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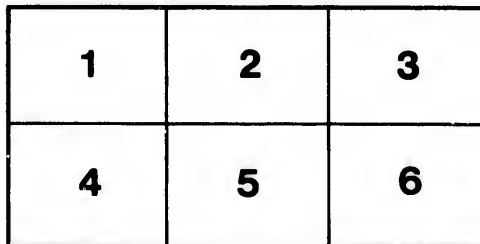
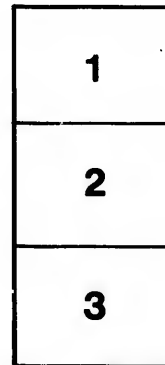
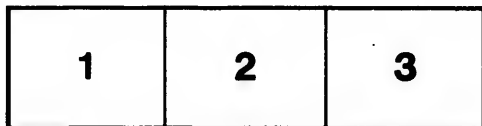
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OUR  
COLONIAL EMPIRE.

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*(Reprinted from the Westminster Review of October, 1852.)*

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TWELFTH GENERAL REPORT OF THE COLONIAL LAND AND  
EMIGRATION COMMISSIONERS, 1852. PRESENTED TO  
BOTH HOUSES OF PARLIAMENT BY COMMAND OF HER  
MAJESTY.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM  
THE DISCOVERY OF THE CONTINENT TO THE ORGAN-  
IZATION OF GOVERNMENT UNDER THE FEDERAL CON-  
STITUTION.

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THE efflux of our population, which has recently received so large an increase, is one of the most striking features of the times, and has attracted not less than its due share of attention. For years emigration was urged as a remedy for our pauperism and vice : urging, however, did little to augment it. Facts under no control, and inducements coming through no device of man, have set it in motion, with a stream so full and constant, that some are now alarmed lest it should drain away all our strength. A few words on the wishes and objects of the former period, and on the fears of the latter, may fitly introduce the principal purposes of our present article.

How should the thinning of our home population reduce our pauperism? To take away a man who works is also to take away a fellow contributor to our public expenses, and, still more, a partner in providing the aggregate conveniences which can be obtained in dense communities alone. Are the scanty populations of the world the best provided for, that we wish to approach to their condition? Or as to contentment; do we not raise the point which divides content from discontent, just as we raise the circumstances around us? Will not the labourer who could not buy a cotton gown for his wife fifty years ago, soon be just as uneasy if he cannot buy her a silk one? If we now think of nothing less than wheaten bread even for our paupers, are we individually more satisfied than our fathers were who rarely ate anything better than barley and rye? No doubt while increased comforts are new to us, we rejoice in them with content; but as soon as the novel increase is incorporated with our insensible habits, and mingled in our imaginations with our natural rights, we look forward to matters yet beyond our reach, and are discontented if we cannot obtain them, whatever may be the amount of wealth behind us. If content is to come of external comfort, we shall need perpetual increase of comfort, and of the means of effecting that increase. Surely then there is nothing in emigration, even if it did raise our material condition, to put an end to discontent, nor to that comparatively smaller command of enjoyments which we often call poverty, nor even to that want of the physical means of sustenance and health which more truly deserves the name. Or as to morals; will an improvident, dissolute, or dishonest man be less likely to bring himself and his children to want and shame because he can buy five shirts where his grandfather bought one? Or will the ambitious be less likely now than a hundred years ago to resort to undue means to rival his wealthier neighbour because he now has carpets, china, silks, and wines, (which he could not have had then,) his neighbour,

however, still having them finer, richer, and more plenteously than he? Will fatal temptations to deceptive courses, each ending in a moral and social fall, be got rid of by the mere extrusion of those who have already fallen? Or, if that were possible, could we send away the lowest and worst of our people, without still leaving a lowest and worst class to lament over?

These considerations go not against emigration, but against false expectations of its public consequences. In thousands of instances, emigration has been an undoubted good to the individual emigrants themselves. Industry and charity have often nobly struggled by means of it against the most depressing ills of life; and industry and charity ever best fulfil their functions in the general system of things, when, without waiting for the calculations of the politician or the economist, they go straight to the unconstrained, unpatronized, but judicious accomplishment of the object before them. Mrs. Chisholm, Mr. Sidney Herbert, the Earl of Shaftsbury, and the thousands of strong hearts who win their own way to the antipodes or the west, have our full sympathy, although we do not believe we shall find a moral or political panacea in emigration.

But if emigration will not leave Britain a paradise to those who remain, it is equally unlikely to take away any serious proportion of our real strength. The exodus of our greatest year of emigration, (that is, the last,) was not quite so great as our annual increase; and that exodus consisted far more of those whose removal was to their own advantage and ours, than of those whom we should much regret to lose. In 1851, the emigration amounted to 335,966 persons; our increase is from 360,000 to 390,000 persons per annum. If then the emigrants had been drawn proportionately from all parts of our population, we should have remained nearly as before; we should merely have failed to realize an increase. But of these 335,966 emigrants, from a population of twenty-seven



and a half millions, Ireland contributed, say the Emigration Commissioners, 257,372 out of her population of six and a half millions : that is, our Irish population of one-fourth of the whole, supplies three-fourths of the total emigration ; and the Commissioners further remark that the emigration from Ireland is four times its annual increase—a rate of depopulation which has already strikingly shown its effects, and will probably yet show them more impressively still. Now we are moved by no spirit of disparagement, still less of hostility, in remarking that such an emigration is a vast benefit to those who go, while it leaves us who remain all the stronger. The Irishman, between his priest and his landlord, is little likely to rid himself, while in Ireland, of those traditional recollections and chronic matters of discontent which tend much more to keep up a wasting fever of irritation than a healthy and improving dissatisfaction with things as they are. Flourishing everywhere but in Ireland, it is far better that he should go where he will no longer restrain his powers from their natural activity and effect, or foster animosities which consume his self-reliance and his hope, than stay where he is at once his own worst enemy and our most dangerous weakness. True it is that the Irish go almost universally to the United States ; it is, however, much better for us that they should become citizens of the republic, to their own conscious emancipation, than remain where, rightly or wrongly, they are resolved ever to think themselves enslaved. The really dangerous enemy is he who, left to brood over wrongs, rises up in craft or fury to revenge them ; for whether they be real wrongs, or only those fashioned in his own exclusive world of imagination, free there from the rough test of facts, he is equally unconvincible, implacable and mad. The same man eagerly engaged in the actual business of life, may retain his belief of having been wronged, but his enmity is then comparatively harmless ; for his strength is healthily exhausted on other matters than revenge, and his complicated interests, ever

before his eye, are so many bonds to keep the peace. The Irishman had far better for us be an alien or even an enemy, where he is restrained by the benignant influences of industry and thrift, than a fellow-citizen where he gloomily converts every fact into an exasperating wrong; and if three-fourths of Ireland were vacated next year, the vacancy would only be an advantageous field for the expansion of the rest of our population, and would probably be filled up from various quarters in less than twenty years. The Irish part of the emigration is then, we think, no real loss to us, however we may regret the state of things which renders it so.

Deducting the numbers from Ireland, the rest of the emigration for 1851 amounts to but 78,594 persons, about one-fourth of the annual increase of the population of Great Britain, exclusive of that of Ireland. No doubt, that of the present year will be found much greater. But the drain must increase very much, *and continue*, to check very materially the growth of our strength, or even of our population. Against the likelihood of its continuance is the probability that, with increase of the population of the gold colonies, the extraordinary inducements which now present themselves there will diminish; and the still greater probability that the working of our own new system of commercial freedom will lessen the pressure at home on numbers who would otherwise have been disposed to go. The Emigration Commissioners already apologize for their delay in finding suitable emigrants for Australia, by saying (page 21):—"In most parts of Great Britain the labourers were generally so well off that they were little inclined to leave home, and their richer neighbours little anxious to get rid of them."

It is worth consideration whether to send our people away by the aid of artificial inducements, more rapidly than they would naturally go, is really the best mode of dealing with our increase. Emigration, although perhaps not a positive evil, may be, as a lesser good, a comparative one. The

choice, for the limited extent to which the government can exercise a choice, lies between employing our people at home, and sending them for employment abroad. Hitherto, the former has been so difficult as to suggest recourse to the latter ; but the removal of arbitrary obstructions (nearly all a government can do, beyond providing justice) has already much diminished that difficulty ; and if our industrial courage were but equal to rendering India available in full and due measure, (which is perfectly practicable,) that difficulty would probably entirely disappear. Now an Englishman in the colonies, on the average, employs us, that is, takes goods from us, only at the rate of about 2*l.*, or, in the most favourable instances, only at that of 4*l.* or 5*l.* per head per annum ; say from 9*d.* to 1*s.* 6*d.* per week ; all else he wants is provided on the spot, or, in small part, obtained from other countries. Although at this rate he is by far the best customer we have beyond the seas, we can scarcely believe that in this comparative view every strong and independent emigrant is not a loss to us ; it is, however, quite true that many a man is lifted from abject poverty, and rendered a customer to us by emigration, who, but for it, would never have been a customer of any appreciable value.

The 2*l.* per annum, however, which the colonist disburses in England, goes chiefly to the manufacturer ; the loss of his consumption falls chiefly on the landed interests. The emigration question is, in fact, one of competition between the owners of land in Britain and the facilities for well-doing offered by unappropriated or thinly-peopled lands abroad ; and also between the government of England and the governments, colonial or foreign, abroad. It seems not a little strange that they who most of all depend for accustomed profits on the density of the population, viz., the landowners and governing classes of England, should have been the most anxious to send away the people.

