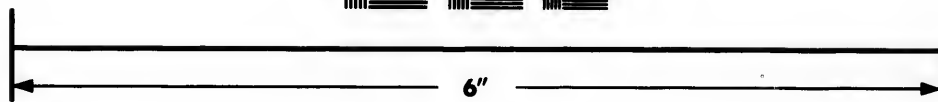
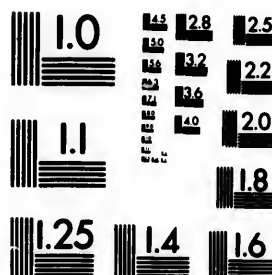


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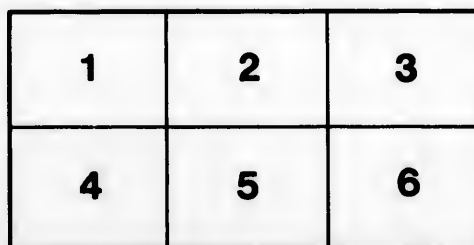
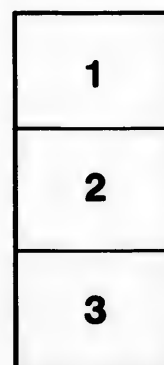
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COLONIAL POLICY

OF THE

BRITISH EMPIRE.

BY THE

AUTHOR OF THE "HISTORY OF THE BRITISH COLONIES," &c.

PART I.—GOVERNMENT.

L. R. M. M. C.

"England should look wholly to commerce and naval affairs; she never can be a Continental power, and in the attempt must be ruined; *l'Angleterre est déchue depuis qu'elle s'est mêlée des affaires du continent*; let her maintain the empire of the seas and she may send her ambassadors to the courts of Europe and demand what she pleases."—*Napoleon when at St. Helena.*

"Whatever gives colonies to France [England] supplies her with ships and sailors—manufactures and husbandmen. Victories by land can only give her mutinous subjects, who, instead of augmenting the national force by their riches or numbers, contribute only to disperse and enfeeble that force; but the growth of colonies supplies her with zealous citizens, and the increase of real wealth and effective numbers is the certain consequence."—*Talleyrand on Colonies.*

LONDON.—1837.

TO THE READER.

THE following pages form the opening chapters to a carefully digested work on our colonial policy, and, in reference to the influence of transmarine possessions, on the rise and fall of nations, as exemplified in the history of ancient and modern kingdoms. The colonies of France, Spain, Portugal, Holland, &c. will be examined, as to their extent, resources, and management. Statistical Charts will be given of the whole, and the Appendix will contain all official and public documents relating to the subjects investigated. In order that every portion of this truly important question may be deliberately perused and impartially judged, the work will be issued in six parts, each corresponding in paging with its successor, the whole binding up together on their completion. The second Part will embrace the Commercial and Financial Chapters. The reader, desirous of examining the detailed facts from which the annexed deductions are drawn, will find ample materials in the five volumes of the "History of the British Colonies," and in the twelve volumes of the "Colonial Library," of which, indeed, the present work is a necessary sequel.

The question of an elective Upper Chamber of Legislation, p. 58, and the projected Colonial Board for the Home Government of the Colonies, p. 48, will be found especially deserving serious attention.

R. MONTGOMERY MARTIN.

April, 1837.

COLONIAL POLICY

OF THE

BRITISH EMPIRE.

CHAPTER I.

SECT. I. Extent and position of the Colonies—difficulty in classifying them ; their division into territorial, commercial, and politically maritime—utility.—SECT. II. The valuable and varied products of the colonies ; England's independence of foreign nations.—SECT. III. Population of the Colonies, how distributed—their diversity a present bond of union.—SECT. IV. Religion of the colonists, their creeds and numbers.—SECT. V. Colour and language ; importance of extending a knowledge of the mother tongue.—SECT. VI. Effects of climate, food, and drink, on character, manners, &c. ; the numbers who consume an animal, a farinaceous, and a mixed diet, or fermented liquors. Necessity for a statesman considering the various circumstances which influence the temper, capabilities, and habitudes of man in relation to various forms of government.

SECTION I.

THE Colonies of England are so varied in their nature, so distributed in their position, so vast in their extent, so diversified in their products, and so anomalous in their population, that it is very difficult to frame a classified view of them in any other manner

except geographically, in reference to their territorial position in each quarter of the globe, as shown on the statistical chart of all the Colonies¹, given with the work².

If classed in reference to their position in the torrid or temperate zones, an imperfect idea is afforded of their capabilities, as elevation above the sea materially alters the products of the soil³. Moreover some colonies have part of their territory on the verge of the tropical (as Australasia), others pass from the torrid into the temperate zone (Hindostan) and others from the temperate almost into the frigid zone (the Canadas).

To divide them according to their acquisition by conquest, cession, or colonization, would be nugatory, as the fortune of war has been the principal means by which almost all our present possessions have been acquired: Australasia, some parts of North America,

¹ The word *Colony* is used in this Work to signify all the transmarine possessions of the Empire, of which the United Kingdom of Great Britain and Ireland is the parent state; therefore the territories under the joint government of the Crown and of the East India Company, as also the Norman Isles and the Isle of Man, by reason of their not being represented in the Imperial Parliament, are included in the list of colonies. The term *Colony* is derived from the Latin term *Colonia*, which springs from *colo*, to till, agriculture in the early ages forming the principal source of wealth and occupation. The word *Colonia* is now accepted by most European languages, but the Greek term *ἀποικία*, signifying a body of settlers removed to a distance from their native country, is a more expressive phrase.

² The Statistical Chart will be given with the last Part of the work.

³ See Vol. I. Asia, 2nd Edition of the "History of the British Colonies," the Himalaya, Neilgherries, Ceylon, &c.

(Newfoundland and Hudson's Bay) Penang and Singapore, being the chief exceptions to the general rule¹.

To divide them according to their territorial importance, commercial value, or maritime utility, is the most practical mode of demonstrating their intrinsic worth: but this classification is also very difficult, as a colony may be possessed of all the three advantages, as British India; of the two former, as British Guyana, or of the two latter, as Gibraltar. These three classes may be thus illustrated, and an inference may then be readily drawn how far a colony belongs to one or more of the divisions specified.

I. *Territorial*.—British India contains upwards of half a million square miles, peopled by 100,000,000 British subjects²; its territorial importance, in reference to the opinions elsewhere expressed, is therefore clear.

The commerce of India, though yet in its infancy, amounts to upwards of £20,000,000 sterling³. Its maritime utility consists in the quantity of shipping employed by the settlements, in the excellent harbours of Calcutta, Bombay, Cochin, Trincomalee, Galle, Penang, Tavoi, Mergui, Malacca, Singapore, &c., along an extent of 5000 miles of sea coast, with the navigation of the Ganges, Burrampooter, and

¹ I do not, however, here advert to the cessions made by East India princes to the British Government.

² See Section II. and Statistical Chart.

³ See History of the Colonies, and British Colonial Library, *Asia*.

Indus, in the number of excellent native seamen employed on its shores, and in the cheap and abundant materials and resources afforded for ship-building.

II. *Commercial value*.—Guyana possesses 100,000 square miles on the South American Main, watered by several noble rivers, containing a large fertile area capable of supporting several millions of inhabitants, and now enjoying an extensive and valuable commerce with the parent state which is capable of considerable increase in different products.

III. *Maritime utility*.—Gibraltar (as before remarked) offers an illustration of a politically-maritime position, combined with commercial advantages. Its position at the entrance of the Mediterranean, from the Atlantic, enables England to maintain a commanding political influence in the South and East of Europe, in Asia Minor, Egypt, &c.; while its contiguity to the Spanish, French, and Moorish territories, admirably adapts it as a depôt for the sale of British goods¹.

With this preliminary explanation, we may proceed to classify the colonies, in reference to the foregoing heads.

Bengal, Madras, Bombay, Ultra Gangetic territories, Ceylon, Malacca, New South Wales, Van Dieman's Land, Cape of Good Hope, Canada (Lower), Nova Scotia, Jamaica, and Trinidad.	}	Of territorial importance, commercial value, and maritime utility.
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¹ Before the opening of the port of Cadiz, Gibraltar imported from England an immense quantity of cotton goods for re-exportation.

Canada (Upper) New Brunswick,
British Guyana, [comprising Demerara, Essequibo and Berbice,] and Honduras. } Of territorial importance and commercial value.

Cape Breton Isle, Newfoundland, Mauritius, Gibraltar, Malta, and the Ionian islands. } Of commercial value, and maritime utility.

Swan River, South Australia, and the other parts of New Holland not before specified. } Territorial importance.

Prince Edward Isle, Barbadoes, St. Vincent's, Grenada, Tobago, Antigua, Dominica, St. Christopher's, St. Lucia, Nevis, Montserrat, Anguilla, Sincapore, Sierra Leone, the Gambia, Cape Coast Castle and Accra, and Hudson Bay territories. } Commercial value.

The Bahamas, the Bermudas, the Virgin Isles, the Falkland Isles, the Seychelles, Norfolk Island, St. Helena, Ascension, Heligoland, the Norman Isles, and Isle of Man. } Maritime utility and political worth.

This classification, though the least exceptionable, is still imperfect, for it is evident that the West India Islands of St. Vincent's, St. Lucia, &c. and the other settlements under the same head, are of *maritime* utility, as well as *commercial* value, by affording protection to our trade and encouragement to our navy; —in like manner Barbadoes, Prince Edward Isle, &c. are of *territorial* importance from the richness of their soil, and the products they yield, while some colonies that are now considered of territorial importance

alone, as the various settlements of New Holland, &c. are becoming daily of increased commercial value and maritime utility.

The main object, however, in view, is to show the varied nature of our colonies,—how useful they are in every point of view,—and how valuable even a barren rock, in the midst of the ocean, may be to a commercial nation like England.

These points will be further exemplified in the chapters on Commerce and Finance, and in the other parts of this work.

If we look to the territorial extent of the Colonies we shall not be less surprised than at their number, varied nature, and position. In area they occupy in

	Square miles.
Asia ¹	550,000
West Indies	13,000
North America, excluding Hudson Bay territory of 370,000 sq. miles	435,000
South America, including British Guyana, Honduras and Falkland Isles	165,000
Africa, South and East	200,000
Africa, West	50,000
Australasia	500,000
Europe	1,500
Total	1,914,500

Or Acres 1,225,200,000

and let it be remembered that the far greater part is

¹ A recent writer on British India—said to be Mr. Crawford, and if so, well acquainted with the subject, and whom I quote, in order

a fertile, and, in a large proportion, a cultivated territory.

In the preceding arrangement, I place all the possessions under the government of the East India Company, together with Ceylon, Penang, Malacca and Sincapore, under *Asia*: the West India Islands and the Bermudas, under the *West Indies*: Demerara, Essequibo, Berbice, Honduras, and the Falkland Isles, under *South America*: the Canadas (Upper and Lower), Nova Scotia, New Brunswick, Cape Breton, Prince Edward Isle, Newfoundland, and the Hudson-

to show that I have not overrated the importance of this portion of the Empire—thus estimates our own and the adjoining tributary territory, where, as he truly remarks, we exercise a political ascendancy hardly less British than that of which we administer the Government.

	Area. Square Miles.	Population.	Mouths to Square Miles.
British territories in Hindostan	432,483	80,636,371	186
Tributary ditto	563,610	54,271,092	96
British territories beyond Hindostan	50,117	297,054	6
Tributary ditto	50,000	408,000	8
Independent States in or bordering on Hindostan	137,000	7,000,000	51
Independent States beyond Hindostan	180,000	2,500,000	14
Total	1,413,210	145,112,517	102

Besides the foregoing there are upwards of ninety thousand square miles of British territory, (a larger extent of country than Great Britain and Ireland,) of the population of which there is no estimate. In round numbers the subjects of the British Empire may most reasonably be estimated at 100,000,000.

Bay territories, under *North America* : the Cape of Good Hope, Natal, Mauritius, and Seychelles, under *Southern and Eastern Africa* : Sierra Leone, the Gambia, Cape Coast Castle, Accra, St. Helena, and Ascension, under *Western Africa* : New South Wales, Van Dieman's Land, South Australia, Swan River and Norfolk Island, under *Australasia* : and Gibraltar, Malta, Corfu, Cephalonia, Ithaca, Zante, Paxo, Santa Maura, and Cerigo, the Norman Isles, the Isle of Man and Heligoland, under *Europe*.

Thus we perceive that in each hemisphere, under every zone, and beneath various climes, England is ever present—holding the strongest points, enjoying the richest territories, and diffusing her influence to the uttermost extremities of the earth.

