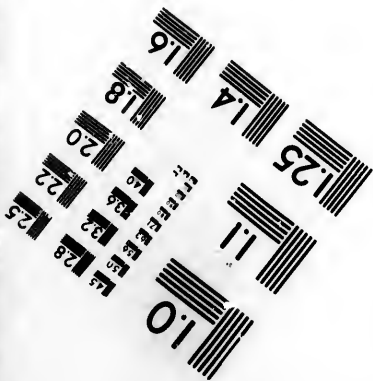
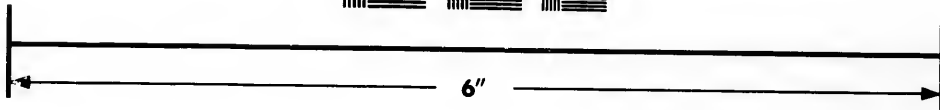
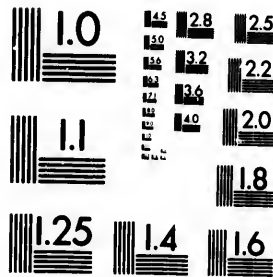


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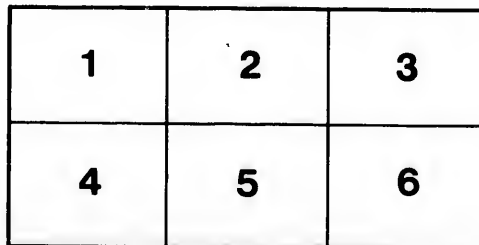
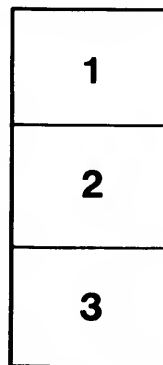
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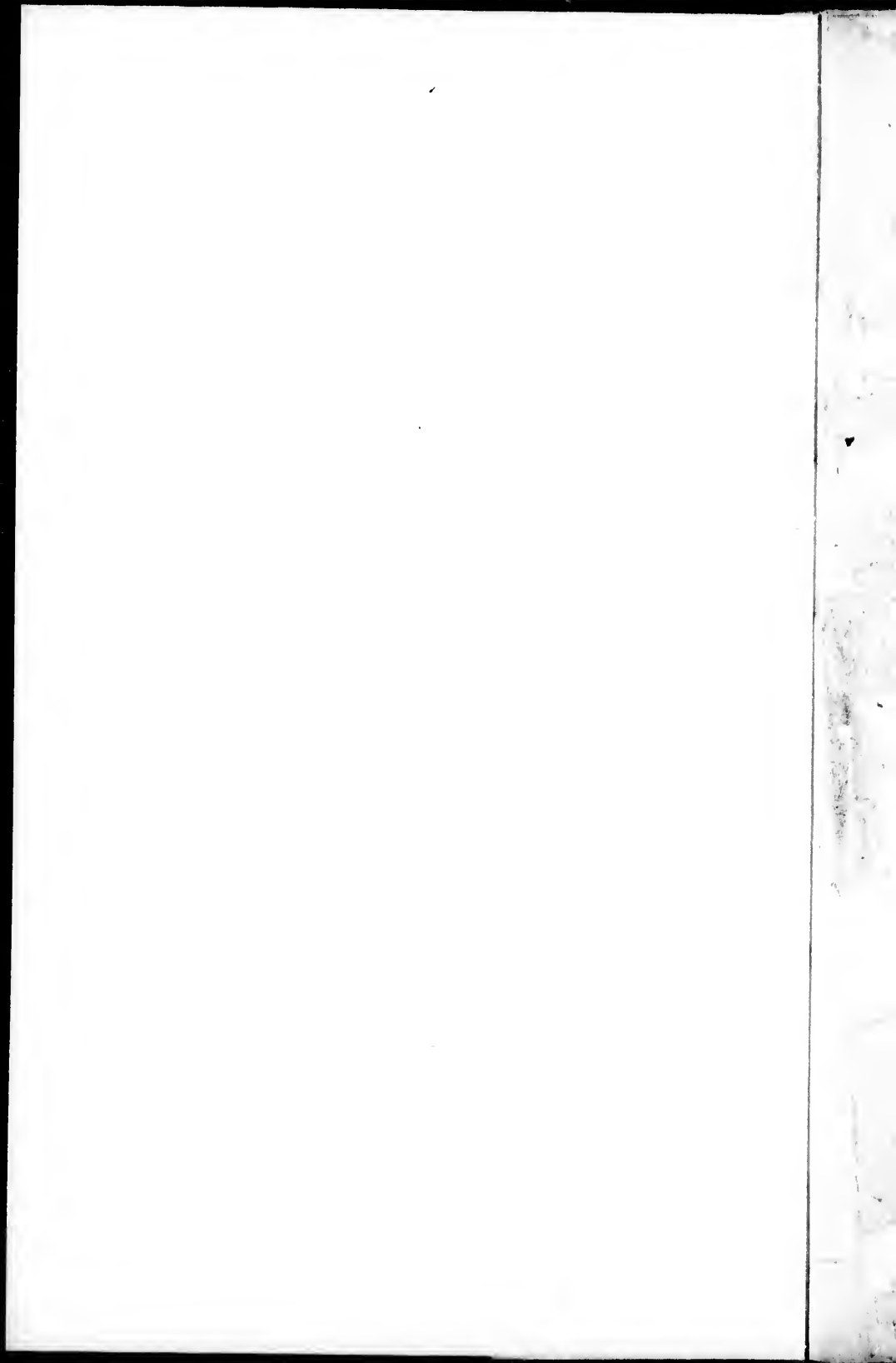
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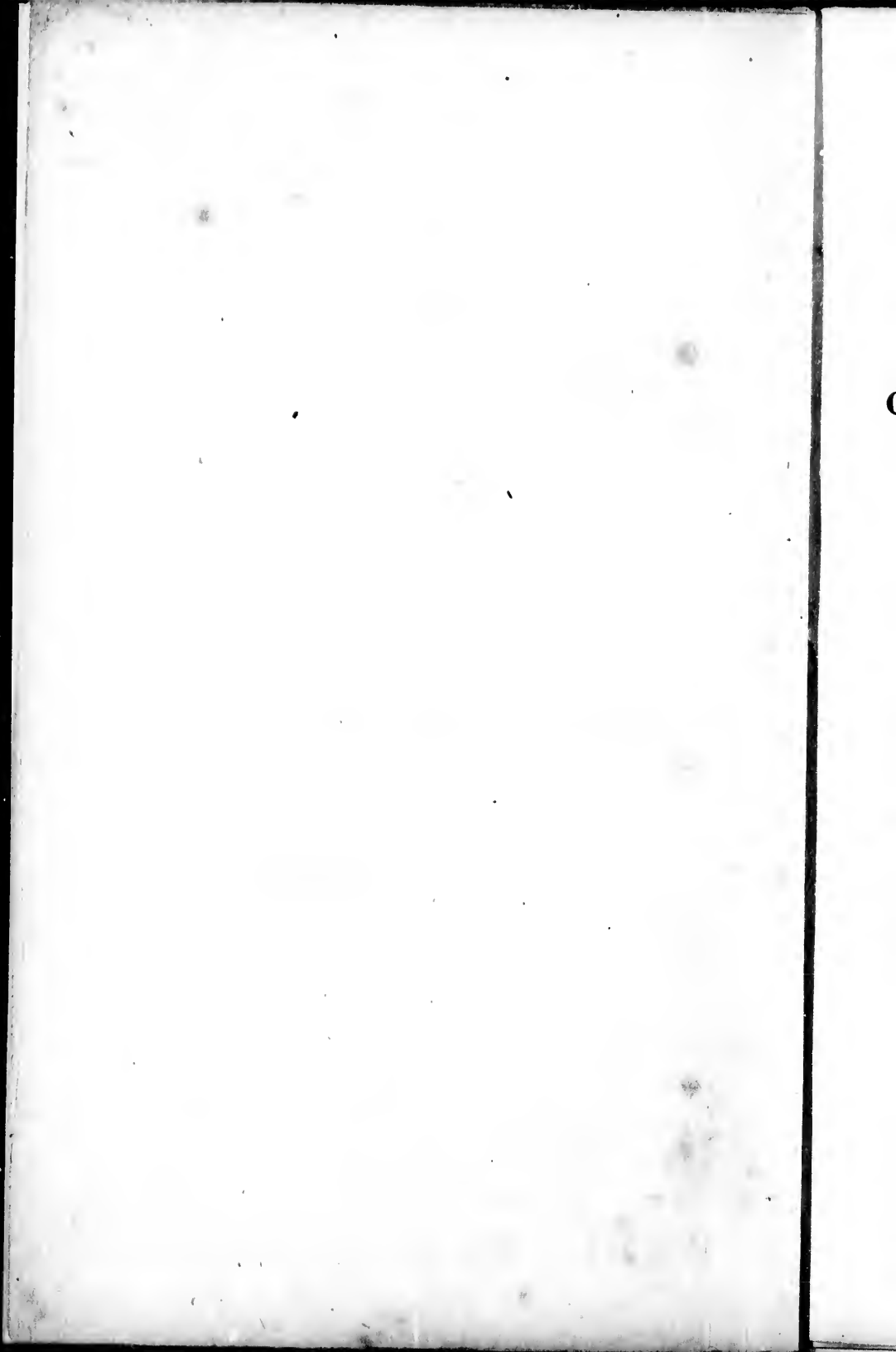