It is, indeed, one of the services which mechanical science

has done, however unintentionally, to social progress, that facility and cheapness of communication are bringing all lands into the arena of competition. The German peasant or artificer escapes from the political tyranny or industrial restraints of his own country, with an alacrity quite equal to that with which our own unemployed poor have sought the uncrowded communities of the south and west. Governments, landowners and employers, all who are fixed to the soil of any particular land, have now a new element to deal with; and it is only by justice and moderation, equal at least to those to be had elsewhere, that they can escape desertions, less stunning, indeed, than a revolution, but far more difficult to deal with, and far more fatal to their power. Now that, to a considerable extent, men can practically choose under what government they will live, it will be madness in those who affect to govern to blind themselves to the necessity of conforming, however unwontedly, to the new conditions of the market.

Emigration and colonies may have their accidents, and at different special times their different special facts; but they do not derive their existence and vitality from schemes of governments. The vigour of our colonising progress arises evidently from other causes, and not from any remarkable excellence in our colonial system. Our people go to confront the forest or the savage because they must or will go, and not because the government makes it particularly pleasant or even easy to do so. To reach his new home, indeed, the government, if he be poor, professes to give the emigrant some assistance. But, like everything else which falls into the hands of a government for its management, this proffered aid seems woefully spoiled in the giving. In many cases it is not available at all, and in many others the emigrant had far better trust to his own manly breasting of the stream, than swim against it with these official bladders, which hinder at least as much as they sustain him. Nor can it be doubted that, with the exceptions of children and some classes of

females, most of those who need help to reach a colony, are amongst the least likely to be serviceable there.

We have sometimes been urged to *systematic* colonization, just as though any power of ordering the numbers, route, destination, or pursuits of our people, would not be altogether alien, and of another order of thought, from that on which our peculiarities, our glory, our progress, and even our existence depend; or as if such battalionising could or ought to stand for a moment for more than a cobweb before the right worshipful wilfulness of true humanity. Of late, indeed, we have heard little of systematic colonization: its advocates are now alarmed at the vastness of the stream which fills and overflows the channel into which they would have pumped a regulated rill. Probably these who so distrust justice and charity, nature and Providence, will next be heard calling aloud for some arbitrary legal sluice to stop the current.

We colonise by the innate force of tendencies, which need only suitable external natural circumstances to give them opportunity of effect. Some of the hopeful place their brightest visions abroad; and some of the downcast seek to leave behind them the land of their sorrows. They who wish for activity may look for it beyond the ocean; and they who wish for quiet may, with equal reason, try to find it there. The father has to provide for his children; the young have the world before them. The thousand embarrassments of the smoothest and most thriving community inflict bruises and abrasions on some who wish to escape from the crowd; and prosperity itself only furnishes means to the sanguine for attempting elsewhere to be still more prosperous. Even if the world were of equal comfort everywhere, there would not be wanting frequent motives to change; how much more then, when industrial conditions vary as they do at every remove, and the differing temperaments or capabilities of men find so many grateful resting-places of hope, so many appropriate fields of action? It is neither by forethought nor counsel of

governments that men are impelled to fill up the void places of the habitable earth, however governments may have their duties in relation to the movement; nor is it by deep calculation for the public good that individuals so seek each his own advantage, however in so seeking each may really advance, as he could not otherwise advance, that public good. Where governments have colonized in all the marshalled pomp of wisdom, their works have been puny and decrepit, or have otherwise failed; where the strong though sorrowing heart has carried its own destinies to other and wilder shores, the tear-watered acorn it has committed to the earth has become the sheltering oak of many generations. The best of our own early colonists fled from governments in England too hateful to them, or too careels of them, to be asked for more than leave to tread the soil of the wilderness (a leave commonly sold to them), the consequent duties of the government to the new community being rarely considered, and as rarely fulfilled.

Before we enter on the chief questions suggested by the perplexities and failures of our colonial government let us briefly estimate the extent to which our colonizing tendencies have carried us. Our colonists, spread over large continental tracts, or dotted over many seas, possess a population which is probably somewhat over-estimated at five and a half millions: perhaps half of these are British in birth or pure descent, and half of various indigenous or mingled races. The British element exists in very different proportions in the different colonies, being generally large and preponderating in the temperate, small but controlling in tropical climates; Ceylon (if it may be called a colony) contains 1,500,000 inhabitants; British North America about 1,750,000 inhabitants; the West Indies and tropical America less than 1,000,000; the Cape of Good Hope not 200,000; and Australia, with Van Diemen's Land and New Zealand; perhaps by this time 500,000 souls. The rest are distributed over our other

scattered possessions, chiefly in the Mediterranean Sea. These loose figures may serve, in the absence of the recent and specific information requisite, for more exact statements. For comparison, we may say that as to numbers (carefully and broadly distinguished from wealth, morals, and intelligence), Ceylon has as many inhabitants as the West Riding of Yorkshire; and British America as many as Lancashire. The West Indies and tropical America do not overmatch the counties of Cornwall and Somerset united; the Cape of Good Hope, which costs us so much in wars, is not equal in population to Leicestershire, and is far its inferior in wealth; Australasia, including New Zealand, may rank with Norfolk; and the rest, all taken together, are hardly equal to a couple of medium English counties. Or, to put the matter in another view, the population of our colonies, British, mixed and native, is less than that of the presidency of Bombay, leaving 95,000,000 in the vast territories of India unbalanced; or it is about one-fifth of the home population of Great Britain and Ireland.

These colonies take from us goods of the value of nine or ten millions sterling per annum, including, however, some considerable amount of re-exports. This is about as much as we sell to four times the population of the United States, and almost twice as much as we export to the one hundred millions of India. They vary much in the rate at which they consume British goods; but we may say in general, that while each inhabitant of India employs us at the rate of 1s. 1d. per annum, of South America at that of 8s. per annum, and of the United States at 10s. per annum, each inhabitant of a British colony affords us employment at the rate of nearly 2l. per annum. This greater rate is calculated from the entire population of every class; but the consumption of British goods is no doubt chiefly due to persons of British birth or descent. Our trade with Ceylon varies little in its character from that with India, and is kept at an

extremely low point by much the same causes; while our exports to British North America reach nearly to the general average of 2*l.* per head per annum, and those of Australia are much higher still.

It is not, however, from these figures, or from the present magnitude of the colonies, or of any of their interests, that we can draw true measures either of their real value to ourselves, or of the gravity of the questions which will necessarily arise out of the connexion. The whole of our former North American colonies, now constituting, as far as they go, the United States, contained in 1700 not a greater population than now inhabits our Australian dependencies, say 400,000; in the middle of the century they had reached to 1,000,000; at the time of the separation from Great Britain, 1783, they approached to 3,000,000, or, perhaps, half the population of the whole of our present colonies taken together. They are now 23,000,000. Every considerable cause which has operated to increase the population of the countries now forming the United States, with some in addition, is likely to operate to equal effect in the case of our present colonies. Australia itself is practically not more distant, and is certainly much better known to our industrial population now than the continent of North America was fifty years ago. Gold now beckons on the adventurous, while only reclaimable woods, or virgin prairies, offered formerly the principal inducements. Multitudes now seek from the down-trodden countries of Europe the freer rule of the Anglo-Saxon, whether under the crown of England or the stars of America, who last century bore the iron yoke of a decrepit feudalism, in hereditary and unawakened submission.

In twenty years, therefore, or in ten, we shall probably have not stripling communities, but strong states to deal with. In 1783, the United States were able to separate from us, they numbering 3,000,000, and we 13,000,000. Our colonies have now not quite 6,000,000, and we are 27,000,000.



They have not, indeed, the advantage of mutual contiguity, and, therefore, of acting together, which the Americans had ; nor have they that local military organization and experience which the Americans had been left to acquire ; but, in other respects, they are equally capable of becoming independent ; and, in one important circumstance, the chance of effecting such a change is greater now than then. Public opinion in England long supported the British government in its contest with the Americans, but it certainly would not now endure either the cost of a serious contest with colonists on doubtful grounds, or even the putting of a severe strain on admitted principles to their serious umbrage. If we are to retain any supremacy over our colonial congeners, it cannot now be by force ; it can only be by a just and judicious working out of concurrent interests, through a clear appreciation and admission of common rights.

It is, indeed, a disputed point whether England gains or loses by her colonial empire. Strict economists, reasoning from tangible interests alone, say that we should be as well without it ; others, professing to take a wider view of the subject, affirm that it brings us many advantages besides those which can be computed, and that these incomputable advantages turn the scale greatly in its favour. This seems to be one of many questions of which the determination gives us little control over events. Profitable or not, as we have seen, we shall have colonies, by force of tendencies which do not wait for calculation of public effects, unless, indeed, we abandon principles held sacred by every civilized community, and which are not less essential to our own coherence and mutual confidence as a people at home, than to the case of our fellows who form colonies abroad. All that seems to be left to us is to inquire into the true nature of colonial relations, and to conform in practice to what we may thus learn.

It is not the termination of former disputes, nor even the surrender on our part of the points on which they turned,

that will afford us immunity from future disagreements. Time evolves new and unanticipated questions, and some old ones may be taken up reversely by former disputants. Some questions are still obscure; many, probably, are not yet raised. Without going over our whole colonial experience for examples, we may gather enough, for our present purpose of caution, from the history of the main question on which, ostensibly at least, our American colonies separated from us.