SECTION II.

Among the numerous advantages of England's foreign possessions, not the least valuable is the diversified products which her colonies yield, thus rendering her independent of the whole world for necessities, luxuries, or those raw materials on which our manufacturing prosperity so much depends.

The geographical position of the colonies almost sufficiently indicate the products which they either now yield or are capable of yielding : sugar, coffee, cacao, cotton, silk, opium, cinnamon, ginger, pimento, peppers, and all the spices, indigo, arrack, rum, rice, preserved fruits, gums, dye stuffs, drugs, &c. &c. are the produce of her Asiatic, West Indian, South American

and African possessions; timber, corn, oil, flax, fish, furs, resins, coal, and iron ¹ of North America; wool, whale-bone and oil, spermaceti, hemp, wood, skins, bark, coal, &c. of Australasia; wine, brandy, dried fruits, grain, wool, aloes, horns, hides, tallow, ambergris, fish, and oil of South Africa; gold dust, ivory, teak, rice, drugs, gums, dye stuffs, skins, and spices of West Africa; and olive oil, currants, wine, grain, &c. of the European possessions.

When the intelligent mind reflects on this vast abundance of riches within the limits of the British Empire, of which indeed the preceding list offers but a faint image, there is ample reason to rejoice at the high and independent position which England is enabled to take among the various nations which surround her.

SECTION III.

The numerous, active, and skilful population which inhabit the colonies is also deserving of attention. Their aggregate amount is shewn in the chart prefixed to this work ², but it would require several volumes to demonstrate their varied characters, manners, religion, &c. A few observations on the subject

¹ The distribution here made is rather to show the relative advantages of the different possessions than as indicating all their staples: for instance, coal, iron, timber, corn, &c. are found abundantly in India as well as in our North American colonies, and so on of other possessions, as will be seen on reference to their history.

² See "History of the Colonies," and "British Colonial Library," for details of every county in each settlement.

will not however be irrelevant, as they may tend to prove how at present the very diversity of the population is of great service to England independent of numbers, pursuits, or feelings towards the parent state, by its existing efficiency towards maintaining the integrity of the empire.

In making this remark however, I would not wish it to be inferred that I advocate the doctrine *divide et impera*; there may be states of Society that require the adoption of such political expedients, but I do not therefore refer to the diversity of the British Empire as advantageous in principle or in its ultimate results; I wish merely to indicate that where a vast mass of people are under subjection to a distant governing power, their very homogeneousness would be a dangerous instrument in the hands of any demagogue to incite them to rebellion against the parent country, before reason and conviction had assumed the place of passion and prejudice. That however which may be a bond of union in the beginning, will, if not sedulously watched and guarded against, be a source of disaffection and separation in the end.

The British possessions in India alone, *i. e.* on the continent of Asia, under the presidencies of Bengal, Madras, and Bombay, contain *one hundred millions of British subjects*.

I say British subjects, for the inhabitants under the joint government of the East India Company, and of the Board of Control, owe the same fealty to the British Crown, and are entitled to the same protection,

as if they were born and living within the precincts of England. The vast population now referred to is more diversified in character, colour, manners, language, religion, and feelings, than the inhabitants of the whole continent of Europe, whose numbers scarcely equal the citizens and tributaries of our possessions on the peninsula of Hindostan. Some are bold and warlike, others timid and peaceful;—some of a light olive complexion, with Roman noses, and dark flowing hair, others of a negro tint and appearance;—some with a polished language, others using a barbarous jargon;—some Monotheists, others sunk in the grossest idolatry;—some generous and confiding, others treacherous and distrustful: in short, British India presents a very remarkable variety of diversity in the human race.

In the West Indies and South America there are nearly 1,000,000 of British subjects, of whom a large portion are African negroes, and their descendants—a lesser part whites—and a considerable section, mulattoes, or the descendants of the white and dark coloured races.

These three classes of negroes, whites, and their descendants, although enjoying a similarity of language, (and for the most part) of institutions, manners, and customs, are sufficiently distinguished from each other to render their diversity a present bond of union to Great Britain.

In North America England has upwards of one million and a quarter of British subjects, all Eu-

ropeans or their descendants, widely located over an immense and fertile territory, and attached to their father-land by the strongest ties which can unite human beings together, namely, a common origin or national consanguinity, and an identity of language, manners, religion, and feelings. The Canadians of French extraction, in Lower Canada, can scarcely in the aggregate be considered an exception to the general rule ; and a wise government will either subdue any opposite feelings, or, failing in that, turn their antipathies to the advantage of the parent state.

Africa, Southern, Eastern, and Western, has as yet but a scanty population, compared with the extent of fertile territory. Our Southern possessions at the Cape of Good Hope are the most densely peopled, and about 150,000 English, Anglo-Dutch, Negroes, Hottentots, and Caffrees, are comprised within the precincts of the British Empire. Our other possessions in Africa, on the Continent, and on the islands thereof, amount to about 120,000 of an equally varied and mixed race ; so that, in round numbers, we have upwards of a quarter of a million of subjects on the shores of that vast and formerly renowned quarter of the globe.

Australasia presents to our view a rising empire, peopled for the greater part from the refuse of our gaols and prison houses, and within the brief space of half a century, containing an active, industrious class of Europeans and their descendants, whose numbers, to the extent of about 150,000, add strength, wealth

and honour, to the mother country; while the different settlements now forming on this great southern land and its adjacent coasts, hold out the prospect of a rapid and valuable addition to even the mere physical strength of the empire. In Ceylon and in our other islands in the eastern hemisphere, upwards of a million of dark-coloured, but comparatively civilized people, claim and enjoy the privileges of British colonists.

In Gibraltar, Malta, the Ionian Islands, the Norman Isles, Heligoland and the Isle of Man, England has nearly half a million European subjects, of various manners, languages, religions, and feelings, entirely unrepresented in the Imperial parliament, and to all intents and purposes ranking as colonists of Great Britain.

What an immense empire does the foregoing brief sketch offer to the view of the philanthropist, the statesman, and the merchant. It would require a widely extended space¹ to convey even a faint idea of so diversified a population, amounting in the whole (embracing the 26,000,000 in England, Ireland, and Scotland,) to upwards of *one hundred and thirty millions* of souls, subject to the dominion of the British crown, and, for every practicable good, enjoying generally all the immunities of English citizens.

¹ In the five large volumes of my "History of the British Colonies," or in the twelve smaller volumes of my "Colonial Library," the reader will find, to a certain extent, a description of the various classes above enumerated.

SECTION IV.

Amidst the variety which distinguishes a population superior in numbers, industry, intelligence, and wealth, to that which Rome in her most exalted days ever possessed, the various forms of religion are not the least remarkable, and as this work is being written for the enlightenment of posterity, as well as for the benefit of the present generation, a rapid enumeration of the different creeds congregated within the pale of one sceptre, may not be uninteresting. As round numbers will be used, and only the principal sects named, the reader will bear in mind that the subject is touched on solely with a view to general reflections, and as affording materials for thought.

The creed possessing the most numerous votaries, is that of Bham or Brahma¹, whose votaries number about *seventy* millions, among the British subjects in Asia. These 70,000,000 are again subdivided into sects, holding different tenets but agreeing in essentials, and reverencing Menu as their inspired law-giver.

The Mahometans residing in our East Indian possessions may be enumerated at 20,000,000; but the disciples of Islamism are divided into two sects, as opposed to each other, if not more so, than the Protestants and Roman Catholics. The various tribes of

¹ See 2d Edition of "History of the British Colonies," vol. i. Asia, and the "Colonial Library," East Indies.

Bheels, Gonds, Assamese, &c. &c. embracing all Pariahs, may be estimated at 10,000,000.

The Budhists or Jains in Ceylon, and the Ultra Gangetic territories, are in number about 1,000,000.

The Christian inhabitants of the empire, embracing the people of the United Kingdom, and those who are now being converted by the missionaries, consist of 28,000,000, of various forms of worship;—viz. 26,000,000 in the United Kingdom; 1,200,000 in North America; 260,000 in the West Indies; 140,000 in Africa and Australasia; 100,000 in India, Ceylon, &c.; 300,000 in European colonies,—the most numerous, being that of the Lutheran or Reformed faith, (embracing the Wesleyans, Baptists, &c. &c.) amount to about 20,000,000.

The professors of the Roman Catholic faith, (in which I include the Greek Church in the Ionian Islands, and the large part of the Syriac Church in Hindostan,) may be estimated at 8,000,000. The remainder of the population of the empire not enumerated in the foregoing, and whose numbers it would be difficult to estimate separately, may be reckoned at 1,000,000. The preceding analysis will convey a sufficiently general idea on this subject.

SECTION V.

So great a diversity cannot be expected in colour, as the preceding topic affords:—of the 130,000,000 people, not more than 30,000,000 are white, the

remaining 100,000,000 being of various hues, from the light olive of the Northern Hindoo, to the deep sable of the Guinea negro, or New Holland savage¹.

The languages spoken are numerous among our subjects in Asia. The Bengali is spoken by about 25,000,000. The Hindoostani by about 30,000,000; the Mahratti, by about 10,000,000; the Tamul, by 5,000,000; the Teloogoo, by 8,000,000; the Carnatica, by 5,000,000; Ooria, by 4,000,000, and Singalese, 1,000,000, with various other languages and dialects, including the Burmese or Assamese, Arab, Turkish, Armenian, Affghan, &c. The Persian is the general official and learned language of nearly the whole native population of Hindostan.

The English language or tongue is spoken throughout the empire by 28,000,000 subjects; and French, Italian, Dutch, Greek, Spanish, and Portuguese, together with various other languages and dialects, are used by about 2,000,000 colonists².

It ought to be the object of a patriotic statesman to diffuse widely, but gradually and with caution, a knowledge of the mother tongue; for, although in an incipient government the very diversity of language is a subsidiary aid to an arbitrary sway, yet, as freedom extends, other adjuvants must be adopted in our

¹ The chart prefixed to this work, classifies the white and dark races, as nearly as our imperfect statistics will admit.

² I wish it again to be clearly understood, that round numbers are given as affording a general illustration, and as being easier of retention to the memory.

colonial policy, and a similarity of language will be found an efficient link for uniting the parent state and its distant possessions.

SECTION VI.

Of the other diversities amidst the vast population beneath the sway of the British sceptre, a passing notice will here be amply sufficient. We have already adverted to religion, language, and colour, as the three leading points of dissimilarity; but the other shades, though apparently minute, are of considerable moment.

The distinction between free and bond, most happily for the honour of England, and the triumph of Christianity, no longer exists; that fearful outrage on humanity has received its death-blow in the British Empire; and in recording the millions of inhabitants, congregated within the pale of a single government, the historian cannot help feeling proud that he speaks of freemen, and not of slaves.

The varied character, manners, and customs of the colonists may be estimated, if we contemplate the locality of the different countries, the effects that laws, religion and language have on their subjects, votaries and adopters, and the innumerable shades of thought, feeling, and action, which variety of climate, food and drink, is capable of producing.

The inhabitant of British India, living on the verge of the Himalaya, is a totally different being from him who dwells on the fertile, but flat region of Bengal.

The Mussulman of Calcutta who eats animal food, possesses far more animation, bravery, and useful intelligence than the disciple of Menu residing in the same city, who lives on rice and farinacious aliment,—while the wine and brandy-loving boor of South Africa is equally contradistinguished from his more temperate fellow citizens. When, therefore, all three vary in the same class of subjects, the diversity is equally great in proportion to the variety of each affecting cause.

With reference more especially to climate and soil, the difference both in mind and body between the inhabitants of a low, hot, and damp region, and the people of an elevated, cool, and dry atmosphere, is too striking to require comment: indeed, in many nations, although the language, laws, religion, food and drink may be the same—and even the lineaments of the countenance common to the highlander and to the lowlander, yet is there very little affinity in their tempers, genius, and character. These effects of climate are not of recent observation:—the Greek and Latin historians ascribed the proverbial stupidity of the Bœotians to the humidity of their climate; and it was even then noted that the Britons were remarkable for the longest, and the Egyptians for the least extended life. But whatever be the hidden principle which influences the character of man—how much soever he may be modified by circumstances around him as regards his place of nativity—the manner of his physical and moral training,—of this we may be assured, that according to the germ within him so will be the pro-

duct ; we may by culture—by enriching the soil—by pruning the branches, and concentrating the sap within, augment the size and improve the flavour of the apple, until we raise it from a small and sour to a large and nutritive fruit, but it will never be any thing else. Thus is it with the human race : the innate qualities of the mind cannot be altered ; they may be improved in each individual, and the utmost advantage derivable therefrom be obtained, so as to form a vast portion of general good with as little as possible of operative primeval of evil ; but the attempt to render all human beings homogeneous, by applying to them all at the same time, without regard to their climate, habits, previous laws, and age of civilization, the same principles and views, is neither founded in practical wisdom, nor consistent with that beautifully successive and never-ending variety which characterizes nature, and creates an undying source of improvement and happiness for all mankind.

