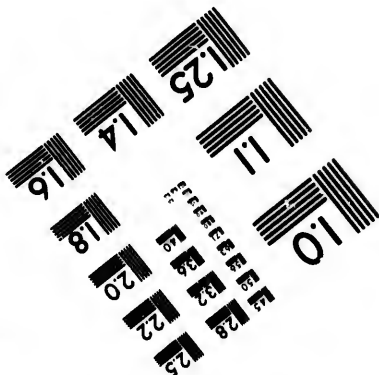
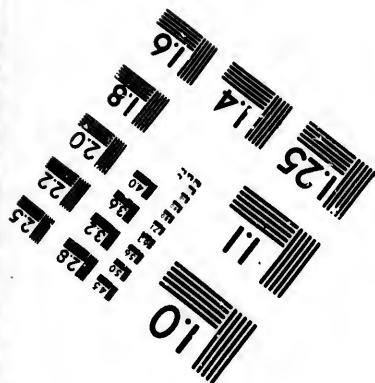
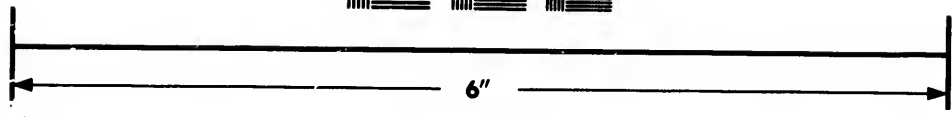
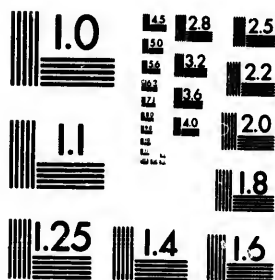


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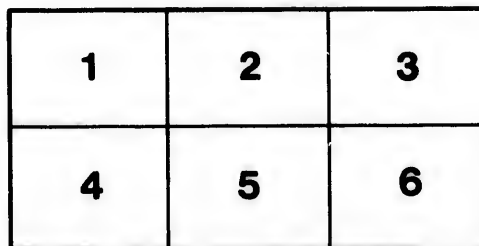
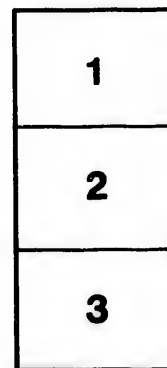
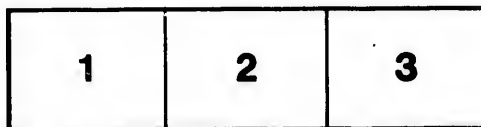
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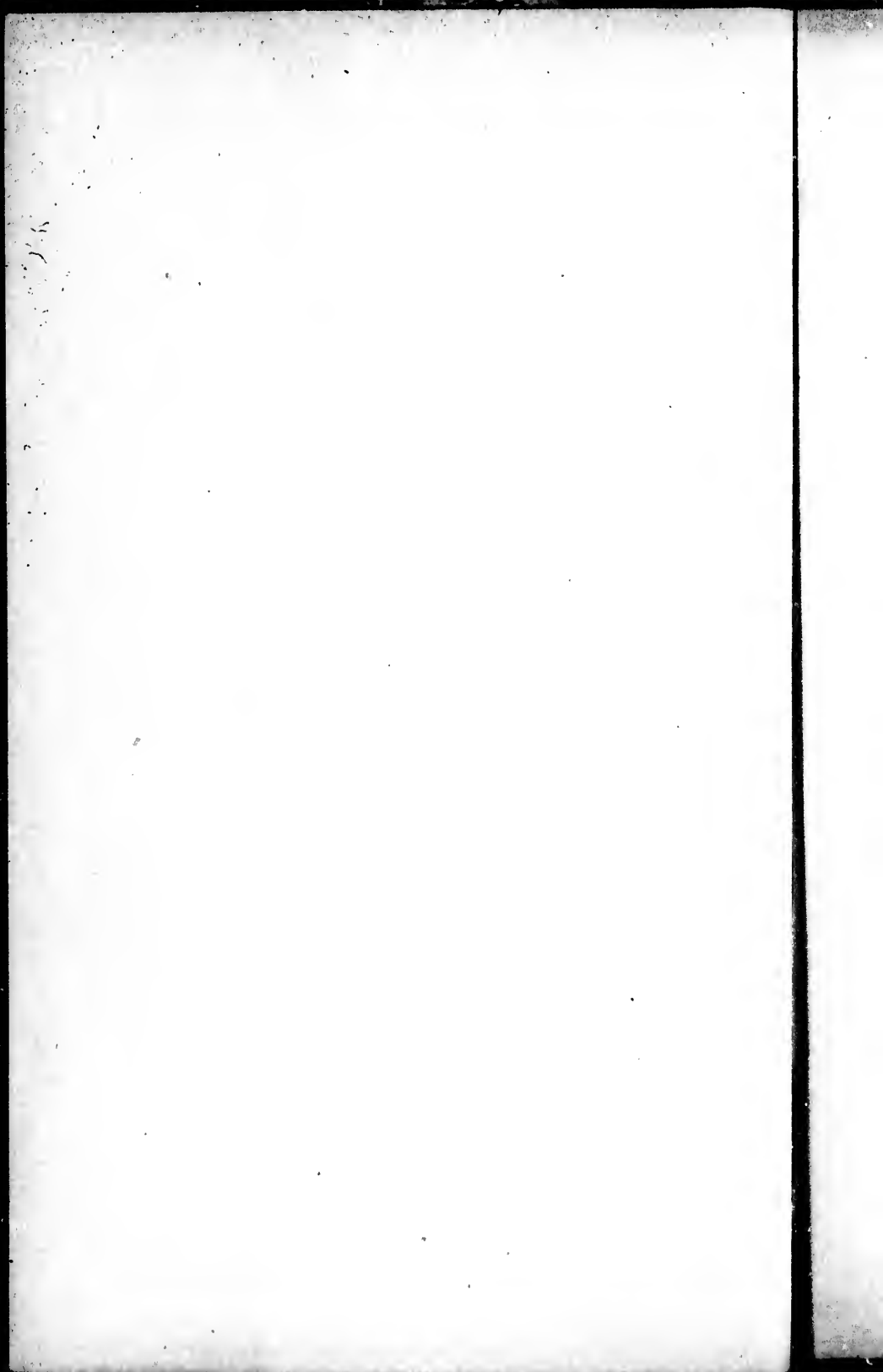
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SOME REFLECTIONS