The important communities which now form part of the United States, had ever admitted, while they were British colonies, the right of the British Parliament to bind them; and to the authorities in England they often appealed in their internal disputes, as well as for external defence. Amongst other powers which they acknowledged to reside in the parliament, was that of regulating, restricting, and limiting their commerce. However they might complain of the pressure, or however, as in Sir Robert Walpole's time, their irregularities might be judiciously connived at, they never denied the right of parliament to impose such laws upon them;—but they resisted to the death the attempt to tax them. Commerce was restricted, and manufactures, to a great extent, prohibited; but they took such relief as smuggling could afford, without any serious constitutional questioning of the power under which they were suffering.

The men who resisted to blood and severance a tax too light for any purpose but a test of principle, sanctioned by recognition, when not by obedience, restraints which crippled and embarrassed the whole course of their industry. The loftiest claims of parliamentary supremacy in the regulation of trade, and the most selfish exclusiveness of manufacturing jealousy, were often found side by side in England with the most energetic denial of the right of parliament to tax the colonies. The same strange association of contraries was equally found in the colonies themselves; and they who bowed, however stiffly, to the law which in necessary effect

deprived them of 50*l.*, rose in deadly indignation against the tax which took from them but a poor five shillings.

Now, if we compare the state of opinion then prevailing with that of the present time, we can hardly fail to be struck with the change in the relative importance assigned to these two questions. Except, perhaps, amongst the more constant or least reflecting of the protectionist remnant, there are few now who will not assert that assurance of commercial freedom is at least as important in its effect on the general welfare, as perfect formal constitutional immunities in respect of taxation; and some will assign to it by far the greater weight. To have given up the right of taxing the colonies, supereminent as the question once seemed, is now by no means a security against the recurrence of differences as fatal to the colonial relation as those which separated from us the United States; and while growing experience and new interests work irresistible changes in public opinion both here and in the colonies, we are concurrently warned by this pregnant instance that whole classes of questions may arise whose importance we cannot estimate beforehand, and possibly of whose nature we have yet no conception.

It is worth while, in this view, to pursue the American question somewhat further. The colonies were partly settled by, and they received their chief impress from, men who had shared in England in the vehement disputes respecting the taxing power of the crown. Taxation seemed to those generations the great and almost only question of political right; and they who justly resisted the arbitrary imposts of Charles, could see the most violent interferences with industry and private right, as now understood,—nay, they could even endure the remaining existence of personal slavery in England,—without deeming them more than questions of mere policy and regulation. This question was settled at the Revolution in respect of England as against the crown; from the date of that event the public mind was occupied with

other matters, until the American disputes revived the debate; and then "taxation without representation," was adopted both in England and America as the great formula of grievance;—just as though a government, whatever its form, may not infringe natural right in many other matters quite as flagrant as in that of taxes, and to far greater practical injury. So tenacious, however, is the vitality of dogma, that to this day an American fires up at the bare idea of a contribution to common expense under the name of taxes, while he hugs delightedly the chains of his commerce.

To point out the accident by which this pre-eminence was given to the question of taxation, is also to show the unfitness of that question as a test of colonial liberty, and of its settlement as a sufficient cause of colonial contentment. Our kings, who outstretched in expense their dilapidated feudal revenue, sought to govern as they pleased against the will of the opulent classes, who then called themselves the people. To limit the purses of these kings was to limit their power; and hence the prominence of taxation in English domestic politics and English theories of government. But the case is essentially altered when the power of England over the colonies is considered, instead of the power of the king in the local transactions of England. To refuse the colonial purse to the mother country is not, as in the case of the king, to cut off the resources of evil rule. Those resources may be, and in fact are drawn, in the case in question, from other quarters; and by means of wealth and power thus independent in their origin, immense injustice may be inflicted on the colonies, or any one of them. The check which is effectual in one case, is no check at all in the other. "Taxation without representation" was a formula omnipotent in the American case only by chance; it was really very inferior to the occasion, and, moreover, somewhat out of place.

"Somewhat out of place;" for, at a period not very long before their own uprising, some of the men most conspicuous

in it were parties or witnesses in proceedings at least as incompatible with liberty as "taxation without representation" could be. They suppressed by public force all discussion inimical to the views of the local party in possession of the colonial government at the time;—they had as yet little or no true religious liberty;—they were ever ready to pledge the wealth of their fellow-citizens to sustain paper issues lent in great part to favourites, and to murmur at English interference, when this baneful practice was restrained by orders from home;—the separation of the legislative from the executive functions, and the permanence and independence of the judicial authorities, they either did not value, or at least took no care to preserve;—their colonial constitutions, framed very much according to their own views, did not make representation co-extensive with taxation amongst themselves;—in short, in everything but the one matter of taxation, they had no clearer views of liberty, or no greater care for it, in subjects entirely under their own control, than that which may be supposed to have actuated any British functionary set over them. This, however, is judging them in part by the standard which our own experience, as well as theirs, has since set up; and this reservation is of great importance to our argument.

"Out of place" again,—for the refusal to bear a share of the imperial taxation was in fact a refusal to bear a share of expenses incurred in great part for the advantage of the colonists themselves. They deemed the French at least as much their enemies in America, as England did hers in Europe; and from them they suffered much encroachment and annoyance on their frontiers: moreover, they were as tenacious of questions of boundary even amongst themselves, as any old and aristocratic country could be, and frequently appealed to England in those disputes; much more did they look to England for repression of French intrusions. The war of 1756 was undertaken in great part for that purpose,

although after the usual fashion of troublous times, other causes of quarrel soon clustered round the original difference. In this war, which ended in the entire and final deliverance of the colonists from their old and dreaded enemies, England spent some 240 millions sterling; and although the colonists made, in addition, considerable exertions on their own behalf, yet in a case where they had called on a parliament in which they were not represented, for aid which was rendered them at vast expense, it can hardly be said that they had the most fitting occasion for the assertion of the traditionary dogma which limited taxation to the extent of the representation. And so it seems the public of England at that time thought; for, smarting with unaccustomed burdens, they supported, through the mere impulse of common sense, the ministries who successively endeavoured without effect (and certainly, indeed, with little of either skill or kindness) to obtain some adequate contribution from those who had been specially benefited by the outlay. It might not be technically constitutional, but it at least looked just and natural, that, represented or not, the colonists should assist in paying for what they had so earnestly solicited, and then so largely enjoyed; and no doubt, but for the influence, as in all other cases of violent disagreement, of exasperating incidents, foreign in nature to the original difference, the dispute would have been settled on rational grounds.

Yet the Americans had their side of the question also; for there was no amount of interference with their liberties which might not be rendered easy, if the imperial government were permitted to tax the people of the colonies at its pleasure. It is true the British parliament was admitted to be supreme in legislation; but this theoretical power of controlling the internal economy of the colonies, as well as their external relations, was checked by the impossibility of obtaining funds for executing unpopular measures, except by taxing the people of England, who would thus be stirred to take (advanta-

geously for the colonies) a part in the dispute ; but if unlimited funds could be drawn from the colonies by the power of the same distant parliament which claimed to legislate for them, there seemed to be no limit to the control which might be exercised where the colonists had no voice but that of half-informed, irregular, and fleeting political friends, or of agents who had no arena in which, of *right*, to debate their case on facts as they arose.

Moreover, if the case of the colonists was incongruous and imperfect, it was not, as far as it went, untrue. They had much to learn, of which, like their English cotemporaries, they were yet unconscious. The co-extensiveness of taxation and representation, if not the chief or exclusive mark of free government which it then seemed, is at least one principle amongst those of which any sufficient and permanent system of government must eventually come to be composed ; and if practical liberty, as affected by the colonial authorities themselves, was scarcely so far advanced at that time in the colonies as even in England, still the energetic practical use, on so great a scale and with so conspicuous a result, of the one chief lesson they had up to that time learned, was the best possible beginning of the advance which America has since made in further principles of freedom, and of that in which England itself has proceeded, to the same intent, with more than equal steps.

Deducing from these facts no moral disparaging to the revolutionary fathers of our transatlantic compeers, we draw from them an emphatic caution to ourselves. Neither similarity of race, nor close personal connexions widely ramified through both countries, nor a strong party in favour of the pretensions of the mother country, nor, in some views, the obvious justice of those pretensions, nor a near agreement in general principles of government, nor a strong disinclination to separate existing at the beginning of the contest,—none of these things, nor all of them, sufficed to withstand the disrup-

tive forces which a single question and its concomitants brought into play. We can hardly, indeed, attribute the effect to that one question: much more likely does it seem that the interference of England with the trade and manufactures of the colonies, ever felt in detail as a wrong, though formally admitted as constitutional in the gross, gave to separation its reconciling advantages. The perpetual galling of even recognised authority, in matters which the inner sense of men assures them no such authority should trammel, is sure to obliterate in time the outward acknowledgment of merely conventional powers.

Sentimental influences, respectable and potent in their way, did still less than substantial interests to preserve the unity of the empire. Loyalty to the crown (once as ripe in America as in England), the dignity of forming part of the wide-spread British dominion, the hereditary glory of arms or literature, identity of tongue or community of science,—these may either be so far preserved under new circumstances as to offer little impediment to separation, or they will give way before grievances and interests, real or supposed, which affect men's actual affairs. They have all given way under pressure, and we may expect them to give way again.