J. H. ...

THOUGHTS

ON

COLONIAL REPRESENTATION.



THOUGHTS
ON
COLONIAL REPRESENTATION,
COMBINED
IN A LETTER
ADDRESSED
TO THE
MARQUIS OF CHANDOS.

LONDON :
PUBLISHED BY J. M. RICHARDSON, 23, CORNHILL.
EDINBURGH :
CHARLES SMITH, HANOVER STREET.
1831.

LONDON:
PRINTED BY B. CLARKE, 9, WARWICK SQUARE.

TO THE MOST NOBLE

THE MARQUIS OF CHANDOS.

MY LORD,

ALTHOUGH I have not the honour of being acquainted with your Lordship, yet my knowledge and admiration of your public character induces me to use the freedom of dedicating to you the following pages. As an able and patriotic legislator, and a sincere friend to the British Colonies, your Lordship has justly acquired reputation and respect. Nor is there any one, in whose hands the important interest of those parts of the Empire could be so safely and honourably reposed, as in your Lordship's. In the hope that this ex-

pression of esteem, even from one totally unknown to you, may not be displeasing to your Lordship; and that the views which he now submits, may meet your Lordship's approbation, as serving to assist the cause which your Lordship has so nobly undertaken,

I remain, with much respect,

My Lord,

Your Lordship's most obedient

And very humble Servant,

THE AUTHOR.

Edinburgh, May 25, 1831.

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ON
COLONIAL REPRESENTATION.

MY LORD,

GREAT BRITAIN stands proudly and justly pre-eminent over every other country in the world, for the excellence of her political institutions, and the full measure of liberty which her people enjoy. This is an eulogium which rests not merely on the lips of Englishmen, or which requires to seek for a demonstration in the social happiness with which Englishmen are blessed. The eulogium is no less willingly bestowed and justified, by the assent and approbation of all civilized nations, who, whether in amending their ancient governments, or in establishing new governments in infant states, eagerly turn their eyes on the British Constitution, as a model worthy of their imitation: and, truly, if we are to judge of a system by its practical effects, a more perfect fabric of government could hardly be devised. Tyranny and oppression are things known to us only by name, whilst freedom and justice reign in our land, as the paramount and all powerful guardians of civil and political rights. In no part of the globe might the altar of Freedom be so fitly raised as in Great Britain; for there is not one heart within

its limits, in which the sacred and inspiring influence of freedom is unfelt. Her shores the foot of a slave never can touch, and they afford an asylum against oppression, which is open to all the nations of the world.

But much as we admire the liberal policy of our internal Government, and appreciate the blessings of that constitutional liberty, which renders our country at once the admiration and the refuge of foreigners, exceptions to this general commendation, unfortunately, must be admitted in reference to the condition and administration of our *Colonies*, which, to every true-hearted Englishman, can only be the subject of deep and bitter regret. It does appear not a little anomalous, that the same valuable privileges which the inhabitants of this island have so long enjoyed—privileges which, as it were, sanctify the very soil of Britain, and which invest, with a halo of honour, all who are entitled to call themselves British subjects—should yet be withheld from our Colonists, who are equally subjects of the British Monarch, and no less capable of appreciating and enjoying the blessings of freedom. Yet, true it nevertheless is, that some of the British Colonies—Colonies whose allegiance and affection to the mother country are undoubted—whose riches in time of peace are poured into her lap, and whose arms are ever ready for her defence in the hour of danger, that those Colonies are the victims of oppression inflicted by that very country, which even for the sake of its own interest and character, should conciliate and protect them.