If we look only to the divisions of the torrid and temperate zones, we shall find that scarcely more than thirty million of British subjects occupy the latter division ; while the remaining one hundred million are spread over the vast territories which lie between the tropics of Cancer and Capricorn. Carrying our view yet further, we shall perceive, that even in the equatorial region every variety of climate ensues, by reason of the elevation of the land above the sea, from the sultry and almost submerged delta of the mighty Ganges, to the snow-clad summits of the

lofty Himalaya ; and as the food of mankind possesses also a remarkable influence on character, it may not be irrelevant to remark, that of the 130,000,000 not more than 26,000,000 consume flesh abundantly ; about 10,000,000 eat of it more sparingly ; with 15,000,000, it is of only occasional use ; 9,000,000 seldom taste it, and 70,000,000 live principally on vegetables and fish. Wheat, oats, and barley constitute the principal gramnivorous food of about 34,000,000 : potatoes, peas, and other vegetables, of about 6,000,000 ; and rice, maize, millet, pulse, and several minor grains, of about 90,000,000. With regard to fermented drink, about 5,000,000 use wine frequently ; 25,000,000, malted liquors ; 30,000,000, distilled spirits ; 20,000,000 intoxicate or exhilarate the animal frame with opium, *beng* (wild hemp), or other stimulants, and about 60,000,000 may be said to confine themselves generally to aqueous beverages.

These circumstances may, to the general or superficial reader, appear trifling minutiae, but the philosopher and statesman know full well that causes apparently minute produce the greatest effects, and that in an enlarged view of man, his capabilities, habitudes, and temper, are influenced by every day-occurrences, and are, therefore, each and all deserving of relative consideration. Moreover, there is an essential object in contemplation when making such calculations ; it is to demonstrate that the British is not an homogeneous empire ; to prove that great care is requisite in its government, and that ordinary rules

and abstract principles, though of unquestionable justice, *per se*, require the greatest caution in applying them to vast and varied masses of men, under different degrees of civilization. It is also desirable that by such a contemplation the ruling authorities may be induced to examine, whether the present system of home government is the best that can be devised for administering the distant affairs of so many, and such varied millions of the human race.

CHAPTER II.

SECT. I. Nature of free government ; reasons for its modifications.—

SECT. II. Division of colonial governments into three classes—

Canada government as an illustration of the first ; its principles and details—The East Indian and other governments.—SECT. III.

The executive power in England over the colonies—Authority of the colonial minister, unsuited to the present extent of the colonies—The Board of Control and Court of Directors' authority over India—Authority of the Lords of the Treasury, of Parliament, and of the King in Council.—SECT. IV. Colonies and the mother

country, bear the same relation to each other, as children to a parent—Necessity of strengthening the social ties, when the natural are weakened—Inadequacy of the present Colonial Office government—Reform therein—Plan of a Board of Colonial Commissioners—Advantages resulting therefrom—Examination of the proposition of colonial representatives in the Imperial Parliament—Present imperfect system of colonial agency.—SECT. V.

Internal government of the colonies, in relation to the legislative and executive councils, and in reference to the British Government—Examination of the question of elective assemblies—Responsibility and irresponsibility.—SECT. VI. Governors of colo-

nies—Question of military governors—Qualifications required in a governor—Necessity of training up a class of civil governors.—
SECT. VII. General principles to be acted on in the government of distant possessions, &c.

SECTION I.

There is no subject connected with civilization so ill defined, or so imperfectly understood, as that of governing men in masses ; and for this reason, because, in the present state of mankind, the science (if it may be so called) of government is not capable of reduction to fixed principles ; and the varied habits, feelings, and social condition of our fellow beings require a peculiar discrimination for the purpose of securing to authority that fealty and attachment, without which no constituted power can long exist. If-self government as regards an individual be so difficult, and too often so unattainable when opposed to the master passions, how much more complicated does the question of the usurped or even the delegated government of a nation become, especially if that nation be far advanced in civilization herself, while at the same time possessing numerous distant colonies in every stage of social compact, from the rudest to the highest grades of civilized life.

When men enter into the social compact, they openly or tacitly surrender a portion of what is termed their *natural* liberty, in order that they may enjoy, with the greater security and advantage, the free privileges which they retain ; but the quantity necessarily surrendered, and the time or periods for so doing, have never

been defined, and as long as the human mind remains in a fettered and degraded state, never can be.

Some people, it is true, have a greater aptitude for the acquisition of political freedom than others; several quickly appreciate its advantages, but appear incapable of its retention; and too many prefer serving under some superior rule, from an inability to enjoy the inestimable benefits of an equal share of liberty diffused among their fellow subjects.

Let it not be supposed however, that some men are by nature so imperfect, as to be insensible of the blessings of liberty; on the contrary *freedom of will* is given to all; the exercise of it remains with the individual,—its dormantness is no proof of its non-existence: but it is so feebly, so partially, and so irregularly exercised, that the mass of mankind remain, even after centuries of good example, in a comparative state of barbarism and slavery. As I have elsewhere observed ¹ ‘Man makes or mars his own happiness; the good created for his bliss, he too often perverts unto evil, and then laments over what he erroneously terms the dispensations of Providence: the free will bestowed for his advantage, too seldom, alas! is governed by the influence of reason; passion triumphs, and sin and misery ensue.’

For a man to be *politically* free in the highest social state, he must first be, as an individual, *morally*

¹ In the introduction to my “Analysis of the Bible.”

so ; no species of real liberty can long exist without the doctrine of responsibility being experienced in its fullest force ; responsibility rests on self-agency, and a human being seeking happiness individually, socially, or politically, must be conscious that its attainment is within his own power, and that until he *internally* understands and appreciates it, he can never enjoy it *externally*.

The rules that are applicable to an individual, apply with as great if not greater force to him, when congregated in a society, the object of which is self-protection so far as it is consistent with the prosperity and happiness of his neighbours ; and therefore until the influence of free agency be generally felt and rigidly acted on, any attempt at fixing government as a science of immutable principles, to be carried into operation under all circumstances and at all times, must necessarily end not only in disappointment, but in protracting the period when the mind is fitted for the reception of truth, and prepared to act on its infallible precepts.

In everything with which we are acquainted, improvement or perfection is arrived at by progressive stages, varying in duration according to the object to be attained, thus also is it with self or with general government ; and it is according to our power of resisting temptation, or of controlling the passions, that we are more or less fitted to make a good use of our free will, to render it practically efficient for the manage-

ment of our political as well as social affairs, and therefore conducive not only to our national welfare, but to the happiness of all mankind ¹.

These observations are made in reference to the various forms of government which exist under the British sceptre, the scale in fact varying from almost a democratic to an absolute sway, modified by such events as it is now proposed to explain so far as is necessary to a due understanding of our colonial government.

SECTION II.

Few of the present transmarine possessions of England were originally acquired by actual settlement; they were chiefly obtained by conquest or cession (See chart prefixed to this vol.), and to the inhabitants was promised the continued enjoyment of their religion and laws;—hence we see the reason why, to a certain extent, such various forms of government are still extant under the sway of the British crown.

In order to comprehend this intricate and important subject in its full bearing, it will be necessary to take a summary view of each colony as to its domestic government ²; and we shall then be better prepared to

¹ It has been aptly remarked, that before a man is fitted to preside over a family, he must first be able to govern himself; and until able to manage his family, he cannot be qualified to assist in the administration of political affairs.

² The fullest details of each colony will be found in my "History of the British colonies," and in the "Colonial Library."

discuss the general question of our colonial administration at home and abroad.

The colonies, as to government, may be divided into three classes:—

1st, Those having a representative assembly, a legislative council, and a governor.

2nd, Those having *no* representative assembly, but a legislative council and governor.

3rd, Those having neither a representative assembly, nor a legislative council, but only a governor.

The first class may be said to comprize Canada Upper, and Canada Lower, New Brunswick, Nova Scotia and Cape Breton, Prince Edward Island, and Newfoundland, in *North America*:—Jamaica, Barbadoes, Antigua, Tobago, Grenada, St. Vincent, Montserrat, Nevis, St. Kitts, Honduras, the Virgin Isles, the Bahamas and Bermudas, in the *West Indies*:—The Ionian Isles, the Norman Isles and the Isle of Man, in *Europe*.

The second class comprehends, Bengal, Madras, Bombay, Penang, Malacca and Sincapore, and Ceylon, in *Asia*:—The Cape of Good Hope, the Mauritius, Sierra Leone, the Gambia and Cape Coast Castle in *Africa*:—New South Wales and Van Diemen's Island in *Australasia*:—Demerara, Essequibo, Berbice, Trinidad, and St. Lucia in the *West Indies*:—and Malta and Gozo in *Europe*.

The third class embraces, St. Helena¹, Ascension,

¹ I am aware that there is a council at St. Helena, and at other of

Accra, and Seychelles in *Africa* :—Swan River, (Western Australia) and South Australia, in *Australasia* :—Gibraltar and Heligoland, in *Europe*.

In the first class, the people, through their representatives in the House of Assembly, regulate the levying of taxes, and control, to a certain extent, the expenditure thereof¹; in the second class, there is no immediate power over the council, except that of public opinion in the colony; and in the third, the governor is responsible alone to the Home Government.

Canada (Lower) is an illustrative example of the first class. Estimating the population at half a million, the number of electors is at least 80,000, of whom nine-tenths are proprietors of the soil. These electors return eighty-eight representatives to form an assembly (like the British House of Commons), which elects its speaker, holds its annual sitting at Quebec, the capital of the province, and is renewable every four years, under the provisions of what is termed the Quebec Act of 1791, which has been called after Mr. Pitt, but which was really drawn up by Lord Grenville.

The qualifications for an elector are, in the counties—being possessed of real property to the yearly value

the settlements included in this class, but it is a council *in aid* of the governor, not as a *controlling* or directing power.

¹ The reader will find in my "History of the British Colonies," how far this system is carried into effect; where the hereditary revenues of the crown are retained, or where they have been surrendered for a fixed civil list. This subject, in its connection between a mother country and its colonies, will be discussed in the financial chapter.

of forty shillings sterling; in the towns, of the yearly value of five pounds, or paying rent to the amount of ten pounds sterling annually. No religious disabilities exist as to electors, but clergymen and Jews are not eligible as representatives. The elections are by open voting. The representatives require no property qualification; they are paid eighteen shillings a day while the session continues, and receive four shillings a league travelling expenses to and from the capital.

The assembly thus described is empowered to make laws for the 'peace, welfare, and good government of the province,' such laws not being repugnant to the act of 31 George III. c. 31. The assembly claims, and if an adequate civil list¹ were granted, the Imperial Government would be disposed to concede, a sole control over the finances of the colony, both as to the extent and mode of levying the taxes and the distribution of the same.² [*See Financial Chapter.*]

The legislative council, or upper house, consists of thirty-four members appointed by His Majesty for

¹ A colonial and civil list is sometimes understood to indicate the means of paying the governor and a few of the principal functionaries; but a proper civil list should include the power of carrying on the whole of the civil government, which would be liable to be deranged by the house of assembly stopping the annual votes of supply.

² England has granted more liberty to her colonies, practically speaking, than any other nation; it is true, that the French National Assembly *professed* to do much, but their professions were very imperfectly put in execution. By a law passed in the National Assembly at Paris, on the 8th March, 1790, the first clauses declared that 1. 'every colony is authorized to make known its wishes with respect to the constitution, legislation, and administration, which it may deem

life. The chief justice, Protestant bishop, and several other public functionaries are *ex officio* included in the list of members. This house holds its sittings at the same time as the house of assembly; and its functions in relation to the latter, are as those of the British House of Lords to the House of Commons.

The governor of the province represents His Majesty, in whose name he assembles, prorogues and dissolves the two houses, which, however, he must call together once in every twelve calendar months. The governor gives, withholds or reserves for the further signification of His Majesty's pleasure, the royal sanction to bills proposed and passed by the other two branches, but laws assented to by the governor, may be disallowed by the King within two years.

The governor is assisted by an executive council of eleven members holding official rank, and appointed by the crown. The executive council is somewhat similar in its functions to the Privy Council in England.