ON THE

SPEECH

OF THE

RT. HON. LORD JOHN RUSSELL

ON

COLONIAL POLICY.

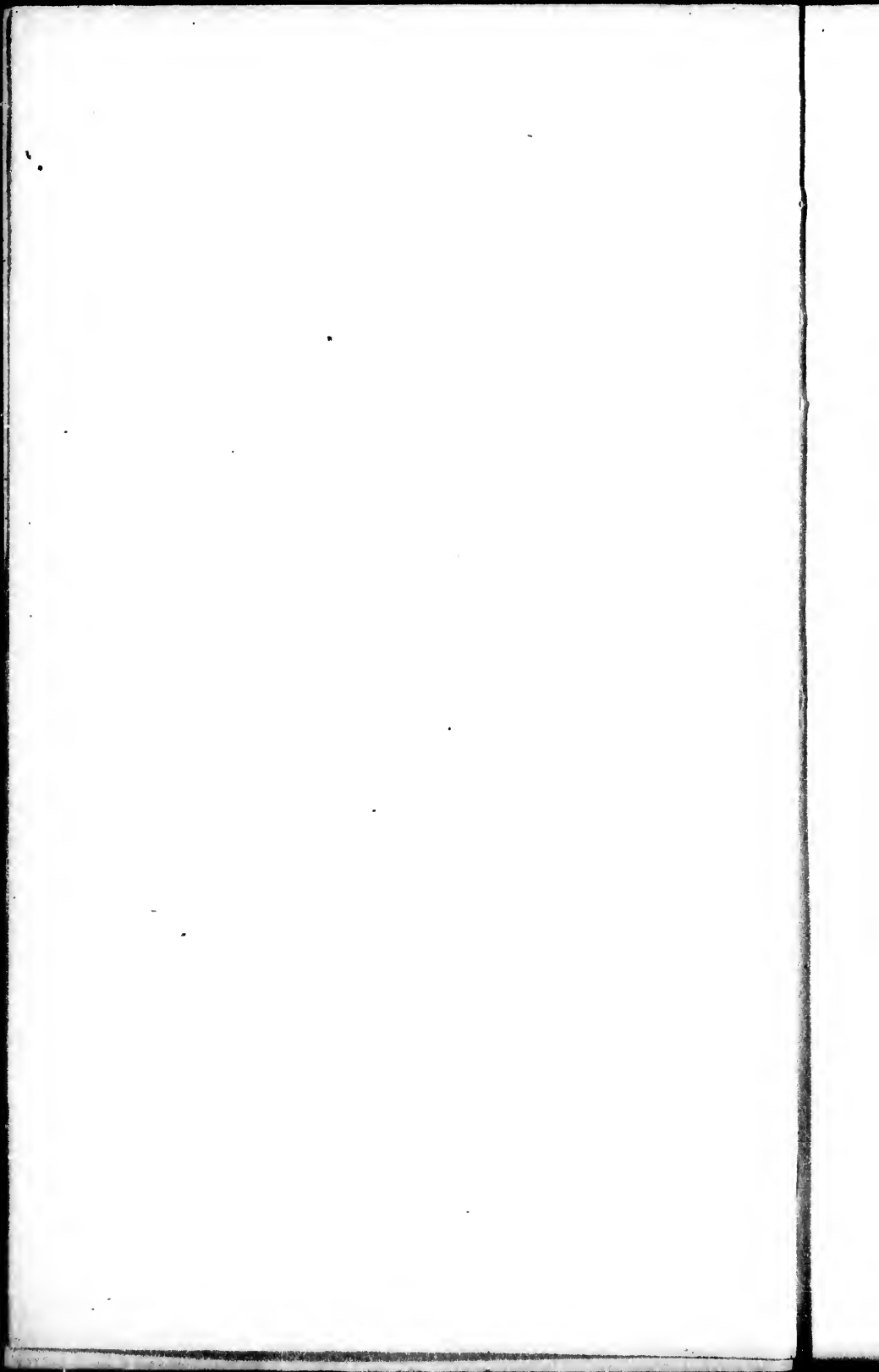
BY

C. B. ADDERLEY, ESQ., M.P.

*PUBLISHED FOR THE SOCIETY FOR THE REFORM OF
COLONIAL GOVERNMENT.*

LONDON:
JOHN W. PARKER, WEST STRAND.