These are grave and serious charges against the justice and policy of our Government, whose integrity and liberality, as displayed in its domestic administra-

tion, we are so accustomed to extol, and which, to those whose attention has seldom been drawn to colonial affairs, may appear altogether unfounded. But there are many ways of accounting both for the ignorance and the apathy of the British public, as to the abuses of power by which our colonies are scourged, and which the Press—that shield of liberty all over the world, can alone be expected to expose and remedy. It is unfortunately but too true, that if any predominating quality characterizes the present age more than another, it is that of selfishness; we will not say that this arises from the diffusion of that mercantile and money-making spirit which actuates the moral energies of the country, or whether it is only the natural consequence of that general glut which is now pressing disadvantageously on every member of the community, and which rivets his attention more closely on his own concerns than on those which are but distantly connected with him or his country. Without pronouncing on the cause, we are content with noticing and lamenting the fact, that there does prevail in this country, a woful ignorance and recklessness of the political condition and government of our Colonies, which has the sad effect of adding audacity to oppression, by extinguishing in the minds of the oppressed their only hopes of redress, which lie in the sympathy and protection of England. It is true that attempts have lately been made in Parliament, to expose some of the more glaring abuses perpetrated by our Colonial Governors. Brougham and Hume have more than once come forward to represent the sufferings which some of our Colonies have endured; but whether from the idea entertained of exaggeration, or from the want of interest

taken in the fate of persons who possess neither votes nor influence, Honourable Members seem little disposed to demand the explanation or enforce the remedy besought. Take, for instance, the case of the late Governor of the Cape of Good Hope, of whose flagitious conduct, no one acquainted with the facts entertained a doubt. What retribution has ever been visited upon him? or even what defence or explanation have ministers condescended to afford, for the monstrous acts of tyranny and misrule which were adduced against him? Brougham took up the case of the unfortunate Colonists, whose liberty and rights had been trampled under foot by this modern Verres, and depicted, with Ciceronian eloquence, the exactions of the provincial Governor; but the apathy of Parliament, and the fair promises of ministers to institute enquiries, lulled, or rather forced the Colonial champion into abeyance; and though five years have now nearly elapsed, neither explanation nor redress has yet been obtained.

When the question of Colonial Representation is abstractedly and disinterestedly considered, there seems to be no political anomaly more absurd, than to place in the hands of a provincial and temporary governor, an exuberance of uncontrolled and indefinite power. We are not sure, if the principle of the American Constitution, distrust or suspicion of public men, which is so much denounced by Basil Hall, is not a better safeguard against colonial misgovernment, than entire and unmeasured confidence. We see how difficult it is to check the oppressive and mercenary tendencies of official men, even at home, where public opinion exerts all powerful sway. How much more difficult

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must it be abroad, where public opinion is stifled so soon as it obtrudes itself, or is too feeble to make its cries of suffering be heard? Instead, therefore, of diminishing the number of those political checks, upon arbitrary power, which the machinery of our own Government shows to be essential for the happiness of society—instead of multiplying the opportunities of oppression, and the temptations to gratify without restraint the vindictive or selfish passions of our nature,—we ought rather to encourage the growth of institutions and privileges, which shall serve to counteract those liabilities to the abuse of power, that are so much favoured by the influence of local circumstances. The government of colonies ought to be framed on the model of that existing in the mother country. The first principles of political science show the expediency of this rule, and the history of nations illustrates its universal observance. The authority which emanates from the central government to rule the affairs of the distant provinces, ought always to bear with it the characters which it possesses at home. It would be an anomaly in political philosophy to maintain that in the same empire one part could be ruled by despotism, whilst another part could enjoy the most perfect freedom. Different municipal laws may exist applicable to different portions of the empire, for the principle of civil contracts is distinct from the principles of government. But in a country possessing colonies, in which all classes of subjects acknowledge common obedience, and are bound by the common ties of interest to the central authority, there must be unity in government, and, as far as possible, equal distribution and

maintenance of political rights. This rule admits of exceptions,—the expediency of which, however, affects not in the smallest degree the truth of the general position. If, for instance, the condition of the colonies in point of civilization, is not such as to render them capable of being actuated by the same moral principles which influence other parts of the empire, it would be absurd and imprudent at once to force upon them privileges which they can neither exercise nor appreciate; and accordingly, when we consult the history of the world, we find many illustrations both of the rule and of its exceptions. The colonies of the Greeks and Romans were governed by the same spirit which characterised the respective governments of those people—the latter enjoying a much smaller share of political freedom than the former. Speaking of those colonies, Brougham observes, that “the form of colonial government was modelled upon that of Rome; the laws, if not changed at once, were gradually moulded by the spirit of the Roman jurisprudence: in a word, the establishments which have been called colonies, and compared to those of modern times or of the Greeks, were *military stations*.” The South American Colonies of Spain were the theatre of oppression and cruelty, engendered by the tyranny which actuated the government of the parent state. Some of the colonies belonging to the Dutch, showed the prevalence of more benign and civilized principles, conformable to the political freedom and moral intelligence for which Holland was characterized; and, in like manner, the greater part of our own colonies, have generally exhibited a miniature of the government and political rights existing in Great

Britain. "The Constitution," says Brougham, "of the British Colonial Governments in North America was formed upon the model of that admirable system of domestic policy, which has secured the happiness of the mother country, raised her to an unexampled height of prosperity; and, notwithstanding its theoretical defects, left her in a situation of envied tranquillity and solid practical freedom, amidst all the political experiments and convulsions, that have shaken the other nations of Europe. The governments of the British West Indies are still constructed upon the same excellent plan. They had almost all of them two houses of legislature, and a governor entrusted with the executive power. The consent of these three branches of the Constitution was required in every public act of legislation."*

If such were a true description of all our colonial governments, there would indeed be little to complain of: for, under such safeguards to freedom and property, few opportunities would occur for the gratification of arbitrary power, against which, there would not be ample means of full and immediate redress. But in the above description, Brougham gives a picture rather of what ought to be, than of what the condition of some of our colonies testifies. Undoubtedly, in the greater number of our colonies there exist two houses of legislature, and a governor entrusted with the executive power, who is controlled in the exercise of it by those assemblies; but there are several colonies, which though placed in exactly the same circumstances as the former, are made outcasts from the enjoyment of those privileges so freely

obtained by others, and wanting the countenance of law to vindicate those rights, which should be the inheritance of every free-born subject, are constantly exposed to the contempt and insults and ravages of provincial tyranny.

Those colonies which are, unfortunately, in this state of degradation and suffering are, to be sure, few in number: Trinidad, Demerara, St. Lucia, Mauritius, Cape of Good Hope, Ceylon, New South Wales, and Malta, we believe comprize the whole. The first five of them are generally honoured by the appellation of the *five Crown Colonies*; being conquered colonies, and considered the private perquisite of the English Minister, who appoints his own favourites to command them, and whose single dictum to them is a law which brooks no control. Those Colonies are ruled by the unchecked arm of a Governor, who may extort what tribute he pleases, under the name of taxes, without regard to the necessities of the people—who may at once hurry into exile or imprisonment any fool-hardy individual that dares to expose oppression—and who acknowledges no authority but the Minister to whom he is indebted for his power.