The American revolutionary war, indeed, left on our colonial system traces of its action too deep to be disregarded. Yet these, instead of securing us against dissension, seem rather likely to promote it, only in a contrary sense. We have given up the power of taxing the colonies, but we retain the obligation of defending them; and, it is no unreasonable question for the Lancashire spinner or the Kentish farmer to ask why he and his fellows are to pay for defending the Cape Territory from Caffres, or for preserving fishing bays for the Canadian against the Yankee. Where is the community of interest to require community of cost? Nay, what is the speciality of interest on the side of the English taxpayer, that on him should be laid the chief or only contribution? Ques-



tions like these, acquiring magnitude and weight from the extension of the colonial interests to be defended, can hardly fail, if left unanswered, to lead the mother country to seek a separation, rather than, as heretofore, the offshoot.

From experience, then, we have not yet elicited the devices which may hold a colonial empire together. On questions already debated, we may have, as on slavery and transportation, complete transformations of opinion or reversals of interest. The unfoldings of the future may confront us with questions not yet encountered, perhaps of kinds not yet even imagined. All hope of governing the colonies by formulæ seems futile, while practical statesmen of every party fail in the oft-tried task. The Whigs lost us America notwithstanding their principles,—the Tories must have lost it by the very virtue of theirs. Both Whig and Tory, probably acting with unimpeachable intentions, alike leave in Downing-street the memorable marks of their colonial failures.

If a course of policy has so long been fruitful chiefly in disappointments, while the great stream of progress on which it attends has derived its strength mainly from other causes, it cannot be too soon to review our principles, and to ask whether there be not some active fallacy, or the omission of some necessary truth, at the bottom of all this. Where we have failed, it may be, for anything we yet know, as much from what we have neglected as from what we have done. Our object, then, should be to examine the subject in its more general aspects,—to ascertain, if we can, what is the relation which ought to subsist between England and her colonies,—what the influences affecting that relation,—and what the ultimate results to which that relation ought to lead.

What are the rights and duties of a British emigrant colonist? We mean not those which may happen to be defined or confused by acts of parliament, or by decretals of any kind, but those naturally attaching to him. It is altogether in vain to appeal on such questions to what has been enacted or com-

manded. Universal tendencies disregard all such restraints, except as mere hindrances; and in the end they break down, or break through, every law which is not merely a means or channel for the better exercise of some natural right.

The converse of the question just put is, what is the nature and extent of our obligation to defend the colonies, and the rights which entitle us to interfere in their concerns? To this question we have already, in one sense, adverted; but we may here ask, if America were to divert her Japanese expedition to the attack of Port Philip, why ought we to take up the quarrel? and why should Jamaica or Newfoundland be exposed to the hazard of invasion in a war following an outrage at the antipodes? Or if New Zealand and South Australia, in their future pride of youth, should choose to quarrel with each other, what empowers or requires us to be the umpire? Questions like these—never without importance—can hardly fail to become of serious moment. While colonies are small and weak, and the world is in comparative peace, they may sleep; but when these rising nations come to have interests large enough to touch other interests at many debateable points, to be rich enough to be worth the trouble of aggression, or to think themselves strong enough to indulge in the rash vanity of quarrels with each other or with other states, it may come to be a momentous practical doubt whether, on the one hand, England is bound to protect their interests or to back their ire at her own cost—or, on the other hand, has practical authority enough to keep them out of difficulties and differences of their own creating. So, indeed, the colonies may well ask on their side, whether, if England embroil herself in Europe, are they to bear the penalty of an invaded territory, an interrupted commerce, or severed national connexion?

To say that all this comes of the colonies belonging to the crown of England, is to repeat a dogma which did not hold in unity our former colonial empire; or, at best, it is to give an

account of the connexion which is so obscure and metaphorical as to be altogether insufficient for practical guidance. Neither reverence nor romance can now be made to render the abstract homage to the crown a bond capable of resisting the disruptive forces which great interests or passions may again call into play, and to which the wild independence of frontier life imparts its own energy of action.

No doubt the advent of these difficulties will be to some extent postponed, and their urgency mitigated, by an increased spirit of caution and forbearance in the imperial government ; and we may hope that the adverse tendency of rude colonial life will be checked by an influx of a British-born population, and of metropolitan ideas, easier and larger than was formerly practicable. But we have still to remember that these are the dangers which have shaken or destroyed every system of European colonisation. We have already shown how much they did towards the severance from us of America ; and, besides the chance of unexpected questions arising, we may easily lose Australia, New Zealand, and the Cape, from causes not yet remedied, however in nature they were made patent during the term of our former colonial connexion.

“The natural end of all this,” say some, “is the independence of the colonies. As each colony grows strong enough to disagree effectually with the mother country, it proves by that fact that it is strong enough to take care of itself. Let us not repine that a day will come when Canada and Nova Scotia, the Cape and Ceylon, Australia and New Zealand, will be as Carolina, Pennsylvania, or Maine.” Our answer is, that while we look without regret or dismay at any degree of advance by which the colonies may become strong enough for independence, we are not quite willing that all the good should be sacrificed which better management and a truer following of nature and experience might achieve. Let it be remembered that, since the separation of America from us, we have had a bloody war with our own kindred, we

have had imminent risks of repeated quarrels with them, and we have always, operating against the chances of peace, the chronic, sub-acute irritation of races, tariffs, party-spouting and diplomacy. Let us remark the yearning for the abolition of war, which grows sick in seeing no practical substitute for it. Let us count the dangers which come of the coarse immaturity of young and scattered communities. Let us imagine how many struggling tribes, beyond those of our own kindred, would welcome, as their life, a combination in which they could peacefully and freely grow out of their own oppressive and hereditary barbarism into our civilization and light. And then let us ask ourselves whether it is not at least worth some effort to lay in our own colonial dominion the basis of the first confederation in which strong-handed peace and perfect equality shall be the joy and defence of all ends of the earth alike ; whether that and more, which the Union is for the several sovereign states of North America, may not be provided for states as numerous and mighty as they, and better fitted by their dispersion—perhaps even by their principles—to influence the rest of the world for good ; and whether any means of accomplishing these great objects are likely to arise at all comparable to the federalisation of the British colonies. And if, after a careful survey of the case, we can draw a line through our own past footsteps of constitutional progress which shall run forward beyond our present most advanced point, so as to guide the adventurous design through the great difficulties which might beset it, why should we hesitate to enter on so beneficent though so anxious a task ? If there be a chance of light enough by which to see our way, it must be in carefully, but comprehensively, looking at the great natural principles which rule the case, and in applying our experience to the using of them.

We return then, with redoubled interest, to the natural relations of the colony and the mother country. They are doubtless to be determined primarily by the fundamental

principle that protection and allegiance are reciprocal. But protection and allegiance have their practical limits, although the law or crown of England claims an allegiance indefeasible on the part of the subject by any act of his own. The protection of the government cannot follow an Englishman into the wilds of Africa, nor will a strong colonial community obey the imperial authority where a general feeling prevails against its rule. It would be interesting to follow up this subject by inquiring into the just extent of these limits, and not the less so because governments commonly evade or fulfil their side of the reciprocity (which ought to bind both parties with equal strictness) according to political or party convenience at the time. We must content ourselves, however, with a very few general remarks.

The principle on which the incidence of law is determined is by no means everywhere alike. The nomadic system, that of the lowest and rudest communities, carries the law with the tribe wherever it may go. The fixed system makes all liable to one uniform law who dwell or come within a certain geographical boundary: this is the usage of the most advanced societies. There is a third or mixed system in which each tribe or section of the population within the general geographical limit has its own law; this prevails where, as in India, there have been repeated superventions of different races, or there are strongly marked social or religious divisions of the same race; and it is also found where the political power being weak or depraved, the universal law has no energy, so that the needful protection of individuals is left to the imperfect and partial operation of the social powers. None of these meet the requirements of the present case, which is that of a man leaving his own country of fixed law to betake himself to another. If the other be one of fixed law also, he is amenable to its authorities while within its limits; but then that is not colonizing. If he, with his fellows, plant himself where there is no law, or confessedly insufficient or inappropriate

law, how does he stand with his former associates? Clearly, if they follow him with protection, and he accept it, he is bound thereby to his former obedience, within whatever constitutional limits it might have been circumscribed. But whether they will so follow him, or he so accept protection, depends on other considerations.

The national relation, essentially different from that of the family, is, in fact, a conventional and not a necessary one; and hence, by the way, the non-appearance of patriotism, in its ordinary sense, in the catalogue of Christian virtues. That is, a man remains just as much and truly a man, with all the powers, susceptibilities, duties and enjoyments of a man, although he change his national connexion. There is neither self-reproach, nor occasion for it, in a change of citizenship on sufficient prudential grounds; and communities of men, even of identical origin, will not separate or unite politically, except with some view to advantage, as they understand advantage. For what benefit, then, does England undertake the protection of the colonies, or the colonies conform to the policy and share the risk of the entire empire?

No doubt, the merely personal purposes of the authorities of the day—or, at best, fallacious advantages sought in the interest of some classes at home—were long the objects for which England was induced by her leaders to keep up a colonial empire; and so long as these surreptitious objects gave character to our proceedings, a continual accumulation of discontents might well prepare the colonial mind for final separation. We may now, however, set aside such considerations, in favour of the very probable operation of more honest as well as more general views; and, so far, we may hope that dissolution is not the necessary end of colonial increase.

