th March, 1851, the following remark appears:—"It is a great satisfaction to me, in the anxiety in which I am placed by the intelligence which has reached me, to know that I may rely with the utmost confidence, not only upon your vigour and judgment in your military operations, but also upon your enlightened humanity." This has, however, been a war unavoidably of gradual progression, to ensure the result I anticipated and have attained, and one which could not have been conducted differently. I speak with some experience in war on a large scale as well as of a desultory character. When regular armies are opposed to each other, a signal victory may decide the fate of a nation. In a war with barbarians, who fight only when it so pleases them, avoiding concentration, but who are still determined to resist, the contest necessarily of long duration. I may therefore proudly derive satisfaction from the reflection which has led me to record these facts, that this war will have been brought to the required conclusion with that expedition which all the peculiar circumstances permit; while during its progress neither soldier nor troop horse has ever wanted his daily ration. Every fort and post is well supplied with provisions and ammunition; large depots of the munitions of war are at headquarters and at Graham's Town; and I have thus been recently enabled to make considerable reduction in the transport—a very extensive branch. I have been well supported by the Commissariat and the Civil Department of the Ordnance, and I enclose a copy of my general order as a record of their respective merits.

I transfer the civil Government without a single particle of business in arrear, and with a treasury without a debt; while all the civil officers have worked under me with energy and zeal. The war impending over the Orange River territory, with all its evils and horrors, has been averted; while, had its prosecution become imperative, I had collected an ample depot of commissariat supplies at Bloem Fontein. Amicable relationship has been established with the trans-Vaal Emigrant Boers; the refractory native chiefs are restoring their plunder, and submitting to the conditions imposed on them; the turbulent Boers within the Sovereignty, when convicted of overt acts of disloyalty, have had heavy pecuniary fines inflicted on them, many of which, to the amount of £1075, have already been promptly paid, which I have caused to be placed in the imperial chest, and to its credit; property rises considerably in value; and the revenue of the Sovereignty exceeds its expenditure. The flourishing condition of Natal is deeply indebted to the able and judicious government of Mr. Pine, who, in a letter to me of the 20th March, thus expresses himself:—"The only service I have really rendered your Excellency was the sending the contingent into the Sovereignty, and the greater part of any merit there may be attached to that service belongs justly to you. It is an easy thing for a subordinate officer to do his duty when he feels that he has a chief above him who, provided he acts honestly and straightforwardly, will support him whether he succeeds or fails. Such a chief I have had in your Excellency."

I relinquish the command of the troops, as expressed in the general order annexed, at a period when, according to the reports I have received from officers in command and other sources, the mass of the Kafirs have been expelled from the Amatolas; when the Kafirs, *cis* as well as *trans* Keian, have repeatedly sued for peace, and when the war is virtually terminated; its continuance having been prosecuted to visit these turbulent savages with that retribution justice demands, and according to the injunctions in your Lordship's despatch of May 13, 1851, conveyed in the following terms:—"Your first care, before any permanent arrangement can be thought of, must be to put an end to the war; but desirable as it is that this should be ac-