The existence of a council to advise the governor in the conduct of the affairs of Canada, may be traced back to the first establishment of a civil government

most likely to conduce to the prosperity and happiness of its inhabitants, subject however to the obligation of *conforming to the general principles which bind the colonies to the mother country, and which assure the preservation of their respective interests.*

2. "In the colonies where there exist colonial assemblies freely chosen by the citizens, these assemblies shall be admitted to declare the wishes of the colony. In those where there do not exist such assemblies, they shall be formed without delay in order to fulfil the same functions."

in this province, under the authority of Great Britain. "The Royal Instructions to General Murray," dated the 7th of December 1763, commanded him to name a council, consisting of four principal functionaries therein specified, and of eight other persons chosen from amongst the most considerable inhabitants of the province; and directed that the body so appointed should have all the powers and privileges usually enjoyed by the councils in His Majesty's other plantations. Under the authority of this instruction, the council seems to have exercised the function of deliberating on any matters of administration referred to it by the governor, and also of assisting him in framing regulations for the peace, order, and good government of the province. The statute of 14 Geo. 3, c. 83, established the council in a more formal manner, and directed that it should consist of not more than twenty-three, nor less than seventeen, persons empowered to concur with the governor in making laws for the good government of the province. The members of this council appear to have been consulted also as advisers on administrative questions, but to have kept separate records in that capacity; and whilst, for the purpose of making laws, it was necessary that a majority of the whole should be present, five was constituted, by the Royal Instructions, a quorum for other business. However distinct the functions of the council, in its legislative and executive capacity, we believe that, generally speaking, no separation, as to the personal composition of it, had,

up to this time, been effected in the American colonies, though, in a work first published in 1764 by Mr. Pownall, who had been governor of Massachusetts's Bay (Pownall's Administration of the Colonies, ed. 5, vol. i. c. 4, s. 5) the advantages to be derived from such a separation are pointed out. In Canada, the council created by the Constitutional Act in 1791 was purely legislative, being designed to form one branch of a legislature resembling, as nearly as circumstances would admit, the Parliament of Great Britain; and a board to advise the governor was only alluded to incidentally, under the designation of "such executive council as shall be appointed by His Majesty for the affairs" of the province. A council of this nature was accordingly appointed by the Royal Instructions to Lord Dorchester, dated the 16th of September, 1791; and the number of its members fixed at nine, with a salary to each of 100%.

We find that of the nine persons named in Lord Dorchester's instructions to compose his executive council, six were also members of the legislative council; and that of the whole number of executive counsellors who have been sworn in up to the present time, amounting to forty-two, twenty were also legislative counsellors; and not more than eight, or at most ten, did not fill salaried offices under the government either at the date of their appointment to the council, or at some time while they continued in it. The names in Lord Dorchester's council stood alternately English and French; and of the eight coun-

sellors who were actually sworn in (the ninth, Mr. Lymburner, being absent from the province,) four were of French extraction, and four of English. The three next appointments were of persons of English origin; and it appears that of thirty-one persons named as executive counsellors, between the years 1793 and 1828, twenty-five were English or of English extraction, and six were French Canadians; of these six, one was Mr. Speaker Papineau, whose appointment seems to have been founded on the office he held as speaker, and to have lasted but a short time. Since 1828 three persons only have been appointed, and they are all French Canadians.

The number of executive counsellors, named in the Royal Instructions to Lord Dorchester, and to whom salaries were ordered to be paid, was nine. Additional or honorary members were introduced as early as the year 1794; but although appointed by mandamus, they had no salaries. It has subsequently been the custom for the governor provisionally to appoint honorary members, who are supposed, however, not capable of sitting in the court of appeals until they are confirmed by the King. The salary of each ordinary member is 100*l.* per annum.

The clerk of the council has a salary of 550*l.*, and about 85*l.* fees; and an assistant clerk has 182*l.* 10*s.*

The executive council are required to give their opinion or advice to the governor whenever it is asked for. There are some cases in which, by the provisions of statutes, imperial or provincial, or under his com-

mission, or instructions from His Majesty, it is incumbent on the governor to act either by and with the advice, or with the advice and consent of the executive council; but in far the greater part of the business of government he is at liberty to receive advice or not as he pleases; and if he does take the opinion of the council, to proceed in opposition to it without entering his decision, or assigning its reasons on the council books.

Notwithstanding, however, the want of any cogent rules for recurring to it generally, there are two or three extensive matters, of which the right of the council to take cognizance has always been well established. Up to 1826, when the office of commissioner of crown lands was created, the executive council had the whole superintendence of the business of land granting; it still retains the direction of it in some cases, and is commonly referred to by the governor in any disputed matters arising in or out of the disposal of the crown or wild lands. The council has also been charged from the earliest times with the duty of auditing the public accounts. Another old and most important attribute of the executive council is that of hearing appeals from the courts of law, which function, in like manner as it had belonged to the former council of Quebec, was allotted to it by the 34th section of the Constitutional Act, and subsequently regulated by the Provincial Statute 34 Geo. III. c. 6.

The council can assemble only on summons from

the governor, and cannot sit as such without his being present. It may and frequently does sit in committee to consider matters referred to it by the governor, and these committees go through almost all the labour of the financial and land business of the council; but their proceedings require to be confirmed by a regular meeting, with the governor present, before they can be acted on. The members of council have not the right of recording their opinions individually, or of entering protests on their minutes, and they are sworn to secrecy without any exception or reservation¹.

This will afford a sufficient idea of the nature of the colonial assembly governments: for details and deviations from the above, I must refer the reader to my "History of the British Colonies." In some of the West India colonies there is only a lieutenant-governor, with a governor over several islands and settlements; thus, the governor of Barbados has under him the lieutenant-governors of St. Vincent, Grenada, Tobago, and British Guyana. The authority of the lieutenant-governor is almost equal to that of the governor, the great difference being in the salary and emoluments of office.

The second class, *i. e.* those colonies having no representative assembly, but their affairs presided over by a legislative council and governor, is a subordinate step in colonial government. The legislative

¹ This detail relative to the executive council in Lower Canada is derived from the recent Report of the Commissioners appointed by the crown to investigate the alleged grievances in Lower Canada.

council consists of a few of the principal officers of the government, viz. the chief secretary of the colony, the colonial treasurer, the chief justice, and attorney-general, the bishop or archdeacon, and the commander of the troops. To these are sometimes added a few of the principal merchants, or landed gentry of the settlement; the whole are appointed by the Crown, *quamdiù bene gesserint*, or, in the case of the government functionaries, so long as they retain their official appointments.

This council is presided over by the governor, and, in some instances, its proceedings are carried on with open doors (as at the Cape of Good Hope, New South Wales, &c.) In some colonies there is, in addition to the *legislative* council, an *executive* council, consisting of the principal official servants of the crown, who are to the governor what the privy council is in England to the king. The government of India partakes of the two latter; the council appointed to aid the governor-general, or governors of the respective presidencies of Bengal, Madras, and Bombay, consists of the oldest and ablest civil servants of the Company, nominated by the Court of Directors in London, to whom is added the commander of the forces at each presidency. These councils are each but four in number; they aid, advise, and to some extent control¹, the governor-

¹ See 2d Edition, vol. i. Asia, of the "History of the British Colonies."

general or governors of Madras and Bombay in all executive and legislative acts ; and though the governor-general or governors may, on cases of emergency, act independent of the council, yet the reasons for so doing must be recorded in writing on both sides, and transmitted to England for final adjudication.

The bishop of Calcutta has no seat in the supreme council, nor have the church dignitaries at either of the other presidencies.

It is evident, that, in the foregoing form of government, the ruled have but little control over their rulers ; and that with the exception of responsibility to the fluctuating and distant authorities in England, it is little better than an oligarchy on a small scale, without, however, the hereditary feelings of the latter for the perpetuation of its authority. I do not here say that a government thus constituted is unsuited to some of our colonies,—I merely point out its combined legislative and executive power, as one of those precarious states of society, which require the most vigilant care, prudence, and management.

The third form of government consists solely of a chief appointed in England, without assembly or council, and subject to no check but the Colonial Office in Downing-street. This form (as may be seen at p. 26) is confined to very few settlements ; it is in fact, the first or elementary stage in colonial government ; and the moment numbers, wealth, and intelligence become somewhat concentrated, it must

pass into the second stage, which of itself is but a preliminary step to the third or representative assembly governments.

The foregoing statement will convey a sufficiently distinct view of the nature of our colonial domestic governments; in some instances there are acts of parliament, and in others, royal charters, under the authority of which the government is carried on; but for details of such, and for the variations that occur in the powers described—viz. at British Guyana, at the Ionian Islands, &c. I must refer to the history of each of those settlements.

SECTION III.

The executive power in England over the greater part of her transmarine possessions, embracing all the settlements not sending representatives to the Imperial Parliament, is vested in the Colonial Office, Downing-street, which is under the management of one of the principal secretaries of state, an under-secretary, who changes with the administration, and another under-secretary, who is permanent¹.

¹ The colonies were formerly under the management of a board, to whose care was confided the trade and plantations of the empire, and it is a pleasure to refer to the able and valuable documents drawn up by that board; on the abolition of the board, and the office of third secretary of state, by Mr. Burke for the sake of economy, the colonies were transferred to the care of the secretary of state for the home department. On the breaking out of the war at the close of the last century, a secretaryship of state for war was created, and to this department the colonies were subsequently confided, in 1801.

The possessions not under the management of the Colonial Office, are—Bengal, Madras, Bombay, Penang, Malacca, and Sincapore, which have their affairs directed by the East India Company and the Board of Control (or Commissioners for the Affairs of India). The Norman Isles and the Isle of Man are under the superintendence of the Home Office.

It will be necessary now to show that the power of the Colonial Office is very great, its patronage vast, and its responsibility imperfect.

The secretary of state for the colonies is a cabinet minister of the highest rank, and in war time he represents the military department of the government in the cabinet. He has the nomination of the under-secretary of state for the colonies, who retires with him on any change of administration. He acts always in the King's name, and is supposed to consult His Majesty's pleasure previous to undertaking any important step; he is also bound to submit to his colleagues in the cabinet measures of importance, previous to their final arrangement. His patronage consists in the nomination of the governors, lieutenant-governors, commanders-in-chief, judges, bishops, and church dignitaries, law officers, civil functionaries of every description, from members of council down to tide-waiters, for the various colonies, and in filling up the incidental vacancies that may occur in his own office in Downing-street, when the principle of seniority does not interfere. His responsibility rests solely with parliament, whose deplorable want of in-

formation generally, on colonial affairs, I have before demonstrated¹.

That such power, patronage, and irresponsibility should be vested, under a free government, in a single individual, may well excite surprise ; but it is perhaps explainable from the circumstance, that when the Colonial Office was formed, no expectation was entertained that our transmarine dominion would have attained its present magnitude and importance.

In considering this subject, and as bearing on the remarks which will subsequently be made, it should be stated that from the colonial secretary downwards, no gentleman in the Colonial Office has visited our colonies, none of them have a local knowledge of their worth, and they are therefore, however great their talents, necessarily unacquainted with many circumstances essential to a due understanding of the colonial interests.

The settlements of Bengal, Madras, Bombay, Penang, Malacca, and Sincapore, are under the joint government of the East India Company and of the crown ; the former represented by the Court of Directors, who hold their weekly courts at the East India House, and the latter by the Board of Control, or Commissioners for the Affairs of India.

The court consists of twenty-four directors, chosen

¹ See "History of the Colonies," *passim*. There are several members in both houses who make colonial subjects an important part of their duties ; but the generality consider such topics as but of secondary consequence.

for life by the proprietors of East India stock, and with whom the home government of India is vested under the Charter Act of 1833, until the year 1854, subject, however, to the controlling authority of the Board of Commissioners in the revising of old laws, in the making of new ones, in the financial management of the Indian revenues and debt, and in the appointment of governors-general, governors, commanders-in-chief, and members of council.

The board consists of a president, who is a cabinet minister, with a few unpaid and paid commissioners, members of the privy council, appointed by His Majesty,—the two principal secretaries of state, and the chancellor of the exchequer, always *ex officio* forming three of the unpaid commissioners: the whole changing with any alteration in the ministry¹.

The *controlling* functions of the board are exercised in revising all dispatches prepared by the Court of Directors of the East India Company, and addressed to governments in India; the board possesses also an *originating* power in requiring the Court of Directors to prepare a dispatch on any named subject, and in altering or revising such dispatch as it may deem fit².

The joint power of the court and board is exercised

¹ It would be advisable to have a vice-president of the Board of Control in permanent office, in order to avoid the evil of ministerial fluctuations.