MDCCL.



ON COLONIAL POLICY.

ENGLAND at last acknowledges that she is treating her Colonies scurvily, denying them the right which she has warmly asserted for herself at home. I fear it is not so much *allayed*, as *awakened* selfishness, that makes her now as eager to retrieve as she has hitherto been to maintain her dog-in-the-manger policy. Her language lately was—"Colonies! what are they but dependencies for the convenience of England? Colonists! what, but men who either can't get on at home, or whom we find it unsafe or inconvenient to keep?" She now sees that it will be still better for her to make these dependencies something more than conveniences; to provide them, at least, with institutions so congenial with English notions, that they may become rather self-attractive than compulsory depositories; and that something short of starvation or crime may lead our countrymen to them. She perceives that colonies which are allowed to act for themselves, pay for themselves—a maxim which her Colonial Ministers have been reversing, offering

colonies self-government when they show they can pay for it (see Despatches to Western Australia, and Privy Council Report, 1849, &c. &c.) They have dragged the train with horses till the steam was up; a plan they now find equally wasteful of power and time. They begin to think the steam might be got up to start the train: all discoveries are gradual.

The numbers who are now turning their minds to this subject see the instant necessity of a new mode of government; indeed, so effectually is the steam up in the colonial engine, that it will very shortly overrun the official horses, if they do not get out of the way.

Considering that this question involves, or is intimately connected with, almost every great national concern—that all our Penal system, our Pauper system, our Financial system, group around it—those who are *not* turning their minds to it are dangerously asleep; dangerously, not only to their own reputation, but to their country's urgent need.

At such a moment as this the Prime Minister speaks, and makes a declaration of his Colonial Policy. *Favete linguis, or oculis*, for the speech is printed. The printed form has this advantage, it has a title-page which sets forth that the speech is "with a view to promote the general wealth and population of the Colonies, and their capacity for self-government." By this one finds the clue to all the rest—the leading idea in the Prime Minister's mind:—His object is, not to give the Colonies self-

government, but "to promote their capacity for it." The cat is out of the bag. We colonial reformers found the Government so heartily cheering and loudly echoing our own sentiments, that we began to puzzle ourselves at the continued thwarting and opposition which proceeded from a quarter so resonant with cordial agreement; but all is now explained by the first definition of the Government plan, which discovers a meaning latent under identical phraseology, as wide from our own meaning as light from darkness. While the reformers are urging the concession of self-government to the Colonies in all their local affairs, the Government are planning a paternal scheme of go-cart government, as much like self-government as a child's progression in leading-strings is like walking. It may be said the two modes of motion are the same, except for the leading-strings; and so the two plans of Colonial Government are the same, except for the Colonial Office. But that distinction is not wholly without a difference.

The Reformers say to the Colonies, "You are so distant, you cannot have your local matters settled here; nor are you, therefore, to be misgoverned—you shall make laws and administer them yourselves, excepting on such and such points, which we reserve, much as every congressive government, since the old Amphictyonic Council, has reserved a certain amount of combined and common action at head-quarters." The Government say, "You Colonies are certainly not free enough, but we are a liberal Government—

trust us; we shall never alter your laws, except to make them still more liberal. Even our nominees, knowing our free inclination, will become organs of liberty, no longer agents of a governing party; popular in spirit, however official in shape; in short, sheep in wolves' clothing. You shall even make your own constitution—if we approve of it; and we freely allow you to elect the legislature—reserving only 33 per cent. to our own appointment, which shall be your constituent body.” Consider yourselves Englishmen for the present, and, by degrees, you will find yourselves so.

The two propositions are clearly not identical, though both are headed, “Plans for Colonial Self-Government;” and if I mistake not, the results probable from each are widely different: from the one I should expect thriving Colonies, heartily, and inseparably, and usefully attached to England, not only not burdening, but immensely assisting her in all her most urgent national requirements; from the other I should clearly foresee Colonial disappointment and continued disgust—a prolongation of the serious farce in Downing Street, of three clerks trying to govern the world, and finally, ourselves frantically kicking off the panniers plentifully laden with our own provender, but so needlessly galling our backs.

But it is not fair to judge of a Bill by its preamble. May be, after all, the speech, “with a view to promote the capacity of the Colonies for self-government,” works out into a recognition

of the fact that they have that capacity already, and always had it from their first going out; and the "promotion of their capacity" may only mean the removal of official obstructions from its way. It is, however, ominous, that on only the second page we find the discussion of the "origin of our Colonial Empire" commenced, by "putting aside the foundation of those American Colonies which have separated from us." The omission of the character of Hamlet, whenever attempted, has been complained of as always a serious loss to that play, and in this case the similar omission is the more striking, because Lord Grey, in his first announcement of the *novus ordo*, on his accession to office, laid broadly down the recognition of British right, and the adherence to our North American scheme of Colonial policy, as the two leading features of his plan. (See New Zealand Papers, 1847.) However, the West India Colonies serve very well to represent two particular kinds of constitution; and from Jamaica and Barbadoes we may find abundant illustration of the recognition of the principle, that "Englishmen anywhere else ought to live as free as Englishmen at home."