If the whole world were proceeding on one system of policy—open, equal and free—it would be perfectly supererogatory for any one state to care for extending its influence; for no merely municipal differences, in a system so radically uniform

and stable, could affect the practical exercise of those rights of humanity in general, security in which every state is bound, within limits, to provide for its members. Nor wherever a citizen went beyond the bounds of incidence of his own law, could there be anything in other law to injure his own just interests, or those of his compatriots in connexion with him. If the radical principles of France were like those of England, it would be a matter of no importance to us whether England or France had colonies; for we could travel in, reside in, deal with one just as well as the other. But since very different principles of policy prevail in different states, and with different races, we have to consider the effect of abandoning distant communities, springing from ourselves, to the influence of systems different from our own, forced on them perhaps against their will, before we decide on ridding ourselves of risk and trouble by giving up our colonial connexions. One fact may shew the importance of this view, even to our own material interests, and that in a case where highly favourable circumstances of other kinds have probably reduced the effect to a minimum. The United States, with twenty-three millions of inhabitants, take from us goods to the amount of twelve or thirteen millions sterling, say ten or eleven shillings per head per annum; the inhabitants of British North America, numbering about one million and three quarters, are our customers to the amount of about three millions sterling, or nearly two pounds per head per annum. There is little besides difference of public policy to account for this difference in our dealings with the two countries. If the United States had been comprehended with ourselves within the same system of free commercial policy for any considerable period, they would probably have dealt with us to the same extent as our own American colonies—or to the amount of forty-five or forty-six millions—and that as much to their advantage as to ours.

It is true that under varying systems of restrictive and

artificial commercial policy little advantage is to be predicated of association with any of them ; but, in the free system of England, everything is to be gained by comprehension, or rather by preventing the exclusion in which other systems consist. Free trade, so far from leading to the dissolution of our colonial connexions, should lead to the confirmation of them, until perfect freedom of commerce is secured by the common consent and judgment of mankind.

The advantages afforded by allied bodies, actuated by a like general polity, with whatever municipal differences, are as great to many individual members of the parent body as to the interests of that body more generally considered. They afford a resort free from the difficulties which old countries appear to many to present to them, and, what is much more important as well as more nearly true, they supply that variety of circumstance and occupation which gives the best chance for the right use and exercise of the varied qualifications of different men ; and the reserved consciousness that there are lands, under the same general law and participating in the same general influences, where new and unworn fields may give labour, competency and quiet to the unfortunate or the oppressed at home, favours greatly the growth of that sturdy though not irregular independence of personal character which is indispensable alike to individual happiness and sound natural strength. But a different general policy restricts to narrow limits the advantages which would induce the members of a more advanced community to share in the labours and difficulties of one less matured. Few Englishmen settle in Egypt, fewer still in Morrocco or Peru, and not many even in the slave states of America. The smallness of our numbers in India notwithstanding our political pre-eminence there, seems to be occasioned by the still preponderating influence of native principles, much more than by any adverse peculiarity of climate. If there were many Englishmen in some African or Asiatic countries, we should probably be compelled either to abandon,



in respect to them, the duty of protection and its correlative allegiance, or to wage almost continual war on their account. The degree in which our colonies attract our countrymen more than those countries do, is to be attributed, in great part, to a similarity of policy which, because it is attractive, or, in another word, advantageous to them, is of great importance to be preserved.

If the tendency to travel, to colonize, or in some way or other to seek advantages abroad, be as natural and irrepresible as we conceive it to be, there can be no escape from the duty of protecting our people in it, as in the exercise of any other just and lawful tendency;—no escape, that is, except by renouncing at the same time the fealty. If one man exercise his industry at home in gratification of his love of home, and another exercise his abroad in equally laudable gratification of his love of novelty or adventure, the two men have obviously an equal right to protection, if equal obedience be required of them; and to refuse it to one man beyond the local bounds of home, is to bring doubt on its being made available to any other, however beneficial to great general interests his wandering may be. To claim redress for Mr. Mather at Florence, and to protect our New Zealand colonists, are but different forms of the same duty, and both arise from general principles, which if damaged in application in one case are seriously imperilled in the other. Are we so independent of external relations that we can afford to shut ourselves up like Japan? or must we take the risks as well as the advantages attendant on our people scattering themselves for innumerable purposes, and in every variety of connexion, over the face of the earth?

If our people, in going abroad, are denied our protection, they will defend themselves, and we can have no right to restrain them. Under the cover afforded by this irregular exercise of an undoubted natural right, may easily grow up a state of lawless violence. It is not very easy to divest our-

selves of obligations towards other states, in respect of those who go out from us and bear our name. If an ill-conducted body of Englishmen were to establish themselves on an island in the Pacific, we might have some difficulty of ridding ourselves practically of responsibility for their acts towards others, however little we might have had to do with them; and our own doctrine of an indefeasible allegiance would of course be made to fix on us, still more firmly, the natural liabilities of the case. We have then to consider, not whether we will have colonies or not, but under what arrangements we shall retain so much of the duties of a continuing relation with our errant members, as will entitle us to an effectual exercise of its rights.

Whatever weight may be given to each of these separate considerations, their concurrence seems to show that we are not wrong when we follow the general tendency of advanced communities, in retaining within our political system those bodies of our fellow-countrymen who seek their subsistence, fortune, or pleasure abroad. But to render such a connexion of any value to the parent state, or its members, the same general principles of legislation and policy must pervade the whole system and every part of it, however widely dispersed; and the constitutional arrangements must afford the means of promoting, if not ensuring, this identity of principles and purpose in all the details, as well as in the great measures of every separate subordinate government. All the advantages, for the sake of which the parent state involves itself in the affairs of the dependency, flow from this identity of views, and can flow from nothing else; and all the responsibilities of the central state, and through it of all the colonies, towards other states, require that each member of the confederacy conform practically to the general course. How this is to be reconciled with the just power and independent influence of the local legislatures is one of the chief problems of the case.

If the central state find advantages in maintaining a colonial system, no less do colonies profit by keeping up an intimate connexion with their original stock. A newly-settled colony is necessarily weak and defenceless; the allied force of a powerful cognate community is the ready and natural resource of such a body. That such a safeguard may not be needless, even in the nineteenth century, we may easily conceive by imagining the piratical invasion of Cuba, to have alighted on Jamaica, or the swoop of the Gallic bird, eagle or cock, which once fell on Tahiti, to be directed, as it might with equal justice, and much more equal temptation, on New South Wales.

The immigration of denizens of the older country contributes too obviously to the prosperity of a colony to be obstructed, or for any measures tending to its encouragement to be intentionally neglected. But a colonist is, perhaps, not in the best position for estimating aright the force of the circumstances which may discourage immigration, or the value of the principles which a large immigration from the more cultivated mother country would strengthen in the colony. A colonial community, of which a great proportion is ever in contact with savage or semi-savage tribes, is necessarily lower and coarser in moral feeling, and in regard both for natural rights and for the artificial regulation and protection of them, than are the members of an older, more settled and more quiet national body. Habits of feeling, and, what are much dependent on them, habits of thought, are mainly influenced by the facts of daily life; and they who have often to repel the attacks or circumvent the craft of the savage,—they who, with little of the refining influences of society, literature, or religion, are every day exercising and strengthening their own hardihood on the very edge of the wild world they are continually pushing before them,—these are not the men to agree spontaneously, in spirit and detail, with a legislation dictated by the advanced but subdued experiences of the

central community. And yet, if these more advanced experiences be not listened to,—if the savage have not his trial instead of the prompt, though, perhaps, just revenge of the bloodhound and the rifle,—if men are not led, even at the frontiers, to hope for something from the success of kindness, forbearance and moral example,—if patience have not her share in the work as well as courage, there can be no alternative between the extermination of the black man, and the recession of the white; neither can the colony, in the general tone of its morals and legislation, afford to such a metropolitan emigrant as is best fitted to serve colonial interests, a sufficient inducement to encounter the really inevitable ills of colonial life.

Nor is contact with savagery the only influence which deteriorates colonial feeling: mere sparseness of population, which plentifulness of land always induces in a colony, contributes to the same effect. A scattered people soon lose the impress of the advance to which men in denser bodies stimulate each other, and for which combination and matured resources can alone provide the means; unchecked by censure, men begin to indulge in what they would not otherwise have ventured on, and soon set up for themselves a new and inferior standard.

The power of opinion, little believed in and almost always undervalued, stands for least of all, perhaps, in the estimation of a member of a young and scattered colony. Force and authority are his daily resort, and he knows of no influences which are soft and noiseless while they are also great. He may despise opinion as a social force, but how great its energy he may learn from this: the citizen of Alabama keeps quiet his bowie-knife, and the Italian his stiletto, in the streets of London.

Those considerations seem to afford two practical suggestions. First; since legislation and general policy, in their character and aims, are always what the people are, and a

coarse and violent legislation is the most certain of all checks to real and permanent prosperity, the colonist has a strong interest in such an immigration as, by counteracting the unavoidable tendency of colonial circumstances, shall tend to keep up in the colony the tone of moral feeling and the spirit of general intelligence: such an immigration he can only have from the mother country, and only, indeed, from the best part of even her population. Secondly; as far as legislation and policy are concerned, only agreement in great general principles, and arrangements for their conservation, can work out such a state of things as will offer satisfactory inducements to such an improved and improving immigration from the mother country.