² See second edition, vol. i. Asia; History of the British Colonies, p. 264.

in the framing of all laws suited to the government of India, and in approving or annulling any enactments made in India by the respective governments.

The board may be said to possess a representative in India, in the person of a member of council of the supreme government, nominated by the crown, and not belonging to the civil or military services of the East India Company¹.

The patronage of India consists chiefly in appointments, as almost all promotion in the civil or military departments goes by seniority. The patronage of appointment is thus managed,—the number of writers, cadets, and assistant surgeons required for the year being ascertained; it is divided into thirty shares, of which the chairman and the deputy chairman of the Court of Directors, and the President of the Board of Control, have each two, and each director one share.

His Majesty's ministers, through the president of the Board of Control, have the appointment of judges, bishops, and officers of the King's army serving in India; they also possess a negative on the Court of Directors, nomination of the governor-general, governors, commanders-in-chief, and members of council.

It should be added that the Court of Directors now consists, for the greater part, of retired civil, military, or maritime servants of the East India Company, and therefore practically acquainted with the countries

¹ The present representative is Mr. Zachariah Macauley.

which they are called on to govern ; and among the paid or unpaid commissioners of the Board of Control are not unfrequently found men who have passed a part of their lives in India, and consequently possessing a knowledge of the important duties which they are called on to preside over.

The East India Company's government abroad is, at each of the presidencies of Bengal, Madras, and Bombay, to a certain degree controlled by the supreme or King's courts established there ; each presided over by a chief and two puisne judges, who are empowered to watch over and protect the interests of the inhabitants within the limits of the city of Calcutta, and the towns of Madras and Bombay. There is, therefore, a check on the East India Company's government abroad and at home.

In like manner to the Colonial Office, parliament may exercise its authority over the Court of Directors and the Board of Control ; and the privy council of the King may entertain appeals from the Indian and colonial settlements in all cases affecting property, and private or public rights.

The power exercised by the Home Office over the Norman Isles, and Isle of Man is very slight, as their respective representative assemblies have the chief management of the domestic affairs of each island. The patronage consists in the appointment of the chief authorities at the seats of government.

The Lords of the Treasury have some share of the management of the commercial department of the

colonies in reference to the commissariat, to the supply of coin, and to some of the custom-houses in each of the settlements not under the East India Company's government; the officers of these custom-houses, and the chiefs of the commissariat, are appointed, I believe, by warrant from the Treasury.

The power of parliament is exercised chiefly as a corrective; it has no patronage in the colonies, and forms rather a court of appeal for the reformation of abuses, or of mal-administration in the government of the settlements, than an originating authority of government; though its power to make laws binding on each and every settlement is indisputable, and has been recently exercised when a colonial assembly [as at Jamaica,] refused to pass a law which the Imperial Parliament deemed requisite. With regard to the Imperial Parliament being empowered to interfere in the internal taxation of a colony, it should be observed that the doubt could only arise in reference to those colonies which have representative assemblies; and even in these instances the Act 18 Geo. III. did not abandon the right, but merely declared that the Parliament "will not *exercise the right* of internal taxation upon the colonies." There can be no doubt that the Imperial Parliament would not rashly or harshly interfere in the internal concerns of a colony, such as Lower Canada, but a case may arise, as we have recently witnessed, where interference may be a matter of duty rather than choice, if the power and respect of the mother country be worth preserving.

The authority of the crown over the colonies is almost nominal ; it is, in fact, a legal fiction, for the responsibility resting not with the King¹, but with His Majesty's official and confidential advisers, all acts, appointments, promotions, &c. emanate from the colonial secretary, in the King's name. It is true that the King may not only exercise a veto on any act or appointment, but may also nominate those whom he pleases to office. I am not aware, however, that such sovereign power has been recently assumed. The King in Council holds a control over the enactments of the colonial assemblies after the following manner:—Local acts of legislation, when received from a colony, are transmitted by the secretary of state for the colonies to the lord president, in order to their being laid before the King in Council; they are then referred to a committee of the privy council, who make a report on the same for the assistance of His Majesty in deciding upon the act or acts, first hearing, if required, parties objecting to the confirmation of particular laws. On the King's sanction being given in Council, an order is thence transmitted to the Colonial Office to be transmitted in turn to the colony.

With the foregoing data for a guide, we may now

¹ It is but an act of justice to state, that no sovereign, were he even individually responsible, could feel greater solicitude for the colonies than King William IV., the first of England's monarchs who has personally visited the transmarine possessions of the empire, and which, at an early age, he had efficiently contributed to acquire, to extend, and to protect.

proceed to consider the subject of colonial government in a general point of view, and examine the working of the present system.

SECTION IV.

A nation possessed of colonies may be compared to a mother with children, particularly as regards settlements which have been founded by the parent state: the greatest care is required in their infancy; as they grow in strength, a certain degree of control is necessary, which should be relaxed as maturity approaches, until mutual interests and affections be substituted for maternal control and authority.

With individuals, the perpetuation of their species is one, if not the most essential, of their duties; with kingdoms their permanence ought to be paramount: children with the one, and colonies with the other, are the means by which such results are arrived at: the foundation or acquisition of colonial settlements is, therefore, a desideratum to all nations.

But to an insulated kingdom, like England, colonies are of vital importance; consequently, whatever may be the means of extending, and of preserving them, will be deemed a public advantage, and deserving of every attention which can be bestowed on a subject fraught with consequences of the highest importance.

The most obvious link of connection between a parent and a child, or between a nation and its colony, is that of government: its efficacy, to a certain extent,

is admitted ; but unless affection and self-interest be superadded to that of authority, the control of the latter will not be long binding, and time and circumstances must daily weaken its permanence.

There are ties between a mother and her child¹ which, in most instances, cannot be totally eradicated ; it is the same with a kingdom and its colonies, and wisdom, worldly prudence, and Christianity, would indicate the course to be pursued to render those ties of permanence and value to both parent and child.

When a child has grown up to man's estate, the feelings of consanguinity are, to a certain extent, weakened, especially if the child be far removed from its parent, and subject to a distant, imperfect, irregularly exercised, and, too often, harsh or capricious control. In the latter instance, it requires but time to estrange almost completely the offspring from paternal influence.

Thus also is it with a colony ; and hence we see that under our present defective colonial government, there is a continual series of disputes with the distant settlements, weakening the natural ties that bind them to the mother country, and threatening (as was the case with the United States) the loss to England of her finest possessions, as soon as they become most valuable.

It is admitted, that the evil adverted to is, to a

¹ I allude more particularly in the analogy to a *mother* instead of a father, because the feelings of a child are generally stronger for the mother than for the father, for natural reasons.

certain extent, easier seen and descanted on than remedied,—nay, more, it will be conceded that government is only *one* of the ties which bind a colony to the originating or controlling state,—still it is a most important duty to render supreme authority, on which all freemen are necessarily so sensitive, lightly felt, and judiciously administered on either side.

We will, therefore, proceed to a consideration of our system of colonial government, and to the reforms projected therein. A perusal of the first chapter, and of the history, from which its facts are derived, will render it obvious that one definite form of domestic government, for all our transmarine possessions, would be utterly absurd: he who would attempt to apply the same system of rule to different communities, in different stages of civilization, would find himself most grievously disappointed in his anticipated results. Free institutions, as I have elsewhere remarked, are the slow and progressive growth of ages, and, as stated in the commencement of this chapter, only to be retained by a people exercising a free will, in due subjection to a calm and enlightened reason. Spain, and other countries, afford painfully demonstrative proof, that a liberal constitution will not suit all nations at the same period of time, and that instead of a free and representative government being a boon or a blessing, it too often becomes a curse by introducing civil war, and all its attendant and direful discords. But if it be not desirable to encourage the

sudden establishment of democratic¹ institutions in our colonies, it is an imperative duty to prepare for their future and satisfactory growth and permanence. This can best be done by a temperate and just,—a good and dignified control ; teaching men to govern their passions, to submit to order (heaven's first great law), to respect the rights of others, to judge charitably of all, and to be prudent, sober, and industrious.

The colonists of Britain, acting as they generally do in unison with the foregoing principles, are well entitled to the most vigilant, and even maternal attention from the parent state;—but that a wise, satisfactory, and permanent rule can be exercised over the numerous and distant transmarine possessions of England by a secretary of state, shifting with every majority or minority in the House of Commons, who has never visited the colonies, and has no one around him, or in his office, possessing a local knowledge thereof, will scarcely be contended for. Within the brief period of about three years there were five colonial secretaries²,—men not brought up with a knowledge of commerce, and with their minds pre-

¹ I use the word democratic, in reference to the equal rights and self-control, which, when properly exercised, constitutes liberty.

² Earl of Ripon, Mr. Stanley (now Lord), Mr. Spring Rice, Earl of Aberdeen, and Lord Glenelg. Nothing personal is meant by referring to these secretaries in particular ; their high general talents and urbanity I am most willing to admit, but it is the system which is to be deprecated. Impossibilities cannot be expected from any set of men, however able and upright they may be.

viously directed to any pursuit, but that of an undivided and attentive study or examination of our colonies.

Some of these secretaries have been of one political party in the state, some of another, and all having their own peculiar and almost irresponsible views to adopt, their own relatives and connections to promote, and their own partizans to serve,—while the ink might be scarcely dry on a colonial dispatch by one secretary, when a successor of opposite politics might forward another.

That anxiety, dissatisfaction, and discontent should therefore prevail at home among those having a stake in the colonies, and abroad among those subject to such an arbitrary sway, is not to be wondered at; and the patient continuance of such an anomalous and dangerous system, while it demonstrates the loyalty of British subjects, ought to stimulate the expeditious removal of so just a cause of popular reprobation.

The means of carrying into effect this absolutely necessary reformation, *i. e.* of giving to the colonists a stable imperial authority, and enabling them to make their feelings and thoughts known at home, are simple, efficacious, and calculated to give general satisfaction to all parties without any danger accruing to the constitution of Great Britain.

I propose, therefore, instead of leaving the whole of our vast colonial interest to the government of a perpetually shifting secretary of state, that a Colonial

Board be formed somewhat similar to the Treasury and Admiralty Boards, and that it be constituted as follows :

1. A secretary of state for the colonies as at present, but not representing the military department in the cabinet during war. The secretary of state to be (if possible) a peer, and to have the nomination of the under-secretary for the colonies (a member of the house of commons), who retires with him on every change of administration : the concurrence of the cabinet, as well as the authority of the King, however necessary to his appointment.

2. Two permanent under-secretaries of state for the colonies appointed by the crown, at the nomination of the secretary of state, but with the concurrence of the cabinet ; holding office, *quamdiù bene gesserint*, and selected with reference to their local and general knowledge of colonial affairs. The colonies in the eastern hemisphere to be placed under one of these secretaries, and those in the western hemisphere under the other.

3. The Colonial Board to consist of twelve commissioners, six to be paid salaries of 1,000*l.* per annum each, and six to be honorary unpaid commissioners, differing not in power and authority from the salaried commissioners. The honorary commissioners to be permanent, the salaried commissioners to change with the secretary of state and the cabinet, by whom the honorary and salaried commissioners are appointed,

with the sanction of the crown. The colonies to be divided into departments under the commissioners' management.

4. The patronage now held by the secretary of state to be vested in the Colonial Board, a majority of votes deciding the appointment of candidates for public employment, as well as all matters of business, and the secretary of state to have a casting vote : six commissioners exclusive of the secretary of state to constitute the board, whose sittings shall be at least once a week, and who shall be required to report annually to parliament the state of the colonies under their control.

The advantages resulting from the foregoing arrangement are so obvious, as scarcely to require enumeration : by it the single, irresponsible, fluctuating, and feeble authority over the colonies is changed into a strong, permanent, stable, intelligent, pure, and consequently respected, power, whose actions will be guided by long acquired experience, and whose numbers, rank, and character will give it independence, integrity, and efficiency.

To the colonies themselves, the benefit will be equal to that derived by the mother country ; a seat at the colonial board in Downing Street will become an object of honourable emulation to the highest functionaries abroad, whether they be governors, judges, civil or military officers, or retired merchants, while their long acquired knowledge will be rendered valuable to the state instead of being allowed as at present to lie dormant.

But not the least advantage to be obtained from this change, is the means it will afford the colonists of making their wishes and sentiments known at the seat of supreme government, for in the nomination of commissioners, whether paid or unpaid, care should be taken to appoint men from different colonies who have distinguished themselves by their talents, virtues, and public spirit.

The adoption of the measure here proposed is become more imperatively necessary since the passing of the Parliamentary Reform Bill, before which period many gentlemen connected with the colonies procured a seat in the House of Commons by means of the nomination boroughs, thereby giving property abroad as well as afloat, and distant as well as near interests, a voice in the legislative council of the nation¹.