But in this "Policy," it clearly does not matter much which set of colonies is taken as the illustration. So paternal, or governor-like is the theory, and so slight the intention of abandoning an iota of Colonial Office superintendence, that Gibraltar, and the forts on the Gold Coast, are brought into the same category with Canada and New South Wales (pp. 4, 5); and

(p. 41) credit is taken for the introduction of the elective principle into the council of Malta. Very soon an assize court will be called an elective chamber, because the prisoner may challenge the jury; but the Colonial Reformers do not wish *all* bodies to be elective—for instance, they do not ask that the army should be constituted like the House of Commons, or garrisons like free communities; nor do they recognise in the Government strait-waistcoat, though patched with the colours of freedom, the mantle of the British Constitution. Lord John Russell says all this is a mere quarrel about terms; but attaching similar terms to very different things, seems to me the whole cause of our present misgovernment of the Colonies. The very first sentence following that misclassification (p. 5) illustrates its inevitable confusion, by applying alike to all our locations beyond the seas the general proposition, that “their object was the sending out settlers from this country to colonize distant lands.” Was that the object of Sir Cloudesley Shovel in capturing Gibraltar? If not, either the definition, or its immediately attendant proposition, must be dropped; and in dropping either, a very considerable hiatus would be occasioned in the whole argument contained in this speech.

If we are really dealing with British Settlements—and our object is to colonize—we have not the task of promoting the capacity of self-government, but merely of recognising that capacity, and acting accordingly. In so acting, we shall not spread

Crown influence over the whole of our Colonial constitutions, but restrict the Crown to the limits of one estate, and to the functions of its proper prerogative; we shall give the popular element expression in *bond fide* representative assemblies, and instead of fancying, as Lord John Russell evidently does, that the conservative element must emanate from Downing Street, and consist of checks handled by himself, we shall provide for it a special estate in the local legislature of the Colony.

There is a great point made in this part of the Speech of the wonderful freedom of the colonial rule under the domineering times of the Stuarts. It is certainly well to bear this in mind as an historical fact, and especially when the early wrongs of Virginia are quoted against the boasted policy of our American colonizing; the fact being, that the lowest amount of freedom James the First permitted to Virginia, was larger than he ever willingly consented to at home; but as a trait of human nature, there is nothing wonderful in this apparent contradiction. In each successive stage of our history, freedom at home, and freedom in the colonies, have borne an inverse ratio to each other. In the crisis of Charles the First's attempts on our liberties, he restored freedom to Virginia, and gave a charter of entire self-government to Massachusetts. When the Commons were in the ascendant, they passed an ordinance (Oct. 1650, see Chalmers, 122), denouncing the independence of the Colonies, and their traitorous usurpation of self-

government. When Cromwell had become autocrat, his first colonial act was to prepare for the removal of military government from Jamaica, which the Spanish population had rendered necessary at first, and to provide a free constitution, which Charles II. gave. Certainly, the culmination of tyranny gave the temporary coincidence of *transit* to these two contrary courses; but when the House of Commons, fresh from the effort of ejecting James II., passed an indignant resolution, declaring his *quo warrantos* void, it was the argument of Somers that diverted them from their purpose (see Grahame, i. 361). But who so violated the liberties of the Colonies as the hero of our own liberties, William III.?

The truth is, there is an inherent love of domination in our nature, and posts of power develop the germ. When our rulers have found vent for this desire at home, the Colonies have escaped in "happy neglect;" but what made James I., like Lord Grey, such a constitution-maker abroad, was, the rarity of such enjoyment permitted to his vanity, by the English constitution; for whatever tyranny he might attempt at home, the digesting of law codes was a luxury only permitted to him abroad; and Lord Grey very wisely occupies his time at the Colonial Office, not so much in interfering with existing Colonial Governments (that is the amusement of his subalterns), but in the rarer and more godlike pleasure of creating new ones, at least in imagination. His creative power has proved adequate to the production of one new consti-

tution per annum, since his accession to office; and when his originality is exhausted, he repeats and reproduces his various *modellings* of *free* governments, undaunted by the successive failures of every attempt. We may, however, be assured, that as long as our Colonies are submitted to this blistering regimen, it is to no purpose that the Premier boasts of the *principles* of freedom which even the haughtiest ages of prerogative recognised, in our colonial policy. History rather bears this lesson, that when the principle of colonial freedom is most loudly proclaimed, and those are in power at home who make most profession of recognising British rights, those are exactly the very moments of greatest peril to the practical enjoyment of colonial liberties. Liberal principles at home have been the most certain prognosticators of a selfish dogmatism being let loose abroad.

Lord John Russell (p. 9) will not state why our plan of Colonial Government was altered, towards the close of the last century. I know not why he should be so mysterious about what all the world knows,—that the first establishment of a purely penal Colony at that time, necessarily introduced gaol principles, instead of British rights, into the whole idea of our colonial policy. He truly adds, that now the entire abolition of commercial restrictions will further change our views on the subject—it will join the whole school of the mercantile system to that of the economists, in one united advocacy of colonial freedom. The Navigation Laws, always a sore subject with our Colonies,

and, to say the least, defended only on selfish principles, are abandoned even by the calculations of the very egotism which created them; with them will go the other egotism, of supposing all God's world south of the equator to be an *immondezzaio* for this island: and then must revive, in original vigour, that equal recognition of inalienable rights amongst all our fellow-subjects, which has made England's offsets the giants of the western world.