Before adverting to the state of those Colonies which are deprived of the advantages of free institutions, a few words may be said respecting some of those in which their beneficial effects are most apparent; and without enumerating all of them where those institutions exist, it will be sufficient for our purpose, to describe their general operation by a few examples. Our readers are probably aware, that the several colonies of Newfoundland, Canada, Nova Scotia, Bermuda, Antigua, St. Vincent's, Jamaica, Barbadoes, St. Christopher's, Grenada, and several others, possess

a legislative assembly and council, a free press, and trial by jury. In those Colonies all the elements of the British Constitution are formed in the same happy combination, so as to form a miniature of that well-tried system of government established in the mother country. In those Colonies there is, first, a house of assembly, which is composed of members returned by the free choice of the inhabitants, and without whose sanction no taxes whatever are imposed: there is, next, the Council, composed partly of the Governor's Official Advisers on the one hand, and the principal Inhabitants of the Colony on the other, whose province it is to mediate between the Governor and the House of Assembly, and whose approbation is essential to every measure of the Legislature:—and, lastly, there is the Governor himself, the plenipotentiary of the reigning monarch, and the head of the local executive, completing that political union of King, Lords, and Commons, which experience, as well as reason, conspire to approve, as a form of government the best adapted for the happiness of a civilized people. If a larger quota of taxes than usual is required for the exigencies of the Colony, the Governor applies for it from the House of Assembly, and explains to it the grounds on which the demand is made. The application is almost invariably acceded to, —though certainly instances are not wanting in which the House of Assembly, unsatisfied with the reason adduced in its support, has refused or demurred to the application. Those taxes, if sanctioned by the House of Assembly, are paid by the inhabitants with an alacrity and willingness which never can prevail in colonies where no legislative assembly exists; because wherever the inhabitants are allowed no representatives to watch

over their interests, they can have no certainty, either that the taxes are imposed upon satisfactory grounds, or that they are honestly applied to their legitimate purposes. Nay, even though the Governor, in virtue of that influence which his patronage always gives him in the Assembly, is able to procure the imposition of taxes, which cannot be entirely justified, still no murmurs or hostility can arise on this account against the Government; the complaint lies only against the Representatives for neglecting the interests of their constituents.

It may be said that those legislative assemblies often become the scene of angry altercation and discussion, prejudicial to the authority of the Governor, and even injurious for a time to the loyalty and amicable feelings of the Colony. But not to insist upon the extreme rarity of these occurrences, and on the probability that when they do exist, it is generally owing to the unreasonableness of the Governor himself, with whom the Colonists cannot willingly be disposed to quarrel, it may with much reason be maintained, that Colonial Assemblies, even by their altercations with the Governor, produce more benefit than harm. Those assemblies form the best, and the most constitutional organs, by which the opinion of the Colony can be expressed respecting the Governor's conduct, and by which either the imprudence or the illegality of his proceedings may be the most effectually exposed. We cannot conceive any thing more inexpedient either for the Colony or for the Government, than that a spirit of disapprobation or disaffection should be allowed to form and accumulate, without any legitimate vent, or any mode of giving warning of its existence. The inevitable consequence of such a state

of things, is, that misunderstanding once engendered, the contagion spreads through the Colony, and the more so, from the want of opportunity to either party, of affording that explanation, which might have had the effect of remedying the cause of complaint, or of proving its total want of foundation. In this point of view, therefore, legislative assemblies, instead of being looked upon as dangerous instruments of dissension, ought rather to be regarded as safety valves in the machinery of colonial administration, from their affording a constitutional outlet to that spirit of faction, which, if allowed to generate, could not fail to produce universal mischief.

Nor are those colonial assemblies of less use, on account of the indications they afford to the Government at home, of the manner in which the affairs are conducted by the person who is entrusted with the sovereign authority. It never can be a good symptom of his skilful stewardship, that he is involved in squabbings with his subjects, and that in the public discussions of the assembly, he is reproached with extortion or inattention to the affairs of the Colony. The Government of the mother country, therefore, like the landlord who justly estimates the merits of his servants, by the fruits of their labour, are warranted in considering the harmony and loyalty of Colonial Assemblies, as favourable symptoms of wise policy on the part of the Governor; and, on the other hand, reproaches and complaints, as pretty certain indications of his incapacity or rashness. It is greatly more probable that one man is in error, than the one hundred who differ from him on the same point; and ministers are fully justified by this axiom, in as-

suming that in nine cases out of ten, the fault lies on the side of the Governor, where he and the House of Assembly unfortunately disagree. There can be no doubt, that it was mainly in consequence of the dispute and ultimate rupture which took place between the House of Assembly of Quebec, and the late Governor of Canada, that that noble personage was recalled before the usual term of his command. We do not now enter upon the merits of that unfortunate dispute, though we cannot forbear to observe, that even if that personage was legally entitled to act as he did, yet a Governor will sometimes show as much prudence in yielding a point of no moment, as in asserting or enforcing his rights to the last letter. But in this case, the rupture at length became so serious and critical, that Ministers found it necessary to recall the Governor; and when the question came before Parliament, there was a general and deep felt inclination, both among members, and throughout the country, to take part rather with the House of Assembly. In this unfortunate altercation, therefore, the Colonists, in their dispute with the Governor, were justified by the opinion of the mother country; and it affords a considerable confirmation to the sincerity and necessity of their opposition, that neither during the government of his predecessor, nor since the commencement of his successor's command, have any dissensions occurred of a similar kind.

Having thus given a brief sketch of the condition of those Colonies where legislative assemblies exist, let us now take a similar survey of those which want these institutions. We have already pointed out some of the principal advantages of which they are pro-

ductive—advantages not of a local or special nature, but of absolute and universal application. If such be their character, enough has been said to prove the inexpediency of withholding these institutions in any situation,—or at all events, to throw upon those holding an opposite view, the burden of proving, why these should not be extended to all our colonies. But we do not stop here; for in addition to the positive *good* which the existence of these institutions confer, we are prepared to demonstrate the positive *evil* which the want of them inflicts; and we do not imagine that more will be required for the determination of the question.

In order the better to comprehend the situation of those colonies which are without legislative assemblies, it is necessary shortly to advert to the powers, with which the Governor is invested. He has exclusive authority over the whole executive force, or, in other words, the military stationed in the Colony. They receive their orders solely from him: his dictate is their law; and they are the more willing to obey when they are under the command of a countryman of their own, and are employed to keep watch on foreigners.

Whilst the Governor is at the head of the *executive*, he possesses, at least *assumes*, an equal right of administering the *legislative* department;—by suspending or altering the laws, and banishing from the Colony, any individual offensive to his sovereign pleasure. It were vain to multiply examples of the unjust and oppressive exercise of these powers. We do not mean to say, that Governors uniformly exercise these powers in an iniquitous manner. That they have been repeatedly exercised in this manner, none can deny. But what we aver is, that these powers ought not to be

conferred on any single individual without some check or control. In every quarter of the world, and in the breast of every human being, the evil passions of our nature are the same, and wherever there is exuberance of power, a tendency will always exist to riot and indulge in the abuse of it.