Whether, then, we consider the more patent necessities of defence and advantages of augmented population, or the less obvious, but not less important, considerations connected with the tone and spirit of colonial society and legislation, it appears that the interests of the colony, equally with those of the mother country, require a firm and unvarying concurrence in certain great fundamental maxims of government; and they require, with equal urgency, the establishment of practical means for perpetuating that concurrence, for supervising the application of general principles to the detail of particular measures, and for reviewing the course and objects of the whole confederation.

The necessity for local legislative power has been admitted from our earliest days of colonial enterprise, whether out of deference to the uneradicable constitutional predilections of Englishmen, or from conviction of its value as an instrument of practical administration. We may, therefore, with few words, note the necessary incorporation of this element into any system of colonial government. The need of it may be plainly deduced from the discontent with which men of right feelings and true mould must ever view a constant and blundering interference of distant and half-informed officials,

in matters of local moment, dependent on local understanding. Conformity to general principles, however, the whole confederated community have a right to expect; and the interference requisite to this, graduated from urgent discussion to mere remark, except in extreme cases, is all that either prudence or right requires. That this might be necessary, we can easily believe; or if not so easily, the singular step recently taken by one of our colonial legislatures of America in giving bounties to their fishermen, may well convince us; for although the falling of such a weight on the exclusive resources of the colony, will probably soon lead to the correction of an error so alien to our general policy, the proceeding is still a proof that our colonial legislatures have not yet outgrown the tendency of young communities to the quirks and contrivances of over-legislation. Subject, however, to the supervision requisite for limiting the effects of such aberrations, local legislative authority for local purposes is an essential part of any just and stable system of colonial government and confederation.

Let us look now at the nature and consequences of our present colonial system, and the general character of the remedy required by its admitted inefficiency. At present the condition of most of our colonies is for many purposes little short of independence. It is true that in some matters, apparently relating to imperial or perhaps British interests, we sometimes attempt a control which seems rather to provoke discontent than to answer any valuable purpose; but, generally speaking, the colonies which have local legislatures (and they are the most numerous and important,) govern themselves. They have, to a great extent, the power of the purse; they lack only that of arms, (of little importance just now,) to have no other than a merely nominal connection with the imperial government. As things stand, it would save much, in all but appearances, to declare all the colonies independent at once. A system local in power and effects, while imperial

in form and name, can lead only to expectations on the part of the colonies which cannot be fulfilled, and embarrassments in foreign relations in which England and every colony may suffer seriously for the uncontrollable fault of one. That the system must be changed is evident,—or will England be content to pay for the defence of the colonies, when, as ten years hence, they may number twelve or fifteen millions of souls ?

So much of our system as is central, if quite adequate to make the colonists feel the yoke, is evidently insufficient for its just duty. It is not strong enough to govern the colonies for imperial purposes ; it is not locally influential and well informed enough to decide with acceptance on colonial questions. With British prepossessions, it can bring only knowledge and doctrine to its colonial resolves. If a colony were to choose to depart ever so widely from the principles of imperial legislation, or to adopt any course sacrificing the advantages which the central state has a right to expect from the connexion, there is no power short of parliament which can advise with effect ; and parliament, except in matters of local British interest, will not stir for less than political earthquakes. Downing-street, when acting alone, is little more than the titular centre of a weak and embarrassing association, or the incompetent and ever vexing director of interests it can never thoroughly comprehend. Nor is the imperial headship sufficiently adapted to its purpose, when to Downing-street we add parliament. Much, both for good and ill, is done respecting the colonies which, being in detail, cannot come before parliament at all ; but which may lay up an ever increasing store of adverse consequences. A few greater, or perhaps only more pungent questions, force, indeed, their way to our senate, as, for instance, a New Zealand constitution, or the trickery of a New Zealand company, a Caffre war, Australian gold finding, or Cape Town resistance to our system of transportation ; but, even in

respect of these, it is only a small share of the attention of 654 gentlemen, and 450 or 460 lords, who have much else of all sorts to do, that can be devoted to them; and that little runs many risks of not being devoted to them at all. Next to Indian questions, none are so unwelcome to parliament as those which affect the colonies.

It is not in a few great embarrassments which parliament will take up, that the danger lies; but in that ever coming business of common interests and administration, which, if not adjusted as it occurs, in accordance with the universal feeling of right, sets up a chronic disturbance in many minds of which the greater political occasions are only the crisis. It is true, we are most struck with the cure of a raging evil, or the surrender or settlement of some great dispute; but it is much more in the noiseless rectifications and *prévoyant* order of current affairs, that the real value of government is to be found. Our head or limbs remind us of their existence only when disordered, and not during the happy play of activity and health: so also a government is best fulfilling its functions when we forget its powers in the established enjoyments of its results: the great occasions of its being remembered are for the most part the marks and consequences of its own errors. Parliament, it is true, deals with the crisis of our colonial affairs when their imminence can no longer be ignored; but it did nothing, either by healthful reaction against the disease or by alternative treatment of it, to prevent the separation of the American colonies, or to avert the rebellion of Canada; nor will it probably supply, although it may adopt, the remedy for the ills of Australia or the Cape. Parliament, except as a sovereign arbiter, seldom to be called on, is a most unfitting instrument of colonial government.

The colonies have their full reason for complaint as well as England. We have already shown that they are subjected to a rule which is necessarily meddlesome without being



efficient, and intimate without being well informed. Met with a semi-alien treatment in the offices of the imperial government, they are called on for a full obedience and when they complain of removable ills, flowing from imperial determinations, they find they have no hearing except through importunity within the walls where reform awakens its latest echoes, or by favour of some painstaking patriot who speaks for them, by favour, where a thousand voices are struggling for equal audience. Disheartened, if not disgusted, they remember they once were Englishmen, and they fear to believe the time must come when they can be Englishmen no more. The constitution, slowly expanding to the necessities of successive ages, has not yet opened widely enough to receive them, and the solemn question now waiting for solution is,—will it receive them before they must otherwise retire ?

But what is the occasion of these complaints ?—complaints equally urgent, equally reasonable, and equally without necessary foundation on both sides ? The British people have no lack of right national fraternity towards their brethren of the colonies. Parliament is not hostile or even cold ; it is only over-occupied in its attention and forestalled in its feelings. Even the Colonial Office has no ill-will in the matter, nor is it for a moment to be suspected of corruption ; its most sluggish or most opiated inmates have no worse faults than ordinarily come of the very nature of office, and of long exposure to its influences, where open debate does not continually modify them. Nay, the faults of Downing-street are not such as are exclusively derived from office ; they are common to all cases of long continuance in one pent-up occupation, be it of what kind it may,—not inherent, but accidental and remediable, through potent present causes of estrangement. On the other hand, the colonists of British descent have not lost their love of fatherland. Our constitutional and traditional glories still glow in their thoughts as

their own inheritance; our intellectual and moral progress they still delight to share. To call them anything but Britons they deem a libel, and to the same appellation, men of every descent and every hue associated with them, unanimously aspire. What then, in the absence of every symptom, and certainly of every necessary cause of real alienation of feeling, is the occasion of these patent and continually repeated complaints?

The chief occasion we believe to be the absence of a constitutional arrangement for the public discussion in England of colonial questions, under which, like British questions in the British parliament, they can be opened and debated *as of right*. The want of such an arena of discussion is in fact that one defect which essentially vitiates all anti-popular systems of government; and the defect in our own government, in respect of colonial affairs, in their imperial sense, is as real, if not as great, as in those of Russia, Austria, or Turkey, as to every branch of their administration. It may be said, indeed, that the colonies have local legislatures, and that they can resort to parliament. But their local legislatures, however liberal the constitutions under which they exist, are necessarily confined in their powers to local subjects, and are essentially incompetent to deal with the matters external to each colony, or relating to the whole, which threaten the coherency of the body; while to the British parliament the colonists have no such access as will ensure their interests being debated at their time, or their interests represented in their spirit, or with their earnestness and information. It is true, the press is open to them; but the press, like parliament, is subject to a thousand other influences, and encumbered with a thousand other objects: it will admit or exclude colonial or other matters of debate, only as the temper and occupation of the public mind will permit. The quiet but constant pursuance of right, in the spirit of conciliating hope, is evidently not yet provided for in respect of colonial affairs,

and can hardly be provided for by any means short of an assembly specially dedicated to them.

We may well believe that such an assembly would effectually remedy colonial discontents, while it filled up an important defect in our own system. The constitutional student has long known that the dissatisfactions and active disorders of our own country have diminished, under equal provocation, just in proportion as the intelligent power and legal right of discussion have been extended. Nor, in the somewhat less important matter of administrative facility, can we fail to observe with regret, that more than one opening might have led to a settlement of the American contest, without separation or even collision, had a platform existed on which the parties could have met for discussion, *as of right*.

To place representatives of the colonies in the House of Commons, besides being open to objection on British grounds, presents small chance of supplying colonial wants. That body would be as little at leisure, and as little able, then as now, to discuss colonial questions in their requisite variety and detail; nor, for the most part, could representatives of the colonies be more than so many additional spectators of the multifarious struggles on local and often on little matters which now so much engross the time and weary the attention of the legislature. Besides,—a central and supreme authority is wanting, competent to deal finally with general interests and intercolonial questions, under enlightenment derived from the debates and resolutions of a colonial house, but in a spirit uninfluenced by local feelings, and guided by the richer experience of an older country; and for this purpose, which on great occasions it would well fulfil in the interest of all, it would be necessary to reserve the overruling power of the British parliament.