There is another advantage attendant on the adoption of the foregoing plan, and which is of no trifling moment to a free country, namely the abolition of a vast, irresponsible, and ill exercised power ; substituting for a single individual, a well balanced, duly organized, and efficient authority, independent to every proper extent of the crown, and equally removed from the intrigues of faction, from the pernicious effects of family influence, and from the necessity of bending to popular control.

¹ During the discussions on the Reform Bill, this objection to it was met by the Marquess of Lansdowne assuring the House that, in future, Liverpool and other commercial towns would return gentlemen connected with the colonies ; but in no instance, I believe, has this anticipation been fulfilled.

Nor are there wanting examples for the plan suggested ; the Board of Commissioners for the Affairs of India ; the lords of the treasury ; the Board of Admiralty ; the Commissioners of Woods and Forests ; the Board of Excise ; the Board of Customs ; the Poor-Law Board, and the contemplated Post Office Board, are all corroborative of the necessity of having the colonial affairs presided over by a Board, instead of by changing (and as regards the colonies) too often uninformed individuals ¹.

The only objection that offers itself, as suited to the present age, is the expense ; but as that could not exceed 10,000*l.* per annum for the six paid commissioners, and the additional permanent under-secretary, it can scarcely be supposed that so paltry a sum will be weighed in the scale with the advantages before enumerated ; indeed ten times the sum is not to be placed in competition with them.

The false principle of economy that pervades the existing age is indeed much to be regretted ; it is as unsuited to the character of the English nation, as it is incompatible with its present position or future prospects. A wise statesman, while on the one hand he would sanction no waste of the public money, or absolutely unnecessary expenditure, would, on the other,

¹ No disrespect to any person is meant by this or any other remark in the present work ; several colonial secretaries have been men of undoubted talents, as are also the gentlemen employed in the Colonial Office. It is the system which is condemned—not the individuals

endeavour to raise up a people, to the level of burthens which must be borne as the result of civilization, knowing full well that such outlay is attendant with ultimate increased advantages. Principles of business that are unsuited to the counting-house of the pettiest trader, cannot surely be those which ought to influence the policy of an extensive and especially a mercantile empire.

This topic of the formation of a Colonial Board has been treated at some length, because of its importance to the mother country and her possessions, and because it offers a practical equivalent for a measure entertained by several, namely, the granting permission to India and the colonies, to return members of parliament to the imperial legislature, in proportion to their population, civilization, and wealth.

This project was set forth by the United States' colonies, previous to their final separation from England ; they offered, as I have understood, if permitted to send deputies to represent their interests in the House of Commons at London, to maintain their allegiance with the parent government, and to contribute 100,000*l.* per annum, for one hundred years. The offer was rejected, the scabbard flung away, and the righteous declaration of independence followed.

History is philosophy teaching by example ; it would have been more just, and consequently more politic, to have accepted the offer of a powerful body of associated colonies, and posterity would have contemplated with respect and admiration, the singular

advantages derivable from an united Eastern and Western empire.

The same circumstances are not at present in operation, to urge the immediate adoption of an imperial colonial representation ; there is now no body of colonists congregated together, such as the United States were previous to the close of the last century, and the formation of a Colonial Board, would, it is presumed, meet all the existing difficulties, attendant on the administration of colonial affairs in England.

The advantages attendant on the colonists' returning representatives to the imperial senate, would be the making known of their wishes and sentiments to the British public, and having a voice in the framing of such Acts as are passed in the House of Commons ; but when it is considered how few Acts are passed in parliament relative to the colonies, and how much of their current business is transacted in Downing Street, the positive gain would be small, particularly if unconnected with the formation of the Colonial Board proposed. The difficulties that lie in the way of imperial colonial representation is in drawing the line where the powers of the representatives would begin and end. Whether they should only speak or vote, or do both, on all colonial questions ; whether they should be allowed to be present at all debates ; whether on financial questions apparently applied to England only, but also really affecting the colonies, (such as the sugar duties, and imposts in Great Britain on various articles of colonial produce,) colonial representatives should have full authority to speak, vote, and act, as

if representing any borough, city, or colony, in the United Kingdom ; and whether their seats should be permanent, or quinquennial, or otherwise.

It is a question of no light moment, whether the adoption of such a measure, would be attendant with a beneficial or an evil result. How far, on a future occasion, it would be wise to adopt this principle of colonial government, it is not necessary to say : I do not, however, think that at present it would be advisable, if the measures proposed in this and the ensuing sections be efficiently carried out ; I allude in the first place, to the Colonial Board in Downing-street.

2. To a reformation of the existing system of colonial agency in England.

3. To an improvement in the internal government of the colonies.

The first has been already treated of, the third will be discussed in the next section, and the second will require a few explanations.

Heretofore, the system of agents for the colonies (with few exceptions) has partaken of all the imperfections attendant on the system of home colonial government. Men have been sometimes appointed agents for the colonies, by the minister of the day, who scarcely knew the geographical position of the place, whose interests they were nominated to watch over, and whose sole duties consisted in drawing quarterly for their salaries¹.

Some are appointed colonial agents, who attend

¹ The agent for one of our colonies was at last found out, by an aggrieved colonist, as a cornet of dragoons on duty at Windsor.

solely to balancing the money accounts of the colonies, with the Treasury, or Downing-street; and several colonies have no representative at all in England, because the secretary of state permits them no voice in the nomination of their agent, for whom, however, they are obliged to provide, when called on by the supreme government.

To remedy these evils, I propose that every colony be empowered to nominate and provide for an agent to represent in England the feelings of the majority of the colonists who vote for his election; that such agent be in free communication with the Colonial Board, and that he be heard at the bar of parliament on any occasion affecting the rights, privileges, and immunities of the colonists who have deputed him.

It would be superfluous to descant on the manifold good attendant on an efficiently combined system of Colonial Agency and a Colonial Board. No person who considers government practically, and who looks to general advantages rather than to theoretical perfection, can as I conceive deny that in the present state of our colonies such a system would work harmoniously for the empire.

SECTION V.

The internal government of our colonies, as regards any projected reforms therein, next claims consideration: and here it may be remarked that in discussing these and all other questions, I prefer practical advan-

tages to theoretical good. The experience of the past is a surer guide for the affairs of men than speculative opinions however plausible ; and while not undervaluing the improvements in government which enlightened Christianity is capable of producing, I would desire to see the blessings of political and social freedom judiciously conferred ; knowing full well that that which is of too rapid growth is speedy in its decay, and that the institutions under which a nation can be happy do not spring up like the mushroom, but are like the oak whose roots are struck deeper and deeper into the soil, giving freshness, vigour, and vitality to the monarch of the forest while the stream of time rolls on.

Centuries of experience have demonstrated the beneficial and practical workings of the British constitution in its three constituent, independent, and yet harmonizing branches of King, Lords, and Commons ; and as far as it is possible, and at suitable periods, I would wish to see the colonies enjoying similar constitutions ; the governor representing the *Crown*, the legislative council the *Lords*, and the house of assembly the *Commons*. It must be gratifying to all friends of rational freedom to reflect that England has ever been foremost in bestowing on her distant settlements the advantages of her own political institutes, thus evincing a true sense of justice ; whereas as Montesquieu rightly observes, a republic governs its conquered provinces with more absolute and intolerable sway than a monarchy, whose remote possessions suffer all

the evils without enjoying any of the advantages of monarchical government. With certain limitations elsewhere explained, the colonies enjoy all the advantages of the British constitution so far as is compatible with their situation as distant provinces of an empire. The limitation of exception is, that the legislative council is nominated by the crown for life, or during the official tenure of those civil servants who are *ex officio* entitled to a seat in the legislative council. A question, has, however, been recently raised by a party in Lower Canada ¹, as to the advantage of making the legislative council an *elective* body instead of being, as at present, nominated by the king through the secretary of state. However desirous I feel for an extension of just democratic principles, I cannot—looking to the slow progress of rational freedom, and remembering that moral and mental independence of character are essentially necessary to the due exercise of the elective franchise—I cannot desire, either in the mother country or in her colonies, two elective chambers. I would almost prefer seeing the experiment again tried of the efficacy of a single chamber, and which in every country where it has been attempted has been the prelude to despotism.

It may be said that the upper house, (legislative council) would be chosen by a higher class of electors than those who return members to the lower house,

¹ This chapter was written in October, 1836, and consequently before the debates on Lower Canada, relative to an elective legislative council, came on in the British parliament.

and that therefore the popular voice would be more calmly exercised, and property would have its due weight in the making of laws for the country¹: but it is impossible to deny that even the higher classes in England, (and how much more so in the colonies,) are to a certain extent liable to great excitement, that their will is not always under the control of their reason, and that in times of political effervescence they would be almost as subject to the influence of their stormy passions as their poorer though equally honest brethren. Those who have not mixed in colonial society can have but a faint idea of the extent to which party feeling on political subjects arrive at; the animosities thus produced are of the bitterest nature—poisoning the very core of society, and even destroying the peace of families. Now looking at domestic tranquillity, security of person, lightness of taxation, and freedom from oppressive laws, as the great and desirable advantages of political institutes, it would be

¹ Mr. Labouchere, a gentleman whom I much respect, stated, in the Canada debate in the House of Commons on the 8th March, 1837, that the old American colonies of England had elective legislative councils; but it will be found that it was the chartered and not the crown colonies which had such assemblies. Adam Smith says that in three of the governments of the New England colonies, the legislative councils were chosen by the representatives of the people; in Connecticut and Rhode Island, the governor was elected by the colonists; and in some the revenue officers who collected the taxes were assessed by the people. Pennsylvania, which was a proprietary government, was a scene of never-ending contentions, and the colonists even petitioned the King to take its affairs under the management of the crown. See Appendix.

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insanity or criminality to throw a firebrand into the small community of a colony with a pretence of gaining some utopian object.

Independent, however, of social considerations, we have no instance on record of any state long maintaining its political freedom either under a single chamber of representatives, or under two elective chambers, the one holding no control or check over the other, and both at the mercy of fluctuating popular favoritism, jealousy, and caprice. Since the abolition of the hereditary chamber of peers in France, but few traces of liberty have remained to the people, and the restoration of an hereditary peerage is now seriously entreated. The very antagonistic forces, which an hereditary and an elective chamber exercise, are essential to the preservation of the powers of both. Gibbon, in reference to the Roman republic, correctly observes,—‘as both the consuls and the tribunes in their public and private interests were averse to each other, their mutual conflicts contributed for the most part to strengthen rather than to destroy the balance of the constitution; but when the consular and tribunitian powers were united,—when they were vested for life in a single person,—when the general of the army was at the same time the minister of the senate, and the representative of the Roman people, it was impossible to resist the exercise, nor was it easy to define the limits, of his imperial prerogative¹’

¹ Decline and Fall, Vol. i. p. 105.

The United States may be cited perhaps as an example in favour of the adoption of two elective chambers ; but it should be remembered that a few centuries of such government must be experienced ere we pronounce authoritatively on a subject which inspires with well founded alarm, the most honest and able statesmen, who clearly see with Gibbon that in elective monarchies the vacancy of the throne is a moment big with danger and mischief. We must wait and witness the effects of civilization, of a dense population, of adverse interests ; we must watch the conduct of men who, like Marius and Cæsar, commenced by declaring themselves the protectors of the people, and ended by subverting the liberties of their country. Moreover, we should remember that the United States are a republic, and I do not think England is disposed to change her hereditary, constitutional monarch for an annual or quinquennial president.

Let us hear, however, the very language of the most enlightened men of the United States on this important subject. Judge Story, himself a republican, in his commentaries on the constitution of the United States of America, in treating of the Senate thus correctly expresses himself on this topic : “ Another and most important advantage arising from this ingredient is, the great difference which it creates in the elements of the two branches of the legislature ; which constitutes a great desideratum in every practical division of legislative power. In fact, this division (as has been already intimated,) is of little or no intrinsic

value, unless it is so organised, that each can operate as a real check upon undue and rash legislation. If each branch is substantially framed upon the same plan, the advantages of the division are shadowy and imaginative: the visions and speculations of the brain, and not the waking thoughts of statesmen or patriots. It may be safely asserted, that for all the purposes of liberty, and security of stable laws, and of solid institutions, of personal rights, and of the protection of property, a single branch is quite as good as two, if their composition is the same, and their spirit and impulses the same. Each will act as the other does; and each will be led by some common influence of ambition, or intrigue, or passion, to the same disregard of public interests and the same indifference to and prostration of private rights. It will only be a duplication of the evils of oppression and rashness, with a duplication of obstruction to effective redress. In this view the organization of the Senate becomes of inestimable value." Again he says, "The improbability of sinister combination will always be in proportion to the dissimilarity of the genius of the two bodies; and therefore every circumstance consistent with harmony in all proper measures, which points out a distinct organization of the component materials of each, is desirable."