The Governor of these Colonies, also, assumes the no less dangerous right of imposing what taxes he thinks necessary, for defraying the expenses of his government, and improving the condition of the Colony. No sanction or concurrence is ever asked or dreamt of from the inhabitants themselves: *Sic volo, sic jubeo* is all the intimation—all the explanation which is bestowed, and with that summons they must at once conform, under whatever penalties the Colonial Potentate pleases to impose.

To adduce an example of the manner in which these powers are exercised, it is sufficient to mention the following facts, upon the authority of an eye witness, one who lived on terms of intimacy with the Governor, and by no means disposed to exaggerate his misconduct. Some years ago the Governor of Trinidad issued a proclamation, that the planters should, for a certain number of days, send out their negroes to repair the roads; one planter failed to conform to this order, on hearing which, the Governor inflicted upon him a fine of £50. and sent one of his Aides-de-Camp, to exact payment of it. The planter expressed surprise at the sudden demand they made upon him, at the arbitrary pleasure of the Governor, and showed a determination to resist; but foreseeing the consequences of still further provoking the Governor's wrath, he surrendered the money, scornfully observing, that he made a pre-

sent of it to the Aid-de Camp. Some days afterwards the planter received a second message from the Governor, requiring from him the £50. penalty which had been imposed on him, adding, that though he had already paid that sum, yet it had been given only as a present to his Aid-de-Camp. This was plainly an act of the most shameful extortion, and at first the planter was disposed to resist it to the uttermost; but some hint having been given to him about a visit of armed soldiers, he at length yielded to the entreaties of his family, and paid the additional £50. Such is a sample, we do not say of what *usually* occurs under the administration of our Colonial Governors, but of what *may* often occur under the exuberant and uncontrolled powers with which they are invested.

It is indeed possible if a case of grievous and intolerable hardship occurs, at least to *seek*, we do not say to *obtain* redress, by sending to England, soliciting the patronage of some patriotic Member of Parliament, and imploring the protection of the British House of Commons. But what Colonist would dare to oppose, by his single arm, the fell vengeance of a colonial despot, under whose power he is doomed to reside, backed, as it would be, by the whole plenitude of ministerial influence at home, and all the accumulated expenses of a protracted and far distant trial? Let Bishop Burnett answer that question, who, after suffering years of persecution at the Cape, was at length driven from the Colony, ruined in his fortune, and who, though thousands were spent by him in the hope of proving to the dull apprehension of Parliament, the oppression of which he was the victim, has, up to this day, never obtained one atom of redress. Many are the instances,

some of them known to ourselves personally, where, even in colonies possessing legislative assemblies, individuals aggrieved by the flagitious conduct of the Governor, and too high spirited to submit tamely to the iron yoke which galled them, have left their families and their property, to seek in England for retribution on the guilty oppressor, and who, after fruitless appeals to the justice of our courts and the sympathy of Parliament, have at length reduced themselves and family to the dregs of beggary, or died in ineffectual struggles for a vindication of their rights. No doubt few of such melancholy examples have been laid bare to the public eye; but how is it possible they should be known, when no means are left to procure the patronage of the powerful, or to awaken the interest of Parliament? We may, therefore, well enough understand why oppression and extortion are sullenly submitted to in our Colonies, where the voice of a capricious and despotic Governor is paramount to the voice of justice. In those Colonies, bereaved of legislative assemblies, the Governor may be no better than an oriental despot, who brooks no control, and sets all justice at defiance.

But if this be a picture, as true as it is dismal, of the state of those Colonies, where a Governor alone acts with unbridled sway, why, it may be asked, are they not wholly deserted? and why, above all, are they frequented by those, who leave a land of liberty, to submit to the evils and indignity of a state of bondage? Ask this question of those who cultivate their vines on the fertile bosom of the volcano, or who toil under a burning and pestilential sun, or who submit to the privations, and drudgery, and dangers of a soldier's life.

All these will tell you, that, lured by the golden prospects which lead them in the pursuit of fortune, or power, or "bubble reputation," they are willing to relinquish, for a season, the possession of health, of domestic comfort, or of personal liberty, for the sake of any of these fancied blessings. If man, all over the world, submits to such sacrifices, will the same inducements not also tempt him to undergo the infliction of despotism, even though it come from the ignoble hand of a petty colonial Governor? Notwithstanding all the evils and drawbacks to which some of our Colonies are subjected, still they possess treasures, sufficient to draw to them men of enterprize and perseverance. But who is there on that account, whilst admitting those evils to exist, would attempt to justify or palliate their continuance, or for one moment maintain, that their removal would not render the Colonies infinitely more valuable and happy?

We have spoken hitherto of the *powers* of the Governor—so liable to abuse in those Colonies where it is unchecked by legislative assemblies; we must now advert to other evils which arise from the absence of *free institutions*.

The most glaring of these evils is the want of a free press, and trial by jury—institutions which Englishmen regard as the dearest of their political birthrights. We do not here mean to argue the inherent right of all British subjects, in every part of the British dominions, to enjoy and exercise these privileges. However legitimate this argument is, we know that in an age of "commodity, that bias of the world," there are many not capable of appreciating its weight, and who, in a question of this kind, are more influenced by a convic-

tion of evils which should be removed, than by conviction of a right which ought not to be denied. To such persons, then, we undertake, and it will not be difficult to prove, the disadvantages, as well as the positive depreciation in value, which our Colonies sustain by the deprivation of those free institutions.

But why should it be necessary for us to recal to the minds of Englishmen, the blessings of a free press, and trial by jury, unless to repeat the trite remark, that those blessings which we the most frequently enjoy, are too often prized the least. The peasant who toils amid the scenery of his romantic glens, or braces himself in the healthy breezes of his native hills, is insensible to the beauty and delights of which he is the daily and luxurious partaker, till he finds himself inhaling the noxious air of a city, or cooped up within the deck of a paltry shallop. So it is with the free institutions of our land, among which we have been born and bred, and which have become as common and necessary to us as the air we breathe. Of their value and utility we think but little, until fate carries us to the land in which their blessings are unknown, and then we feel, in all its bleakness and dreariness, the dismal blank which the want of them creates. How many of our most rational enjoyments, as well as our most exalted privileges, depend on a Free Press, and Trial by Jury! wherever the former is wanting, we in vain sigh for the pleasures of intellectual and literary pursuits—the only symbols of a civilized people; we in vain wish to disseminate the productions of genius, for the delight and instruction of our fellow creatures; we in vain look for that salutary moral control, which is exercised over all classes of

society, by the influence of public opinion. The Press reflects like a mirror, equally the charities of the good, and the crimes of the wicked, and though the *former* may be actuated by higher motives than respect for the world's favor, that motive may still operate on the *latter* to deter from crime, when every holier restraint is broken. The protection which this institution thus indirectly affords against the tyranny of the wicked, is not less serviceable than what is derived from trial by jury; if the former is a weapon by which iniquity may be attacked, the latter is a shield by which the weak may be protected. Bad governments, therefore, by which epithet we mean those possessing more power over the persons and property of the subject than is necessary for the well-being of society, dislike free institutions, which hold up every act of extortion to public execration, and constitute an insuperable barrier in defence of personal liberty. How distressing then must be the situation of a country, where these institutions are not permitted to exist, and especially to British settlers, who have tasted and lived on the blessings of freedom; where, deprived equally of the enjoyments and the securities which these institutions supply, the people are chained to the yoke of despotism, without alleviation or redress.