Such a colonial representative body, however, to be admitted safely into our system, needs to be restricted in its functions to discussion and advice. The necessity of pre-

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erving unity in the central authority, the impossibility of admitting a colonial veto on matters of domestic British legislation, the difficulty of separating in all cases between British and imperial subjects, and the danger arising from further increasing the bulk and complexity of our machinery of decree, render it obvious that to give another house a share in the actual power of legislation, would be fraught with risks too great to permit the attempt to be made. But these difficulties disappear, for the most part if not entirely, when the power of the colonial house is limited, as proposed, to the free public discussion of all subjects, and the recording of its views.

Subject to this limitation, however, every proceeding of the British government, and every proposed enactment of the British parliament, relating to the colonies, together with every act, whether of the legislature or executive of every colony, would be liable to examination. Errors of policy, abuses, extravagance, oppression, failure of duty, or need of improved laws, wherever existing in connexion with colonial interests, would meet with independent denunciation, inquiry, or advocacy, in such an assembly, as well as by that general concurrence in them which could not fail to flow from the investigation of them with all the helps attainable at the central seat of intelligence and of empire, and from habits of concerted action on their basis.

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The objection most likely to be made is that such an assembly, being only advisory, will be neglected, insignificant, and therefore inefficient. This, however, is far from having been the result in other instances. Our parliament itself was originally only advisory, as is testified by the form of its enactments still preserved, and by the incidents of its early and middle history. The substantial enacting power has passed, by a very slow transition, from the king to the parliament, and is now as slowly passing chiefly into the hands of that house which was originally far the weakest, the Commons.

Our public meetings and our press are only advisory ; but the boldest minister shrinks from disregarding them. A council of war is only advisory ; but a commander, when once he has consulted it, is under a double necessity of being able to justify any course opposed to its opinion. The councils of our Indian government are in strictness only advisory ; but scarcely, for that, less powerful when actually consulted. It would be easy to multiply parallels, political and other. Where no disparagement is implied in the absence of power, and no responsibility for consequences exists if advice given be not followed, men in general are quite willing to fill a position which confers influence, although not accompanied by the actual right to command.

The employment of an advisory assembly has this safety and advantage—the strength of such a body must generally be in proportion to its wisdom and prudence. A despot, although a fool, inspires awe, and therefore obedience, by the magnitude of the immediate consequences of his acts, whatever their folly ; but an adviser can earn respect, and therefore power, only by the value of his advice ; and an adviser with continued existence, like our House of Commons, gains slowly, in time, the substantial power which it could not at first have wielded to any good purpose, and which would on no terms have ever been directly given to it. If it prove itself not worthy of this success it sinks, and probably expires. A foolish colonial house could effect no greater harm than a little inconvenience ; a wise one would become a second right arm of the empire.

It is true that a merely advisory assembly does not fill up the established formula of constitutionalism : it may, nevertheless, be an institution of great practical value. Liberties are not established by formulæ, although formulæ do good service in their own way. A deliberative assembly of representatives under a constitution commonly fulfils three functions,—it discusses, it counts heads on either side of a

question, and it decrees. Of these three functions, an advisory assembly fulfils two; and the remaining one, the power of decree, in whatsoever hands it may be actually lodged, always follows the right exercise of the other two. Even a single reformer, still more an assembly, is amply armed if only he have full liberty and sufficient facilities of discussion.

The colonies represented for imperial purposes in only an advisory assembly, would, however, have long noviciate before them. This collective agency exercised in public, it is true, would be from the first a safeguard against gross injustice or neglect, and, so far, a valuable addition to their present apparatus of right; but the colonial mind could only acquire its proportionate weight in the general councils of the empire as time should show its value. Growth would be pre-eminently the principle of such an institution; and the colonies would doubtless be content with the present advantages and attainable influence it would be capable of affording them.

This proposal involves no change different in principle from the several extensions by which our constitution has adapted itself to the growth of our interests. When our commonalty became too important to be overridden by kings and nobles, they were called into council by the institution or enlargement of the House of Commons. When the growing intelligence of the people required it, the full publication of parliamentary proceedings, and the right to discuss them, were conceded. When the colonies grew too extensive to be a part of the charge of one secretary of state, another was appointed to that especial duty. And so on. Change, far from unknown to us, is at least exempt from the charge of novelty or rashness, when it proceeds on principles already tried. A colonial assembly in London, advising the supreme central powers, would be little more than a revised copy, for modern use, of the rudimentary parliament which supplied the basis of our present legislature. The parallel holds further. Looking forward to the period when the colonies

will contain a serious proportion of the whole British population, the alternative is evidently that of suffering them to abandon us one by one, or to admit them, as the people were admitted in the middle ages, to a modified voice in the general councils of the empire.

England may now safely venture on such a measure. We have renounced for ourselves all presumed artificial advantages, and have adopted a policy of simple and equal justice ; and although we may have yet but inadequately carried that policy into effect, we have at least rid ourselves of the turmoil and danger attending the complicated bickerings of insatiable factitious interests. In proportion as we approximate to making impartiality the simple standard of our policy, may we admit all parties to counsels which can only have for their object the details by which a purpose so universally and permanently to be approved may be accomplished. Differences there will be ; but the great causes of dangerous dissension hitherto revealed by experience, our present principles have abolished, or may soon abolish ; and we may even now establish a confederation greater, more pacific and safer at once, to those with and without it, than the state of the world has ever before permitted.

The first step towards the establishment of such a confederation is, the indication of the general principles which are to form its bond of similarity and interest, and for the maintenance of which the confederation itself is to exist. A positive definition of the powers and duties of government, *and of their limits*, would doubtless be the natural and most successful basis of such a union ; but no such definition yet exists, or at least is sufficiently admitted. We are still defining the powers of government exceptively ; cutting off from the ill-understood range and area of government action, those parts in which we find that action to be injurious. The positive, primary, and as we should say *only*, duties of government, are indeed recognized universally to be of such urgency as to

obtain admission into every system. If we are not much in error, the exceptive process will continue, until it has cut down the action of government to its positive and primary duties.

Meanwhile the following seem to be the principles which at the present time form the British platform, as distinguished from that of any other country or federation. Included with them are doubtless some common at once to our system and to some others, the nearest in character to our own, but which are required here to define the platform as against different principles in another direction :

1. Fixity of law, and uniformity of its application to all British subjects alike, of whatever colour, race, or religion, and to all foreigners, as to all British subjects, with only the difference required by their different allegiance.

2. Separation of the judicial from other functions, trial by jury, and the independence and inviolability of judges and juries.

3. The right of personal liberty equally secured to all by habeas corpus, without distinction of religion, race, or colour.

4. Subordination of the military to the civil power.

5. Freedom of discussion by printing, writing, and spoken words.

6. Publicity of legislation, justice, taxation and government accounts, under whatever forms these may be locally effected or administered.

7. Freedom of enterprise, commerce and locomotion, exempt from protective or discriminative duties.

8. Religious equality as to civil rights, eligibilities, privileges and liabilities of law, together with exemption, in all colonies, from compulsory payments for religious purposes.

9. Permanence and equality of the rights of all British subjects in every part of the empire alike, subject to the local laws.

We have not included representative government amongst the



above, for two reasons ; 1st, because in fact it is not so much a principle involving immediate practical consequences of government, as a security for the maintenance of accepted principles ; and 2ndly, because in some cases, as in that of a young and small colony, or of a non-British community desiring admittance into the confederation, it might not be practicable at first to carry this condition into effect. Under the influence of free discussion, fostered by incorporation into a free political body, and secured by the other principles of the platform, no colony capable of using representative government could fail to obtain it.

The principles just stated carry with them security for all other advance. Time will doubtless evolve other objects as conditions of federation, just as we have gradually established these. Of late years, fresh and striking instances have occurred in the prominence given to religious and commercial freedom. The gradual incorporation of new principles into the public sentiment, will ensure to them due rank in the considerations which affect the proceedings of the general body and of its permanent head, the central British nation, by the same process that has given fixity and strength to the several principles on which our constitutional liberties at home now depend. We may now proceed to suggest, approximatively, the practical arrangements required.

1. The local constitution of each colony, and its relative position to the imperial government, to be left on their present footing, subject always to such improvements as may be made under the ordinary operation of the new arrangements.

2. An assembly, or colonial house, to sit in London, composed of representatives from every colony, (chosen by their representative assemblies, where such exist) together with the colonial secretary of state, two under-secretaries, and such other persons not exceeding one-fifth of the entire body, as Her Majesty may appoint. This assembly to be entitled

to discuss all colonial subjects, and particularly those which follow, viz :—

All acts of colonial legislature, and legislative acts of colonial governors, more particularly, but not exclusively, during the period reserved for imperial disallowance ;

All matters of taxation and expenditure in any and every colony ;

All bills in the British parliament, affecting colonial interests, at some certain stage or stages of their progress ;

All acts of the executive and judicial authorities in the colonies, in the same manner as acts of the like kind affecting Britain may be discussed in the imperial parliament ;

And all motions on colonial affairs made by members, in like manner as on British affairs in the British parliament.

The resolutions of the assembly to be communicated to the Queen's ministers, or to either house of parliament, as the case may be, but to have no other than a declaratory or advisory effect.

3. Supreme authority to reside in the crown and legislature of Great Britain, in all matters requisite for maintaining both the general constitutional law of England and "the platform," where a local legislature or government may have neglected or violated either of them : this authority not to be exercised in respect of legislative acts until after the erring colony has been called on to discuss the matter complained of in the assembly.