To say that we will abandon our present Colonies because we have failed to make them what our earlier settlements were, is mere recklessness. Let us rather abandon the system which has crippled them—but consider the abandonment of the Colonies a proposal, as Lord John nobly says, consistent neither with our obligations, our honour, nor our policy.

Not that we need pour our troops into their territories for the purpose of retaining them; on the contrary, we may rather expect them to contribute, as of old, to our forces, whenever war shall rise against our empire in their neighbourhood. Lord John chooses to put his opinion in direct antagonism to all history, in supposing the Cape would fall back upon Holland for protection, if we were to call upon them to defend themselves. We need not, in fact, discuss the question, or refer to past instances. The Cape itself already offers to maintain its own militia, if we will give them self-government. Of course, as we have so long beridden and corrupted their energies and independence with our soldiery, we should not strip them

bare at once. The unswaddling should be gradual: but there is some medium between abrupt withdrawal of *all* troops, and the continued maintenance of military occupation, so disproportioned to the *quasi free* remainder of the community, that, in one case (the northern province of New Zealand), the number of British soldiers now exceeds the number of the adult male settlers in the land.

At this point in the speech (page 11) a statistical episode is introduced, which is intended, by contrasting the comparative increase of population in the United States and our own adjoining territory, to prove the superiority of our own *régime*, as far as a more rapid increase of population can amount to such a proof. But, acquitting Lord John Russell of any intentional misrepresentation, of which no one on earth could, in my mind, be less capable, I feel sure he will himself be the first to laugh at the illustration his own statement gives of the powers of statistics to prove and disprove anything in the world. The old thirteen United States have increased only eight-fold since their independence, whereas Canada has increased ten-fold, in the same period; but that is to compare the increase of a settled and inhabited country with one to a great extent unsettled and uninhabited. If the increase of London were similarly compared with that of any part of New Zealand to which English emigrants are now going out, or with a new American state in process of peopling, the result would be equally fallacious. The metropolitan two millions would

show an increase of $1\frac{1}{2}$ per cent. in the course of the year ; while the scattered hundreds of the new settlement might show 100 per cent. increase ; yet the settlement need not, therefore, be more thriving, or better governed than London. It is also clear, that in calculating the progress of settlements, the actual increments rather than the per-centages should be compared. If a population of 10,000 is attracting an additional 1000 every year ; while another population of 100 is attracting only a languid addition of twelve or fifteen persons annually, the former vigorous Colony appears to be increasing only 10 per cent. ; while the latter, in the extremities of inanition, shows the superior growth of 12 or 15 per cent. The calculation is like that of a boy of ten years old laughing at his father for adding only five years to his age, while he has been doubling his. But while it is true that the old thirteen states have only increased eight-fold, while Canada has increased ten-fold ; it is equally true that the valley of the Mississippi has in the same period increased its population twenty-fold ; and, as Mr. Roebuck very fairly replied, if the really parallel cases of the state of Ohio and Upper Canada were compared, the difference would exhibit, in even a more startling light, the painful truth that our misgovernment has acted as a blight on the energies of our emigrating fellow-citizens ; and that nothing but an almost romantic attachment to the old country has kept Canada from throwing off its allegiance to her Majesty.

The whole difference, however, between the noble Lord's idea of reform in Colonial Government and that of the Society whose manifesto he honoured by adopting it as the text of his dissertation, is summed up in one short sentence, in the nineteenth page. It is there denied that we should altogether abandon *any* share in the government of the Colonies, and the following page explains the ground of his objection, "because it is impossible to draw any such distinction," as between local and imperial affairs—the one to be wholly given up to the Colonial legislatures, the other still retained under home control. The Society, on the contrary, assert that we should instantly and altogether abandon all share in the local government of the Colonies, and retain under home control certain specified matters of imperial interest, adducing the present example of the United States and the historical evidence of all such combined governments, and the confession of Lord John Russell himself, in the sequel of this his argument, and in every attempt he has made at federation in practice, as the undeniable proof of the feasibility of their proposal.

De Tocqueville thus describes the separation of the functions of government in America. "Il s'agissait de partager la souveraineté de telle sorte, que les différents Etats qui formaient l'Union continuassent à se gouverner eux-mêmes dans tout ce qui ne regardait que leur prospérité intérieure, sans que la nation entière, représentée par l'Union, cessât de faire un corps, et de pourvoir à tous ses besoins généraux.

On définit, donc, avec soin les attributions du gouvernement fédéral, et l'on declara que tout ce qui n'était pas compris dans la définition, c'est-à-dire, tous les détails de la vie sociale, rentrait dans les attributions du gouvernement des Etats. Mais comme on prévoyait que, dans la pratique, des questions pourraient s'élever relativement aux limites exactes de ce gouvernement exceptionnel, on créa une haute-cour fédérale, dont l'une des attributions fut de maintenir entre les deux gouvernements rivaux la division des pouvoirs telle que la constitution l'avait établie." Vol. i. p. 183.

But Lord John Russell is, at all events, in this dilemma. If such a separation of imperial and local concerns between metropolitan England and her colonies is possible, his whole argument against abandoning any share in their local government, based on the impossibility of the separation, falls to the ground: if, on the other hand, the separation is in this case impossible, how can he pretend to give the colonies English institutions and the enjoyment of English freedom? To give them representative institutions and keep the control of their local affairs, is indeed, to use Charles Buller's metaphor, to light up a blazing fire in a room without a chimney. He should at once make up his mind, either to carry out the principles of freedom professed, or to stand firm upon his present position of surveillance; but at once to proclaim a principle and deny its application—to offer self-government and retain the reins of govern-

ment in his own hand, is simply to instigate rebellion.