Yet such is the system which prevails in some of the Colonies of Great Britain, in which there are neither legislative assemblies—nor free press—nor trial by jury. Is not the continuance and toleration of such a system as detrimental to the Colonies, as it is disgraceful to the mother country? With what feelings must the natives of these Colonies reflect on our conduct towards them, when we sternly deny them those privileges, which *we* so anxiously preserve and

cherish as the best pledges of social happiness. In times of peace, we may perhaps care little for the good-will and amity of our Colonists; but there are seasons of trouble to all nations; and Great Britain has already experienced the bitter consequences of a haughty and supercilious demeanour to her foreign subjects, in the loss of her American Colonies. By what cause was the revolt of those Colonies brought about? the imposition of an obnoxious tax, by an assembly in which they were not represented. And yet, without taking warning by that remarkable event, we still blindly persist in the same policy, regardless of the supplications and remonstrances of the Colonists, to whom we deny a voice, not merely in the legislature of the empire, but even in the management of their own concerns. Is this to pursue that system of conciliation, or to act with that spirit of liberality, or that regard to ordinary justice, which is to preserve valuable friends in peace, and useful allies in war? No mortal can doubt, that colonies, if well established and governed, must prove essentially beneficial to the mother country. And it can just as little be doubted, that by an opposite course, of mismanagement and misrule, the affections of the Colonies will be estranged, and their conduct become that of a conquered and offended people, disposed at the first juncture of affairs, to fly into alliance with an enemy.

What must the necessary result be, when such a state of hostility or of dislike is once created in the Colony? Will the natives be the more submissive on that account, to the mandates of the local Government? Will they pay with greater alacrity the taxes saddled on them at the caprice of a foreigner? Will they show a predilection for the manufactures of the

mother country, rather than for those of other nations? These are grave and serious questions, emerging from the situation in which many of our Colonies are now actually placed, and on the determination of which it depends, whether those Colonies are to prove beneficial or baneful to the country. Our firm conviction on the whole is, that, whilst on the one hand, those Colonies possessing legislative assemblies may be easily administered without the excitement of acrimonious feeling—supplying with readiness the taxes necessary for the exigencies of their Governments, and more willing to trade with Great Britain than with other countries,—on the other hand, those Colonies which are deprived of assemblies, are scenes of constant altercation with the constituted authorities, grudging every dollar which is exacted for the expenses of the Colonial Establishment, and ready to throw themselves into the arms of any other nation, for the sake of being severed from a country which treats them with asperity and injustice.

We are satisfied, that every candid person must admit the force of the general remarks which we have now briefly sketched, in favour of colonial legislation. And even were no more than a tithe of them admitted, as affording a correct outline of the practical benefits, on the one hand, of Local Assemblies, and the practical mischief, on the other, arising from their non-existence, there would still be sufficient to leave the balance of a strong presumption in favour of these institutions, and to encumber their opponents with the burden of showing, why the Colonies which are deprived of them, should be exceptions to the general rule.

Let us now, in illustration of these general remarks, consider the situation of one or two Colonies without legislative assemblies, and endeavour to ascertain as far as possible, the grounds on which the non-existence of them can be defended. Take the case first of the Cape of Good Hope. We ask our opponents to point out to us any one circumstance in the condition of that Colony, which should render it an exception to the rule we have endeavoured to develope. We have never heard that circumstance stated; whilst the alleged circumstances of tyranny by which its Government has been hitherto stained, demonstrate and enforce the expediency of some improvement on the existing system. But without now adverting to the alleged abuses of the power vested in the local Governor arising from the want of a constitutional control, let us first attend to the nature of the powers actually entrusted to the Governor; and then we shall be the better able to judge both of their tendency to abuse, and of their consistency with political freedom.

Your Lordship is probably aware, that some years ago Commissioners of Inquiry were appointed to investigate the condition of the Colonies. Their report on several of them, has already been published, and the following extract from that on the Cape of Good Hope, gives an impartial outline of the Governor's extensive powers. After observing that before our acquisition of the Colony, there had existed a council, to whose previous consideration the Governor was bound by certain regulations to submit all important acts of administration, the Commissioners state, that "the principal and most important differences that we find to have existed between the state of the Govern-

ment as it was found in 1803, and that which existed on our arrival in 1823, was the concentration in the person of the Governor, of all the powers that had been separated or modified in the regulations to which we have had the honour to refer. By virtue of His Majesty's commission and instructions, the British Governors have issued proclamations in their own names, for explaining and *modifying the old, and enacting new laws*, and for increasing the amount of former, and creating and *levying fresh imposts*. They have also regulated the tenures of lands, by confirming several old grants, and conceding new ones; and have exercised the very important privilege of fixing and reducing the amount of perpetual quit rent with each grantee of land was to pay."—"They have added to the amount of the public debt, by the issue of paper currency, and have levied taxes, and directed the approbation of them to specific, *sometimes to different objects from those for which they were raised.*" In addition to these circumstances, we may mention, that there is no trial by jury in civil cases, that there is no liberty of the Press, that a power is vested in the Governor of banishing from the Colony obnoxious individuals for political causes, and that the judges are removeable at the pleasure of the Governor.

With the possession, and in the daily exercise of such exuberant powers, how is it possible that mortal man, should not sometimes be guilty of indiscretion in their application? To be vested with absolute and unfettered sovereignty over 120,000 individuals, (which four years ago was the population of the Cape), creates a most alarming responsibility, for the due discharge of which, consummate wisdom, forbearance, and integrity,

are indispensable, though these are qualities which have not always shone the most conspicuously in the sovereignty of the Cape*. But however properly these powers might be exercised, it surely cannot be maintained that it is fit or reasonable, that one man, who comes to the Colony profoundly ignorant of its condition and customs, should be entitled to repeal and enact laws at his pleasure, impose new or additional taxes on the natives without their consent, and apply them to any purpose that he chooses.