Another eminent writer on the constitution of the United States, the late Chancellor Kent, in treating of the necessity of the powers of Government being placed in separate hands, says: "The division of the

legislature into two separate and independent branches is founded on such obvious principles of good policy, and is so strongly recommended by the unequivocal language of experience, that it has obtained the general approbation of the people of this country. One great object of this separation of the legislatures into two houses acting separately, and with co-ordinate powers, is to destroy the evil effects of sudden and strong excitement and of precipitate measures, springing from passion, caprice, prejudice, personal influence, and party intrigue, and which have been found by sad experience, to exercise a potent and dangerous sway in single assemblies. A hasty decision is not so likely to arrive at the solemnities of a law when it is to be arrested in its course and made to undergo the deliberation, and probably the jealous and critical revision, of another and a rival body of men, sitting in a different place, and under better advantages, to avoid the prepossessions and correct the errors of the other branch. The legislatures of Pennsylvania and Georgia consisted originally of a single house ¹. The instability and passion which marked their proceedings were very visible at the time, and the subject of much public animadversion: and in the subsequent reform of their constitutions, the people were so sensible of this defect, and of the inconvenience they had suffered from it, that in both states a Senate was introduced.

¹ Franklin's favourite but mistaken idea was a single legislature and a plural executive. R. M. M.

No portion of the political history of mankind is more full of instructive lessons on this subject, or contains more striking proofs of the faction, instability, and misery of states under the dominion of a single, unchecked assembly, than those of the Italian republics of the middle ages, and which arose in great numbers, and with dazzling but transient splendour, in the interval between the fall of the western and eastern empire of the Romans. They were all alike ill-constituted, with a single unbalanced assembly. They were all alike miserable, and all ended in similar disgrace. Many speculative writers and theoretical politicians about the time of the commencement of the French revolution, were struck with the simplicity of a legislature with a single assembly, and concluded that more than one house was useless and expensive. This led the elder President Adams to write and publish his great work, entitled 'A Defence of the Constitution of Government of the United States,' in which he vindicates with much learning and ability, the value and necessity of the division of the legislature into two branches, and of the distribution of the different powers of the government into distinct departments. He reviewed the history and examined the construction of all mixed and free governments, which had ever existed, from the earliest records of time, in order to deduce with more certainty and force this great practical truth, that single assemblies without check or balance, or a government with all authority collected into one centre, according to the notion of M. Tur-

got, were visionary, violent, intriguing, corrupt, and tyrannical dominations of majorities over minorities, and uniformly and rapidly terminating their career in a profligate despotism."

Mr. Jefferson, late President of the United States, in his remarks on the constitution of his native state, Virginia, says, "All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of a despotic government. It will be no alleviation, that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one. Let those who doubt it, turn their eyes on the republic of Venice. An elective despotism is not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits without being effectually checked and restrained by the others."

With reference, however, to the highly important consideration of having no check on the irregular exercise of popular power, the link that binds the colony to the mother country, so far as government can do so, would be materially, if not entirely injured by the substitution of an *elective* legislative council for one appointed by the crown through the functionaries of the state.

A governor, without any control over the two houses of legislature in a colony, would be reduced to a political cypher, and the adoption of the elective principle in a governor would soon take the place of a nomination by the King : in fact the independence of, and separation from, the mother country would virtually occur, whether officially announced or otherwise, the colony thereby deriving all the advantages of the connection, while the parent state would lose every thing which made the possession valuable to the empire.

It is not necessary to discuss here the relative advantages of the monarchical or elective principle in government ; as before stated the former has been tested by centuries in England, and found conducive to the greatest portion of happiness that a nation has yet possessed ; so long therefore as a colony be united with Great Britain, it cannot be the desire or the interest of any practical statesman to weaken the efficacy or mitigate the just prerogatives and power of the crown.

It seems to be totally forgotten by those who go the length of demanding an elective legislative council, that there is a wide difference between an imperial and a provincial government ; that the former must of necessity have a control over the latter so long as they maintain towards each other their relative positions of protecting and protected states. When the latter has ceased to be a colony, it is of course free to choose its own government, but so long as it

remains in that state it has no right to ask, much less to demand, from the mother country democratic institutions which she herself does not possess, and the granting of which, if she did, would be fatal to all permanence of political or social connection.

The power held by the crown of appointing for life the members of the legislative council is, if properly regulated under the management of the proposed colonial board, of great benefit to the colony; it stimulates the wealthy and intelligent colonists to distinguish themselves in order that they may attain the highest rank in their respective countries, and be deemed worthy the approbation of their sovereign. There is thus an honourable emulation kept up which is of the most essential advantage in every community; for, as it is finely expressed by Sir William Blackstone (and the remark is as applicable to a colony as to the parent state), 'The distinction of rank and honour is necessary in every well-governed state, in order to reward such as are eminent for their services to the public, in a manner most desirable to individuals, and yet without burden to the community; exciting thereby an ambitious yet laudable ardour, and generous emulation in others. And emulation, or virtuous ambition, is a spring of action which, however dangerous or invidious in a mere republic, or under a despotic sway, will certainly be attended with good effects under a free monarchy; where, without destroying its existence, its excesses may be continually restrained by that superior power from which all honour is derived. Such

a spirit, when nationally diffused, gives life and vigour to the community; it sets all the wheels of government in motion, which, under a wise regulator, may be directed to any beneficial purpose; and thereby every individual may be made subservient to the public good, while he principally means to promote his own particular views.

A body of nobility is also more peculiarly necessary in our mixed and compounded constitution, in order to support the rights of both the crown and the people, by forming a barrier to withstand the encroachments of both. It creates and preserves that gradual scale of dignity, which proceeds from the peasant to the prince; rising like a pyramid from a broad foundation, and diminishing to a point as it rises. It is this ascending and contracting proportion that adds stability to any government; for when the departure is sudden from one extreme to another, we may pronounce that state to be precarious.

‘ The nobility, therefore, are the pillars which are reared from among the people, more immediately to support the throne; and if that falls, they must be also buried under its ruins. Accordingly, when in the last century the commons had determined to extirpate monarchy, they also voted the House of Lords to be useless and dangerous. And since titles of nobility are thus expedient in the state, it is also expedient that their owners should form an independent and separate branch of the legislature. If they were confounded with the mass of the people, and, like them, had only

a vote in electing representatives, their privileges would soon be borne down and overwhelmed by the popular torrent, which would effectually level all distinctions. It is, therefore, highly necessary that the body of nobles should have a distinct assembly, distinct deliberations, and distinct powers from the commons¹.

Another proposition by a party in Lower Canada is, that the executive council should be under the control of the house of assembly, in order, as it is supposed, to assimilate the colonial government to that of England; but the propounders of these changes quite forget the distinction between the imperial and provincial government; and they overlook the fact, that the executive council in a colony is not similar to the ministerial body at home, but analogous rather to the privy council, the members of which are appointed for life. With a colonial board in Downing-street, as proposed, the improper and partial nominations, which have heretofore taken place to both the legislative and executive councils in various colonies, would be prevented for the future, while the power of the crown would be upheld, without hazarding the peace of any colony, or its connection with the parent state.

In reference to the assertion that the legislative and executive council in the colonies, and the House of Lords at home, are irresponsible bodies, I may remark that this is one of those seeming truths

¹ Quarto Edition, 1803; p. 158.

which mankind are so apt to be caught with, and to take for granted without examination ; for it has been correctly observed, that ' men reflect little, read negligently, judge with precipitation, and receive opinions exactly as they do coin, because they are current.'

No class of men in any civilized community are above the influence of public opinion, and least of all those who possess wealth, enjoy rank, and have honours conferred on them by supreme authority. Their conduct is closely watched, their every action jealously examined, and their very motives subjected to the most rigid investigation. The British House of Lords is therefore, in point of fact, far more responsible, because generally and permanently so, than the House of Commons, which is but locally and temporarily so ; the members of the latter are, to a certain extent, amenable to the fluctuating and fickle opinions of their constituents, but a member of parliament, when elected may not choose to incur the expense and risk of another election ; his ambition may have been sufficiently gratified, or he may find himself inadequate to the station he sought, or he may feel indifferent to the sentiments of his constituents, and retire into private life, with no restraint on his thoughts or actions.

It is not so with a member of the House of Lords : his office is not only for life but hereditary ; *he* has no retiring from before the public until age has incapacitated him ; his constituents consist of the whole mass

of the community, and he is deeply responsible to them, to his King, and to his God, for the due and honest discharge of the seriously solemn duties to which the greatest energies of his mind, and the highest attributes of his nature, are devoted. There is also another point of responsibility ; the electors in every community, where universal suffrage does not prevail, form but a portion of society ; a large and most valuable section—the working classes—are unrepresented in the Commons, but not so in the Lords, who are truly the guardians of the poor man's rights, and who in England have identified themselves with the happiness of the humblest classes of their fellow citizens.

The truth of these remarks is equally applicable to the legislative and executive councils in the colonies, whose responsibility is not confined to their fellow-citizens in the island or settlement, but extends to the mother country, where it is but natural they should desire to maintain themselves high in the esteem of their Sovereign, (with whom their appointment, on the recommendation of the Colonial Board, as advised by the executive council in the colony, should rest,) and in the regard of so many millions of their fellow-subjects.

Ere closing this section it should be observed, that I would wish to see the legislative and executive councils placed on as extensive a basis as it is possible to adopt, so as to combine the utmost virtue, intelligence, and wealth in each colony. Municipalities might be formed in the colonies ; and in settlements

possessing legislative and executive councils, the corporations might be empowered to return a limited number of members to those assemblies, in addition to the members appointed by the crown. Where there was a university a similar privilege might with advantage be bestowed. To lay down rules, however, on the subject would be superfluous; a wise statesman will know how to combine policy with principle, justice with expediency, and private worth with public benefit.

SECTION VI.

One of the most important subjects connected with the administration of colonial affairs is the appointment of governors to represent the name and power of the Sovereign. Heretofore there has been no principle to guide this momentous choice; the friendship of a secretary of state, the intrigues of faction, or female coteries, have had far more weight than the personal qualifications of the individual selected.

In several instances the selections have been good, but too often the governor, by disputes with the colonists, has formed them into adverse parties, thrown the apple of discord among them, and weakened their allegiance for their Sovereign, and their affection for the mother country, by arbitrary, oppressive, and illegal acts. This evil has to a certain extent arisen from military or naval men being in general selected as governors. Soldier-officers in particular have

been chosen for posts which they were utterly unqualified to fill from their previous habits of life, and from the *Sic volo, sic jubeo* tone which they are wont to adopt in even the every-day transactions of common life.

It would be desirable to see a class of men trained up for this department as is the case with the consular and diplomatic stations; and for this purpose the colonial board, under the change proposed in Section IV., would form an admirable initiatory school after the first elements had been acquired in the colonial department.

Of all sciences that of governing is the most difficult. Few men are able to rule themselves,—how perilous, therefore, is it to attempt to govern others before we have learnt to control our own passions, and to subject the wayward and stormy impulses of our nature to the methodical authority of reason, and the cool dictates of unimpassioned judgment.

But other essential requisites are necessary in the due fulfilment of this office; a governor should not only be a man with his passions in perfect subjection to reason, but he should also have a deep knowledge of human nature, of its lights and shadows, its perfectibility and its evil propensities, judging favourably of the former, and charitably of the latter; deeply reflective in his resolves, and prompt and firm in his execution of them; neither weak enough to encourage favouritism, nor too proud to despise the affections of the good; stimulating virtue by his rewards, check-

ing vice by precept and example ; rendering justice to all men, fearing God, honouring his King, and loving his country. Such ought to be the character and conduct of a colonial governor, and to attain it some other school is necessary than the mess table of a regiment, or the quarter-deck of a frigate.

I do not deny that there have been several instances where naval and military men have shown themselves well qualified for civil offices ; but they are exceptions in proof of the rule, and their very employment in a colony, in command of its troops, militates against the quiet and philosophic duties which a government requires in even the most infant settlement. While admitting that several excellent rulers have been chosen from both the army and navy, I am reminded of the answer of Alexander of Russia to Madame De Stael, when she was praising the mildness of his despotic rule,—a good ruler beneficially exercising arbitrary power is a happy accident ; and the possibility of the reverse it is always better to guard against.