4. Inter-colonial differences, when matters of fact or law, to be adjudicated conclusively by the British tribunals in England, in the same manner as suits or actions between parties ; other matters of difference to be determined by par-

liament or Her Majesty's ministers, as the nature of the case may require.

5. Six months' residence in any colony to entitle any British subject to local, political, and municipal rights of every kind, in as full a manner as they are enjoyed by the other inhabitants.

6. The chief judicial functionaries to be appointed directly by the crown. Legal processes and adjudications in one colony, not repugnant to the general law of the empire, and certified and approved by sufficient authority in the colony whence they issue, to have effect in every other colony, in manner according to the local law where effect is prayed. Legal practitioners qualified in England, or in any colony, to be eligible in all.

7. Each colony to maintain troops in such proportion to the general force of the empire, as shall be determined by parliament from time to time, after discussion in the assembly. Part of the troops of each colony to be for local, part for general service; each colony to have the right of raising and officering its own troops from its own population, so that they be raised, but subject to general regulations for efficiency; the local troops to be embodied under local mutiny acts and regulations, those for general service under the general Mutiny Act of the empire. The officers to be commissioned by the local executive representative of the Queen's government, and those for general service to bear also brevet Queen's commissions of the same rank. The whole to be under the authority of the British commander-in-chief, so as to form one imperial force. The troops for general service to circulate through the empire as British troops, as far as climate and other necessary limitations will permit. Each colony to maintain a naval force also, under regulations analogous to those just described for the army. The troops and ships of each colony to bear the British flag, with a distinguishing device for each on its field.

8. External relations for the whole, and for each part of the confederation, to be under the control of the crown.

9. Where a colony abuts on other territory, its limits, within which the principles are to be kept and the imperial obligations to run, to be defined, and, if needful, altered from time to time by the Queen in council; and all acts done beyond those limits, to be at the risk of the persons engaged in them.

Attack on any point within the defined limits of the empire, to be resisted with the whole force of the empire; and wrong done to any British subject, whether within or without the limits, to be treated in an imperial sense.

10. A colony adjudicated in England to have unjustly offended a foreign power or tribe, or to bear the cost of reparation from its own resources, but to be defended from attack except it resist or evade the award.

11. All colonies now under the authority of the British crown to be admitted to the confederation on their sending representatives to a meeting of the assembly convened by Her Majesty for a certain day: all who do not send representatives to be liable to severance from the empire, at any time when the imperial authorities shall so determine. In future, communities of British origin or descent, free from other allegiance, to be admitted into the confederation by act of parliament, after declaration of willingness and proof of competency to keep the principles.

12. A colony contumacious after being admitted, to be liable either to coercion, or to expulsion and annulling of its allegiance, as may be determined in the case.

13. Any colony to be at liberty to withdraw on fulfilling all obligations to the British crown, and public obligations to British subjects, up to the date of withdrawal.

These arrangements are suggested merely with the view of showing that no insuperable impracticability exists to defeat the design; the object with which any such are devised

must necessarily be to render the empire one in spirit and action, to hold it together only by the conviction of each of its parts of the benefit of the connection, and therefore to combine the necessary unity of imperial counsel and action with the fullest means of discussion and content.

We wish India could be included ; we apprehend, however, that there are difficulties enough to prevent it. The case of India is generally misapprehended : it is not so much one of abnormal sociology as one of stunting, stereotyping, mummy-fying at an early period of growth : hence, alone, its perplexing strangeness to us. Nevertheless, this very state of the case prevents India at present from being capable of keeping "the platform." And then, its magnitude renders it almost impracticable to influence it sufficiently by any mere teaching or example that can be bestowed on it, so as to fit it at present, for association with our colonies. Nor could its vast interest be rightly discussed in an assembly devoted to colonial affairs. For a beginning, indeed, its presidential cities might have seats in the colonial house until other plans became practicable ; but it needs a like representative house of its own, and is well worthy of it.

One point remains :—is it practicable to incorporate with the British empire, on the footing of colonies, tribes of non-British descent and organization ? We hopefully believe it is. We entertain, indeed, the conviction, more earnestly than it is commonly held, that the laws and government of every country are always the reflex, moral and intellectual, of its people ; and, by the aid of this principle, we conclude that most untrained and unlettered communities would be found incapable of keeping "the platform." But some who are now struggling against ignorance and adverse circumstances, might, if aided and encouraged, succeed in the attempt ; and their success would be the true test of fitness for entering the confederation. It might require in most cases a period of assistance and probation,—in all a period

of inquiry; but the vast amount of good so expansive a principle would accomplish, if it could be made practically effective, would justify not a little both of hope and outlay, before the attempt to bring it into action was abandoned. The particular form of the internal constitution of the candidate community need scarcely be an obstruction; for even, in the extreme case of its being a kingdom, a local and subordinate allegiance to a local king is not necessarily incompatible with a supreme allegiance to the British crown, so long as the connexion continues, as the subinfeudations of the middle ages, if we have need of precedents, sufficiently show. Each of these cases, however, would require careful consideration on its own merits, and probably a special adaptation of the administrative terms to suit its circumstances. The employment of British advisory commissioners during the period of probation, and perhaps in most cases afterwards, at the request of the native authorities, might prove necessary and sufficient for enabling a willing community, anxious to escape from barbarism, to qualify itself to take and retain a place in our system.

We shall venture, then, romantic as it may seem, to add another to the thirteen foregoing articles of administration, as follows:—

14. Communities of foreign descent to be eligible to admission on terms to be settled by parliament in each several case, the general object being security for keeping the principles, and the means ordinarily being the employment by the native authorities, and for their aid, under the direction of the British government, of advisory British commissioners. Continuance in the confederation to be dependent on continued conformity to its principles. Subordinate allegiance to a local king to be held not incompatible with supreme allegiance to the British crown, so long as the colonial relation subsists.

Let us now imagine our colonies so confederated, and the

government of India placed on a similar basis. What would be the results? 1st, we apprehend, the admitted evils of our colonial government, with its causes, would be stated, discussed, and remedied. 2nd, The means would be in constant operation of maintaining satisfaction, confidence, and internal quiet in the government, through the constant adoption in detail, of needful improvements and reforms. 3rd, Taking Great Britain, the colonies and India together,—140 millions of souls at least,—one-sixth of the earth's population, would be held in perpetual peace amongst themselves, with an efficient apparatus of arbitration provided against every contingency,—the nearest approach which yet seems practicable to a general abolition of war. 4th, A confederation so varied and extensive in its interest and presenting so many points at which it might be made to suffer, would be under the strongest inducements to keep the peace towards others, while the overwhelming force at its command would render it extremely unlikely that others should wantonly attack it. 5th, Indefinite extension might be given to the empire of Britain, without dangerous weakness at the circumference, or overpowering burdens at the centre. 6th, The most advanced and most successful principles of government the world has yet seen might be carried into practice by many communities of our own race, placed so as to influence beneficially by their example the largest populations of the world not included in the confederation. 7th, Through communities less advanced than our own, the direct action of the same principles might be gradually extended far beyond our own power of colonization. 8th, Free and unimpeded intercourse would be established and secured from legal infringement between countries of every climate and every variety of product, under one general system of law, and by right of one pervading citizenship. 9th, A feeling of fraternity, no less than a consciousness of community of material interests seems to be the sentiment to animate spontaneously a con-

federacy whose only object would be to secure impartially the freedom and the rights of all.

Few of our readers would blame us for indulging in the luxury of such anticipations, even if they believed them to be of no stronger stuff than a day-dream. But has not the question, even in its philanthropy, a rational and sober side? Surely the earth is not doomed to everlasting discord! But how is it to be raised and purified? Never did a country hold, in relation to the rest of the world, the position now held by England. It is not a eulogium on ourselves, but a tribute to the influences which have operated upon us, to say that, with all our faults, never was power so extensive held with so strong a disposition to use it beneficently. We are placed by parts, in every region, and at opposite ends of the earth, dispersed yet closely knit, with highly diversified conditions and pursuits, yet of one mind and tradition. Every tribe we touch admits our superiority, and looks to us either in the conscious fear of weakness, or with the brightening hope of participating in our elevation. Have we this high station for nothing? Or shall we not rather hope that some such use of our powers as the federalization of the British colonies, on principles sanctioned by our own constitutional history and experience, may prove one of the means of fulfilling the high purposes for which our pre-eminence has been given to us?

Of the two books whose titles are placed at the head of this article, one is a history of the struggles, vicissitudes, endurance, errors, revenges and progress of our American colonies from their earliest days; the other is one of the latest expositions of our now elaborated system of colonisation. The former is a full and impartial repository of facts, neither unfaithful to the true glory of the American patriots and their predecessors, nor yet to the higher interests of truth. The latter is a valuable collection of recent documents, which presents a view of emigration and immigration not only



in respect of Great Britain, but of all the colonies, together with interesting notices of Chinese, native Australian, and other labourers. The contrasted state of facts exhibited by these two books, and the details with which each is filled, supply the liveliest illustrations of the principles on which the foregoing discussion has proceeded; and while we can warmly recommend Mr. Hildreth's book for its own merits, we feel additional interest in it as a clear, copious, and faithful narrative of a career eminently fitted to suggest to us the evils which beset, and caused the loss of our former colonial empire, and the measures requisite to the preservation of the wider and more important dominion by which it has been replaced.

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