But in the above remarks I have been giving the Government credit for understanding the position which is taken in opposition to their policy. I have contrasted with their scheme for reserving Crown authority and the veto over all colonial affairs, only exercising them moderately, the real counter-scheme of entire abandonment of all such reservation over local legislation, together with a strictly defined home government in certain specified imperial matters. It is, however, quite clear, from the language he adopts (page 20), that up to this hour the noble Lord does not perceive the real exception taken to his policy, nor the nature of the proposition placed in direct opposition to it. The marginal note says, 'No precise limit can be drawn between laws of imperial and of colonial concern;' but the text itself runs thus: 'Another scheme which has been proposed (by the Society) is, that a certain description of laws adopted by the Colonial legislatures should require the assent of the imperial authority; but that, with regard generally to the acts of the Colonial legislatures, no such sanction should be requisite; and that a line should be drawn between those laws which require the assent of the Crown and those which should be enforced without such assent.' No such scheme has ever, to my knowledge, been proposed by anybody—certainly not by the Society for the Reform of Colonial Government. Their proposal is not so to

separate imperial and local concerns as to relieve the Colonial legislature from the veto in the latter case, nor retain that suspended authority in the former. In their scheme, the word "veto" disappears. The Colonial legislature would pave, and light, and road-make, sell land, tax, appoint their own officers, &c., without the slightest power of interference from Downing-street. The Imperial legislature would make treaties, peace or war, and exercise some ten or twelve other strictly specified functions, without the check or intervention of the Colony. This is no immaterial distinction between the real proposition of the Colonial reformers, and the proposition which Lord John Russell supposes them to make. It involves the whole point at issue—the veto of the Crown on Colonial legislation, that which the Colonial officials would rather die than give up, that which the Colonial reformers see must be given up, and the Colonies retained; or else may be retained, and the Colonies given up. They know enough of what is going on in the Colonies, to be assured there is no other alternative; and while they instantly make up their minds to abandon the veto system, they ask themselves of what earthly use or advantage it has ever been to this country, whilst it has been paralyzing the Colonies,—and the only answer they come to, is—none whatever.*

From the 25th page, the speech proceeds to illus-

* The veto, as now used, was one of the leading grounds of complaint in the declaration of independence.

trate the adopted Colonial policy of "no monopoly," and "English freedom," by its application to a series of Colonies, taken in the order which the Society for the Reform of Colonial Government had adopted in their address.

With regard to Canada, Lord John gives a short recital, which one might expect to suggest other lessons than those he has attached to it. Up to 1828, this government attempted to tax the Canadians without their consent—in fact, to reduce the Representative Assembly to a nullity. The Canadians resisted, even to the point of successful rebellion, and they have in consequence obtained all they asked for, only with irritating recollections of our reluctance, and gaping schisms amongst themselves. When Lord John Russell winds up this account with hearty congratulations on the principles of self-government having been thus fairly and fully carried out, one hesitates whether most to admire the fairness of the process, or the fulness of the result. I should have preferred the recognition of constitutional principles at once, in 1828, without putting the patience and attachment of the Colony to the test; and even now the fulness of the British principle of government would be still more striking without the nomination of the Upper Chamber, or the reserved though not-to-be-used veto of the Crown. Now that every nerve in that body politic has been lacerated, it may be difficult—it may be too late to compose its irritations; but should such questions as actual separation come to issue, the

Society will have the consolation of the reflection, that, by its efforts, the only course which might have averted such a catastrophe had not wanted earnest advocacy to the last.

The Cape is next cited as a Colony, in the course of having its proper privileges recognised. The new constitution in preparation for it was the first-fruit of the Reform Society's influence, even before it had well commenced its work. These are the roses scattered before the footsteps of the early dawning of Reform—the growth of its approach. But the blight of the undissipated dews taint the too early promise—the fast-rising principles are not yet in the ascendant—and we must have patience. Our fellow subjects in the Colonies will soon really enjoy the British institutions promised them. Lord Grey's first draft, that made for New Zealand, offered two chambers, the upper wholly appointed by the Crown. This, his last scheme, introduces the principle of election into the formation of *both* chambers, so far further recognising the British theory, that *neither* are meant to represent the will of the Sovereign. But if our delight at this advancing ripeness will permit us to inspect more carefully, we find the repugnant love of power only more deeply bedded in, and the novel apparatus of an electoral body of "persons of weight and influence as magistrates, and others," formed for the special purpose of saving the official influence in the working of the institution.