But the Colonists of the Cape have still higher grounds, than merely the expediency of the measure, and the abuses to which these unlimited powers are subject, for earnestly seeking the establishment of some constitutional control on the Governor. Before the Colony fell into the hands of Great Britain, that constitutional control existed, and though their legislative government was extremely imperfect, still it was such as secured the natives from oppression or extortion. The petition prepared by the natives of this Colony, praying for a Legislative Assembly, and presented some years ago to Parliament, sets out by stating—"That many of your Petitioners have witnessed the political changes which have taken place in this Colony during the last thirty-three years, and they were comprehended in the capitulation of January, 1806, the terms of which guaranteed to them liberty and security of person, the free enjoyment of property, *and the preservation of their rights and privileges*; that

* The author cannot be supposed for a moment to allude, in making this general observation, to the fostering and parental government of the present Ruler of the Colony, Sir Lowry Cole.

they were thus placed under the protection of his Majesty until the Colony was finally ceded to Great Britain, by the King of the Netherlands, in August 1814, when the protection they had enjoyed in pursuance of the capitulation, was not only continued to them, but they became naturalized as his Majesty's liege subjects, and, consequently, as they humbly submit, entitled to the advantages of the British constitution."

"Your Petitioners, in reverting to the periods when this Colony was in the possession of a former mother country, deem it fit to notice, that the inhabitants then (exclusive of a Council to assist the Governor in the legislative and executive branches of government) possessed a constitutional mode of representing their wishes and complaints by means of a board, denominated the 'Burgerh Senate,' instituted as early as the year 1665, and so constituted of citizens as to have been, at that period, of some utility and efficiency in protecting their interests; but the powers of this board having, *subsequent to the last capture of the Colony, been greatly reduced*, it degenerated into a mere office for the administration of the financial affairs, and of some branches of the local police of Cape Town, *and has recently been entirely abolished*, together with the Boards of Heemraden, &c."

The Petition then goes on to set forth with moderation and firmness, various grievances suffered by them, from the exercise, on the part of the Governor, of his extraordinary powers in altering the laws of the Colony, changing the value of the colonial currency, imposing taxes without the concurrence of the inhabitants, and

expending them without regard to the object for which they were professedly levied. But, independently of those intolerable grievances, is it not evident from the circumstances of their case, that the Colonists have an undoubted right, by the terms of their capitulation, to a constitutional government, similar to what was enjoyed by them under their former mother country? It is true that, nominally, a Council at present exists, which the Governor is bound to consult in all his measures, but that Council is composed solely of military officers and civil functionaries, who are at the Governor's beck, and little disposed to contravene his pleasure. The Burgher Senate, which formerly was charged with the whole police of the Colony, which possessed the power of imposing or relieving from taxes, and was the constitutional organ through which the wishes and complaints of the people were made known to the Governor, has, since the capitulation, been entirely abolished. If this be true, has Great Britain not been guilty of a breach of national faith, in abolishing this most valuable and important privilege, after an express paction to guarantee to the Colonists their rights and privileges? The honour of this country is pledged, if not to act with liberality, at least to act with justice; and if we absurdly refuse to do that which is so expedient, both for the good of the Colony and our own financial relations with it, we, at all events, cannot without a shameful violation of the contract by which we acquired the Colony, refuse to restore what we expressly bound ourselves to maintain.

It is not surprising that after the ill treatment which the Colonists at the Cape have thus suffered from the

local government, there should have been considerable irritation on the part of the natives. How can it be expected that the people there should be very obedient to laws which are imposed on them at the pleasure of a capricious Governor, or that they should come forward with all the alacrity that is desired, to pay taxes, levied without their concurrence, and squandered in ways altogether different from their original purposes?

It appears, from the Report of the Commissioners of Inquiry, at the Cape of Good Hope, that during the eleven years previous to Lord Charles Somerset's administration, the revenue, on an average, exceeded the expenditure by £72,066, whilst, on an average of the thirteen years of Lord Charles Somerset's reign, the expenditure exceeded the revenue by £72,600. Whether this result has arisen from wasteful expenditure on the part of the Governor, or from unwillingness to pay on the part of the Colonists, it is perfectly evident to what cause these evils are to be ascribed, and by what remedy they may be removed. The establishment of a legislative assembly is the only method which can cure the evils of mal-administration, heal the dissensions existing between the Governor and the Colonists, and redeem that pledge which this country solemnly undertook at the period of their capitulation. Indeed, this is the course which the Commissioners of Inquiry appointed by our Government, have warmly recommended. After adverting to the proposition of establishing a representative council or assembly in each of the two districts of the Colony, the Report states that "Limited as the constitution of the two councils will be when compared with the power and duties attributed to them, we still think that *they*

are calculated to give weight and consistency to the decisions of Government, without affording any reasonable apprehension of lessening its legitimate influence, or of obstructing the course of its executive duties; it is an institution familiar to the recollection of many of the inhabitants." The Report afterwards states, "that the prospect of participating in the future prosperity of their native country, and of providing *a legitimate and constitutional remedy for the errors or the misfortunes* with which it has had to struggle, will tend greatly to induce a cheerful co-operation in the exertions and sacrifices which the circumstances of the Colony may still require from its inhabitants, and *to alleviate the spirit of discontent, which late events have tended to excite, and which has, in some measure, we fear, impaired that feeling of respectful attachment to the British government,* which a course of former benefits had produced." The Commissioners finally "express a hope, that when sufficient time has elapsed to admit of the more perfect acquirement of the English language by the native inhabitants of the Colony, and when the condition of the slave population shall have been ameliorated, *the institution of a legislative assembly in each province of the Colony,* may be resorted to, and with every reasonable prospect of contributing to the tranquility and happiness of both."

Having thus referred to the actual condition of the Colony, and quoted the opinion of individuals chosen by Ministers themselves, as to the expediency of establishing a legislative assembly, we have next to mention the view which has been taken of this subject by Parliament. We believe that the first Petition was presented on the 8th June, 1827, signed as Mr. Baring

states, by "sixteen hundred individuals, composing the respectability and intelligence of the Colony."* "It was painful to think," he observed, "that the residents in that Colony lived under a system of government, as despotic as that of Turkey—there was no trial by jury; and the lives and property of the Colonists were dependent on the arbitrary will and disposal of those, who were removeable at the pleasure of the Governor. His opinion was, that the Colonists should possess some local popular organ, through which their complaints might be made public. At present, the only answer to persons making complaints in print, was to send them out of the Colony. This course was recently adopted towards an individual, whose only offence was publishing some extracts from the London papers."

What were the grounds of opposition to this Petition taken by Ministers? They were certainly not such as to indicate much liberality on their part, or much attention to the interests of the Petitioners by the Members generally. For, after observing that a Commission had been appointed "to make inquiries into several departments of government at the Cape," and that "other British Colonies were without representative governments," as well as the Cape, Mr. W. Horton proceeded "to advert to a subject of a nature *personal to himself*," regarding the publication of a pamphlet, in which it was said he had spoken disrespectfully of Sir R. Donkin. Will it be believed that the moment this "subject of a nature personal" to Mr. W. Horton was broached, the other subject in which the Petitioners were so deeply interested, was

* Hansard's Parl. Debates, XVII, p. 1,169.

immediately forgotten or thrown aside? and in the rest of the discussion, the great and important question, so vital to the prosperity of this integral portion of the empire, was altogether blinked and scouted?