It may be said, that it is a matter of economy to combine the two offices of governor and commander of the forces in the one person ; but there is no justification in sacrificing an essential principle for the purpose of gaining a minor one, and such a plea is unworthy of a great nation : besides, the legislative power and executive aid should be kept widely distinct ; their separation is indispensable to the fulfilment of the calm majesty of the law.

No governor should be allowed to remain longer

than seven years in any colony ; but a gradation of governorships might be so managed, that an able and upright man might rise from the chieftainship of the smallest settlement to the governor-generalship of India. By this means, there would be a constant stimulus to a laudable ambition kept up in the breasts of those who have it so much in their power, by their conduct in an exalted station abroad, to uphold the character of the mother country.

It would be a great public good, if the highest and noblest in the land were taught to look on a colonial government, however small, as an object of meritorious ambition, and a distinguished mark of the Sovereign's approbation ; we should then have a class of the nobility educating themselves for this important trust, and giving to the colonies the bright example of moral worth in connexion with intellectual endowments, high lineage, and hereditary honour.

It would be unnecessary to dwell on the powers vested in a governor : they depend on the extent of political freedom enjoyed by a colony, and his executive power and personal authority are therefore greater or less according to the controlling authority of a representative assembly, legislative council, or otherwise, to which he may be subjected. To no class of men have greater limits been freely allowed, than to the governors of the British colonies ; and, speaking generally, no body of men, in any society, or in any age, have less abused it : if their abilities had been equal to their highly honourable intentions, there

would have been little room for criticism. Under the guidance of a Colonial Board, talent as well as honour will, it is to be hoped, meet its due reward; and, by a judicious use of the combined moral and mental powers, we may expect a decided improvement in the internal condition of each settlement. If men, who are placed in the high and awfully responsible station of governors of distant possessions, would reflect on the vast quantity of good which they have it in their power to effect, and consider that not merely the commission of evil, but the negation of good, will form the leading test for their qualification to enjoy a happier existence in another sphere, they would not seek to be representatives of British sovereignty for the sake of the dignity or the emoluments attached thereto, they would remember, that "from him to whom much is given, much will be required,"—and that power, riches, and rank are not bestowed for individual advantage.

SECTION VII.

The authority vested in the colonial governments possessing representative assemblies and legislative councils is almost complete: namely, the power to make laws suited to the people, but liable to the revision or abolition of the King in council; and the entire disposal of all the revenues raised in the colony, after providing a civil list for the payment of the salary of the governor, judges, principal officers

of the crown, and the functionaries necessary to the carrying on of the most important branches of the government.

This authority should be granted fully and unequivocally to every colony enjoying a triple power of governor, council, and assembly, and, as far as practicable, to those settlements having only a legislative council; for it ought to be the policy of the Colonial Board in Downing-street to interfere as little as possible in the domestic affairs of the colonists.

At what period a colony is sufficiently prepared to receive a representative assembly for the regulation of its domestic affairs, it is difficult to say; much depends on contingent circumstances, on the degree of knowledge, the extent of wealth, and the growth of proper feelings among the inhabitants, who seek such an immunity, and which a wise government and patriotic king will best know how to estimate.

While, on the one hand, it would be improper to grant such valuable privileges unless they were duly appreciated by those seeking them, and capable of temperately exercising them; so, on the other hand, it would be unjust, and, consequently impolitic, to delay the concession of a *boon*, until it came to be demanded as a *right*, when that which was refused to justice, is granted through fear, or as a premium for political agitation.

I would, however, impress the necessity of not making the elective franchise (in those colonies which in future may have representative assemblies granted

them) too low. Experience has shown, both in the mother-country and in Lower Canada, that population and property should go hand in hand in the power to exercise political rights; otherwise mere numbers, influenced by every transient passion, drown the voice of moderation and reason.

It is not possible to have any general test of the moral or intellectual qualifications of a proper person for an elector; but a certain amount of property proves either industry and talent in its acquirement, or that it is the fruit of such in his forefathers; moreover, it gives a man a stake in the continued prosperity and tranquillity of the country, and is, to a certain extent, a guarantee for his good conduct as a citizen of the state.

For the regulation of these and all other affairs, the Colonial Board (suggested at Section IV.) will be the best authority, and to such guardians of the colonial interests may be safely intrusted the management of matters which, in the present state of mankind, it is no easy task to define on fixed principles, but which must be in a great measure regulated by passing events and circumstances.

Let me not, however, be misunderstood: I wish every man and every community to receive as much practical liberty as they are capable of applying to a good use; but he is an injudicious or false friend to political freedom, who would consign so sacred a treasure to the hands of every person indiscriminately,

without considering whether he were fit to receive it or to retain it when received. History, indeed, painfully demonstrates how few are enabled to preserve so precious a gift. I call it *precious*, because freedom, individually or socially, is, when rightly appreciated, one of the elements of man's happiness; and no nation can be permanently good and great, unless it be morally and politically free.

With the foregoing general views of the home (British) and domestic (Colonial) governments of our transmarine settlements, the reader will be able to form a determinate opinion. Government, however, is but a link (though an important one) in the chain of social connection; the further development of which will be found in the subsequent parts of this work.

Ere however I close this chapter, let me be permitted a brief general advertence to the claims, for what are termed liberal institutions, advanced by a few of the colonists in some of our possessions. I am aware that the period in which we live is one of those momentous epochs which mark the progress of our species in the ascending scale of knowledge, virtue, and happiness. I believe that England is intimately identified with that progressive perfection, and that on the permanent maintenance of her power is essentially dependent the weal of mankind.

So strongly do I feel in reference to the moral and mental advancement of my fellow-creatures, that were

the downfall of the British Empire necessary thereto, (as was the case with ancient Rome), I would deem the sacrifice trifling, in proportion to the vast good to be attained. But, when a deep reflection on the history of past ages forbids the idea that kingdoms, like individuals, have their rise and fall, their periods of birth, of manhood, of decrepitude, and death,—or that with their origin are sown the seeds of dissolution, which evolve themselves as soon as the physical and intellectual structure begins to wane¹; and when an attentive examination of passing events teaches me to look forward with confiding hope, that Britain is the nucleus around which all the nations of the earth will form, eventually, themselves in concentric circles, in proportion to their advancement in the scale of social bliss,—I am the more intensely solicitous for the preservation of the integrity of the empire,—I am the more anxious for the gradual and careful application of those doctrines of political freedom, on which so much of human excellence depends; and above all, I am the more deeply sensitive of the inestimable value of a true understanding, and a practical application of the unalloyed principles of the Christian faith,

¹ I speak of the intellectual structure, as the *external* mind which is gradually built up by the operation of the senses; the *internal* mind or soul, is independent of, though connected with, the external mind, and therefore with the body also, but it exists immutable and for ever; while matter, though eternal, is undergoing incessant change. The subject will be fully discussed, when treating of the rise and fall of empires.

without which no individual or kingdom can enjoy internal peace, intellectual power, or moral greatness.

Throughout the greater part of the world we see the workings of a stupendous moral revolution, which, though yet in its very infancy, presents the most cheering prospects for the future.

So long as men were incessantly engaged in intestine tumults and foreign wars, for the upholding of a dynasty, or the propagation of a creed,—so long as the many were the prey of the few, and that millions were held in bondage at the despotic sway of a single ruler,—so long as myriads of human beings pined in silent misery, when the means of demanding or of exercising their rights as men were at their own disposal,—so long, there could be no hope for the regeneration of the world; and all freedom, and all religion, and all happiness were partial and isolated exceptions to the general rule of universal degradation and wretchedness.

Hence, we see that age after age rolled on with little or no advancement in the amelioration of the great mass of our species. Now and then some powerful genius has shed light and glory on the world; but it has served for little other purpose but to render the surrounding darkness more visible; and until an entire nation became actuated by one consentaneous throe, few and small were the hopes of general and permanent improvement.

Peace, the precursor of enlightened civilization, has changed Europe from an immense military camp

to a vast hive of industry,—the cannon and the sword have given place to the plough and to the scythe :— agriculture, the nursery of a nation's wealth, rewards the labour of the innocent husbandman, on plains not long since bedewed and enriched with human gore ;— and commerce, the handmaid of the arts, now plies her busy avocations over seas, lakes, and rivers, too long considered as imperial barriers rather than as a connecting medium for bringing into quick communication the most distant parts of the earth.

He, who rejoices in such an alteration, cannot be otherwise than feelingly anxious for its continuance, for he sees therein the surely onward progress of society ; and he endeavours to penetrate the thick veil of futurity, to catch a glimpse of man, when awakened to a sense of his capacity, of his responsibility, and of the relation in which he stands to his Creator, in reference to his present position and future state.

All who thus think and feel, and especially those who have the scope afforded them of demonstrating the influence of mind over matter, should therefore ponder well ere they tend to blight this blissful prospect by inculcating the adoption of measures, however useful in themselves, but for which the ground has not yet been prepared ; for goodness without wisdom mars rather than promotes the beneficent objects which it may have desired to attain.

Holding these views, I am not only desirous of maintaining the integrity of the British Empire, but

I am equally solicitous that peace should reign within it,—that justice be meted out to every portion of its citizens,—that order should be upheld and the laws respected,—that the privileges, the rights, and the property of the crown, the aristocracy, and the people be kept separate and inviolate,—and that religion be in reality a bond of union, of peace, and of Christian charity.

Most earnestly, therefore, would I fain impress on those talented (and it may be philanthropic) men who are urging, almost to desperation, some of the inhabitants of Lower Canada, and sowing the seeds of discord, disaffection, and hostility, in some of our other colonies, as well as at home, to pause in this rash, baneful, and unhallowed course. I would entreat them to remember, that if a war of principle once breaks forth, a fatal check will be given to the high career of improvement now being developed in every branch of art and science; and I would point to the truth of an historic fact, that any good, when attempted to be attained by corruption, fraud, or violence, is turned into evil. England is now improperly asked to grant to a few colonists that which she has not conceived it right in principle, or prudent in practice, to concede at home. The majority of the house of assembly in Lower Canada have stopped the whole business of the colony, because the constitution of 1791, [by virtue of which very constitution they at present sit and exercise the unjustifiable power which they have now assumed] is not abrogated,—for by that act no provi-

sion was made for rendering the legislative council of the colony, as the assembly demand, elective ; none for placing the executive authorities at the sole control and mercy of the legislative chamber ; and none for depriving the crown of its hereditary rights ¹, and sanctioning with the name of the king, the perpetration of gross injustice ².

The geographical position of Lower Canada, in reference to our surrounding colonies, forbids the possibility of casting it off as an alien from the country which first gave to it the political existence, that has now been turned so ungratefully against her. Concession after concession has had no other effect on the few leaders who have stimulated the naturally loyal and unfactious *habitans* of Lower Canada almost into rebellion, but to render them more unreasonable in their demands, and less scrupulous as to the means by which they are to be attained. It is indispensably necessary, that England should now firmly refuse to listen to claims, which seem made chiefly with a view to hasten the breaking up of the empire, or it may be [but I would fain hope otherwise] for the purpose of selfish aggrandizement.

These claims do not affect merely Lower Canada,—they do not refer solely to the colonies,—but they are intended to apply to the practical workings of the

¹ See Financial Chapter.

² See Emigration Chapter—Section of Canada Land Company.

British constitution ; they are, in fact, the elements of a flimsily disguised party democracy, (if I may so coin the term) totally unsuited to the present condition of England, and utterly impracticable in any portion of the empire, which necessarily stands in the relation of a province to the parent state.

Yielding not to any one in an ardent desire for practical liberty, (the elements of which, are personal security, freedom of speech, and the rightful enjoyment of property,) and feeling in common with the great mass of my fellow-citizens, a yearning for the improvement and prosperity of every human being in this vast empire, I have endeavoured to fulfil the duty I owe to my king and country. To be silent, when that which freemen prize so dearly is at stake,—to be inactive, when good is being perverted unto evil,—would indeed be criminality ; and with a hope that the statements in the foregoing pages may not be unproductive of a beneficial effect, and that I may be permitted to complete the task which I have undertaken, with as little of personality or party spirit as circumstances will admit, I consign this, the commencement of the “Colonial Policy of the British Empire,” to the attention of an intelligent and indulgent community, for whose weal, as a small but most valuable portion of the whole human race, I am most deeply solicitous.

That the colonies of Britain may be made the means of promoting peace and order, of extending civi-

lization and happiness, and for disseminating the incalculable blessings of Christianity throughout the world, will be an ample reward for the labour endured, or for the obloquy which may be cast on me.

END OF PART I.