I am not one of those who think the gift of British

institutions means the exact repetition of their forms,—on the contrary, I believe the essence of our constitution to be its free and elastic expression of the spirit of the people. To imitate such a constitution by the transference elsewhere of the precise forms it may here assume, would be to insure the failure of the attempt, for its essential character of adaptation to its circumstances would be destroyed by such treatment. When the United States attempted to transfer their form of government to Mexico, Santa Anna rightly attributed the failure to the error of supposing their institutions were transplantable, without the people going with them. If France, by way of acquiring English freedom, were to adopt our constitution bodily, she would soon find the dress ill-suited to her person. The powers of so free a government would be too weak for a people unaccustomed to exercise freedom calmly and habitually. So, even for the British population of Australia, separated from us by half the world's girth, and coloured, if not tainted, by a separate history of very different omen from our own for half-a-century, and still more for the mixed inhabitants of the Cape, we must supply rather the pattern, than the ready-made costume of England's wear. I have no thought of exporting exact models of our Queen, Lords, and Commons there; but this I know, that any statesman who professes to give them the British constitution, and makes two out of three of the estates appertain to the Crown, is a man who may be intimately acquainted with his own idiosyncrasy,

but as relates to his public vocation, and the task he has assumed, he understands neither the constitution he is administering, nor the temper of the people to whom he seeks to communicate it.

With regard to Australia (p. 31), Lord John Russell plainly states it must be made an exceptional case. Even with the very limited views the Government have of liberalizing their foreign rule, their hybrid British Constitution is too genuine to be safe for Australia. "Their measure for that colony goes not on the principle of imitating this country's form, as has hitherto been most palatable and popular in our colonies:" 1st. Because they consider Lord Stanley's one-third nominated single Chamber was a plan "finally" enacted in 1842;* 2nd. Because it has since been found acceptable to the people of New South Wales, and, therefore, possibly may be liked also by Van Diemen's Land, South Australia, and Western Australia. To the reason first assigned, it may be enough to state that Lord Stanley's plan of 1842 was most distinctly proposed as a temporary, not a final plan. The arguments used for it were so entirely in contemplation of a speedy change to something better, that all reasons to be drawn from them to influence present policy would go directly against the Government proposition, of making the scaffolding of 1842

* See also in Australian Colonies Papers, 1849, the Privy Council Report: "We reluctantly decide that the system which now prevails should be continued and provided for the neighbouring Colonies—first, because it was the pleasure of Parliament, in the year 1842, to establish that system."

the ricketty foundation of the new constitution of 1850. If the constitution given by Lord Stanley in 1842 was considered so finally adopted, that any new Constitution must be based upon it, why did Lord Grey, the very first year he was in office, try to supersede it by his New Zealand constitution, which, amongst a thousand anomalous innovations, had at least the form of a double Chamber in it? Why did he, when that failed, continue restlessly intent on making any change, fixed only in one intention, not to allow that to remain, which he now considers the unavoidable basis of any further legislation. Lord Grey has, unfortunately for this Australian constitution scheme, folded it as a sandwich between two other schemes of his own, each contradictory to it,—the New Zealand at the bottom, and the Cape at the top: its antecedents and consequents seem to crush it between them. Lord Grey now wishes to make his Australian plan appear to be a continuation of Lord Stanley's; but he is intercepted by his own intervening New Zealand plan, offered also to New South Wales. He cannot, on the other hand, make it appear a part of future schemes; for he has overlaid it by his already published Cape scheme. This isolated constitution, appropriate to New South Wales in nothing but its *exile* character—disowned by Lord Stanley—repelled from all sides by Lord Grey's own antagonistic propositions—at last is rested upon another pretext: it is said to be "accepted by the people of New South Wales as a *preferable form of Popular Government* to that which

is more in analogy with the Government of this country" (p. 32). *Proh pudor!* one stands aghast at the audacity of this assumption; whether it be at the description of this one-third nominated single Chamber, as a popular form of Government at all, or at the notion of inducing Englishmen to believe that they have fellow-countrymen in the world who can prefer it to their own. There is something pleasant, however, in the device, when one comes to look into it. Lord Grey first propounded a double-Chamber constitution, in 1846, to New South Wales, so fraught with mischievous novelties and fancies of his own, that a volley of indignant remonstrance burst forth from the whole Colony. Lord Grey, rather piqued, retorted with the stern alternative of the old one-third nominated single Chamber; and now when the English Reformers warn him that he will only get a second more indignant remonstrance, he produces, and in two successive blue books twice over publishes, not any expressions of altered feelings more favourable to the old Legislature, but the remonstrances against his first scheme, as proof, not of comparative, but of positive satisfaction with his alternative. He goes further; for although the one good feature in his first scheme, was a double Chamber, he attaches the remonstrances to that particular feature, although they were distinctly made against another point, namely, the proposed electoral system; and whenever, in the extremity of their despair, the colonists exclaimed that even their old iniquitous Legislature was preferable to

one based on such a novel sort of electoral system, such language is quoted against them as expressive of satisfaction with their single Chamber, as now constituted. A few years ago, a great outcry was made in one of the Union Workhouses about the dietary, and the Commissioner, on inspection, decided that it *was* not only bad, but contrary to the law, and ordered it to be immediately altered. The board, which consisted of a dogged set of farmers, adopted the exact scale provided by law, but attached such obnoxious regulations to the reformed plan, that the inmates broke out into louder complaints than ever. They were too much subdued by their previous treatment to muster an actual rebellion,—they very submissively prayed rather to have the old dietary restored, than the new one, so circumstanced: upon which the board of Guardians triumphantly sent such extracts of the petition as suited their purpose, and proved, rather to the surprise than satisfaction of the Commissioner, that the inmates of that particular Workhouse liked being starved—though what the petition really did say was, that they preferred half-rations, with tolerable comfort, to a better supply, so regulated as to be obnoxious to all their habits. The case strikes me as bearing a very strict analogy to the present treatment of New South Wales. If we can fancy the same Commissioner, enamoured of the newly-found preference of half-rations in the abstract, proceeding to order in four or five surrounding workhouses—who had expressed no opinion, nor ever tried

the dietary in question—the introduction of the reduced and vicious scale, the original complaint against which was the only foundation of its approval,* we should then, in imagination, (it would not be possible in reality,) have an analogy to the further proposal of ministers, to extend the condemned legislation of New South Wales to four other colonies, which have only never asked to be relieved from such a constitution, because they have never yet suffered from its infliction.

But it is said by the Government, we do not mean these Colonies to retain this form of constitution; we give it them in order that they may change it and improve. We are making them *reculer pour mieux sauter*. Our plan is homœopathic; we first exaggerate, in order ultimately to cure the disease; and as to the analogy of the Poor-Law Commissioners ordering the resumption of an improper dietary, because the paupers complained of a worse one offered, we, on the contrary, attach to our re-granted constitution—the change of which we allow has been the object from the first—full powers of changing itself.

I reply to them, you do *not* give full powers of altering, but reserve a veto, which you fully intend to exercise, except in case of the alteration taking such a form as you approve, which form you might as well designate

* It is remarkable that all the supposed expressions of New South Wales in favour of their present legislature occur in the course of a discussion how to change it. Their approbation of what they asked to be rid of is measured by the excess of their disgust of something worse.

at once yourselves, and constitute for the Colony. And you *would do so* were you acting *bonâ fide* towards Australia, and not under the bias of a pique taken by Lord Grey.*

The result must be one of three anomalies. Either, 1st. Australia hates the single one-third nominated Chamber, and will instantly change it for something more like British forms, only hampered by having the nominees in their way in the transaction. In this case, clearly, it would have been better to have laid the British foundation at once, instead of causing the useless and perplexing intervention of an incongruous constituent body. Or, 2ndly. Australia likes the single one-third-nominated Chamber, and will not alter it at all; in which case it would be better to leave it alone, and only permit the extension of such a blessing to any neighbours infected by its attractions. Or, 3rdly. Australia likes the Chamber quoad *single*, but not as to its *nominated portion*; in which case the colonists, having the majority, will strike out the nominees, and set up unqualified democracies in single Chambers. This, however, the Home Government would veto. Whichever way, then, the result may go, the conclusion is inevitable against this luckless Government measure. It has not an argument in its

* The Bill does not say that the Australian legislature may make any constitutions they please, but practically only any that may please Lord Grey. If, then, only a limited choice is given, some clue to the kind which will be approved were but charity, and avoidance of dispute.

favour; and if carried by sheer Government musters against Opposition apathy, it will form another chapter to our colonial history, of wilful blindness, leading to the disappointment, irritation, and final loss of our Colonies.

I do not mean that the whole or main question of what is the proper constitution for the British settlements in Australia, is comprised in the one alternative of a single or double Chamber—I have balanced the question upon that point, because the circumstances of the case practically make it the turning point in the discussion.

The problem is, how to give Australia a constitution as nearly similar to the British as possible—that is, with at least one estate freely representative; and if of three estates, so that the second be also independent of the will of the Crown—representing, as it were, the second or more deliberate thoughts of the community.

(1) The present institution, then, clearly will not do; (2) it must either have its nominal members struck out, and become a wild democracy; or (3) have a second Chamber, containing some kind of conservative element, though independent of the Crown.

The Government propose the first position of impossible continuance, professing their intention to let it develop itself into one of the two other results. They must be aware that such a self-acting development would, under the circumstances, become a scene of collision, and dispute, and unsatisfactory conclusion.

The single elective Chamber they would not permit, preferable as even such a constitution, given at once, would be to their proposal. The double Chamber, therefore, becomes equivalent to the whole principle to be fought for; nor can there be any doubt that it must be elective, in order to fulfil its particular requirements. Some may sigh for an hereditary aristocracy: time may possibly create such a class. Some think they will carry both points—the *conservative element* and the *freedom from Crown influence*—by life-nomination. They are contradicted by history—both by French history and American. The process will not produce the desired result. Election alone remains; and two elective Chambers are what all persons really acquainted with the Australian Colonies know they themselves desire.

Meanwhile, let all remember that the present Government of these and many others of our "occupation" Colonies is pronounced by all professional authority, to be utterly unconstitutional and illegal. The Crown is practically legislating for English subjects without their consent. They are kept subject *only* by the law of the strongest, not by right; for the Queen cannot pretend to treat Colonies by occupation, as she may rule Colonies by conquest; nor can she deprive her meanest subject of his birthright of freedom, any more than he can divest himself of his allegiance.

Nor will these Colonies bear their present mode of government much longer. "The question (in the

words of Mr. Godley's farewell letter to Mr. Gladstone) is no longer between local self-government and the centralism of Downing-street, but between local self-government and national independence."

If we trifle with this Australian Bill, and pass it from apathy, or at Lord John Russell's dictation, or under the exquisite delusion of supposing it offers what will satisfy the Colonies, or what can possibly produce local self-government, the die is cast: it is probably our last hazard. Lord Grey will have the credit of having repeated Lord North's blunder with the warning before his eyes, and in the teeth of his own professions. *Vidit meliora, probavitque—deteriora secutus est.*

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