The above Petition, be it also observed, was presented after the Report of the Commissioners of Inquiry had been sent home to Government, though Ministers did not choose to make known their opinion in favour of the very object, which the Petition prayed for. And thus, in opposing and refusing that Petition, they also set at nought the opinion of those whose unbiassed judgment was formed on personal observation, and whom Ministers had repeatedly declared in Parliament to be gentlemen of most undoubted abilities, and in every respect worthy of public confidence.*

Not satisfied with the treatment which the above Petition received (as truly they had good reason not to be), another Petition was prepared and signed by the British settlers and natives of the Cape of Good Hope, in much the same terms as the former. The Petition was entrusted to Lord Milton, who, on presenting it, expressed his entire concurrence in its sentiments, "especially when he recollected how many British Colonies of less importance already enjoyed the benefits of a representative system."† Sir George Murray, then Colonial Secretary, opposed the prayer of the Petition, because, as he alleged, "there was no country where slavery existed, in which the expediency of introducing a representative legislature might not most seriously be doubted. The state of that Colony, with reference to population and civili-

* Hansard's Parliamentary Debates, XVI, p. 310.

† Hansard's Parliamentary Debates, of 24th May, 1830.

zation, ought also to be taken into account. Its extent was nearly equal to that of the United Kingdom—about 600 miles long, and 300 wide. The Colonists amounted to only 119,966 souls, of whom the slaves amounted to 31,000, the free blacks to 35,000, and the whites to 53,966. A population so scattered and so circumstanced, could but poorly exercise the privileges and powers of representation. Again, the whites were divided into Dutch and British, and if they had a legislature, that body would be divided into two parties—the Dutch party and the British party—and thus one of the most important benefits of representation would be counteracted. Another objection to the introduction of the representative system was that, were it once established, all the power would speedily centre in the hands of those who resided in and near Cape Town, for those who resided at a distance, would never think public affairs worth such a journey." Such is a statement in his own words of the Colonial Secretary's objection to the Petition for a Colonial Assembly at the Cape. The Petition was rejected by the House of Commons, not probably so much from the weight of the objections, as from the apathy and indifference of Parliament on this topic of distant polity.

In remarking on the shallowness of these objections, we may observe, that the leading ground of opposition with which the Colonial Secretary sets out and concludes, as to the magnitude of the Colony, and the scattered condition of the population, was triumphantly refuted by Mr. Hume, who referred to the case of Canada, which comprehends an extent of territory certainly as large and as thinly inhabited; and the same example likewise furnishes a reply to

another vamped-up difficulty, of there being a Dutch party and a British party, among whom, it was assumed, squabbings would arise dangerous to the existence of the representative system. But have any such squabbings ever taken place between a French party and a British party in Canada, where by reason of religion and national customs, a difference of opinion and interests was much more likely to arise than at the Cape of Good Hope? or have any such violent dissensions, we may ask, broken out in those West Indian Islands possessing Colonial Assemblies, which have been ceded to us by the Dutch and the French? this objection, therefore, is quite preposterous. Then it is said, that "there was no country where slavery existed, in which the expediency of introducing a representative legislature, might not most seriously be doubted." Were Parliament not aware that in the United States, where representation, in the widest sense of the term, has now existed for half a century, slavery in its most degrading forms, embraces *more than a third of the whole population*, and yet is not destructive of the general system? or did the Colonial Secretary forget, that the most flourishing of our Colonies in the West Indies, where legislative assemblies have been established, are almost entirely, and always have been, cultivated by slaves? and yet it was objected to the proposition of establishing an assembly at the Cape, that "the Colonists amounted to only 119,966 souls, of whom the slaves amounted

* The following is a Statement of the population of some of our West Indian Colonies taken from Humboldt's "*Voyage aux Regions Equinoxiales du nouveau Continent*, 1826," Tome XI.

Years.	Colony.	Slaves.	Free Blacks.	Whites.
1820	Jamaica,	341,812	35,000	25,000
1823	Antigua,	31,000	4,000	5,000

to 31,000, the free blacks to 35,000, and the whites to 53,966," that is to say, showing a proportion of free Colonists to those in a state of slavery, more than six times greater than what exists in Jamaica or Antigua, or Barbadoes, or St. Kitts, or Nevis, or Grenada. Truly, then, the reasoning of the Colonial Secretary, seems to have been marvellously inconclusive, and little consistent with the deductions which his official knowledge of our Colonies should have taught him. Yet the House of Commons submitted to be thus imposed on, and the Petition was rejected, because no member would give himself the trouble of pointing out the facts, to which we have briefly adverted.

So far, therefore, from seeing how the Cape of Good Hope should be excepted from the general reasoning we have sketched in favour of Colonial Assemblies, we conceive that there are special circumstances of the strongest character, in the condition and history of the Cape, which loudly call on us to confer upon it that blessing. The establishment of a constitutional check on the Governor's powers, was enjoyed by the Colony before it became subject to Great Britain; and we, who possess, or claim the proud privilege of giving to other nations an example of liberal and enlightened policy, certainly ought not to withhold that measure of freedom which the former mother country of this colony allowed to it—and least of all be guilty of a breach of national honour, by violating the terms of

<i>Years.</i>	<i>Colony.</i>	<i>Slaves.</i>	<i>Free Blacks.</i>	<i>Whites.</i>
1823	Barbadoes,	79,000	5,000	16,000
1820	Nevis,	9,000	1,000	450
1820	Grenada,	25,000	2,800	900
1820	St. Kitts,	19,500	2,500	1,000

a capitulation by which we assured to the Colonists the preservation of their rights and privileges.

The next Colony deprived of free institutions to which we would refer is the Mauritius, which, though smaller in extent than the Cape, is much more productive and valuable to the mother country. Though we are unable exactly to ascertain the population of the Mauritius*, yet some estimate may be formed of its importance by comparing the amount of its trade and produce with those of other settlements.

The following return, taken from Parliamentary papers, for 1830, No. 133, shows the number of British vessels trading with the Mauritius and with the Cape of Good Hope.

	Ships entered Inward.	Ships cleared Outward.	Total.
1826 Mauritius,	24	20	44
— Cape of G. Hope,	19	26	45
1827 Mauritius,	21	30	61
— Cape of G. Hope,	22	21	43
1828 Mauritius,	47	28	75
— Cape of G. Hope,	22	31	53

The following Parliamentary return, No. 292, is the official value of imports and exports with Great Britain and Ireland, and these two Colonies, as at 5th January, 1829 :—

	Imports.	Exports.	Total.
Mauritius,	£529,391.	£231,635.	£861,026.
Cape of G. Hope,	£193,464.	£347,381.	£540,845.
At 5th Jan. 1831 :—	Imports.	Exports.	Total.
Mauritius,	£451,999.	£280,530.	£732,529.
Cape of G. Hope,	£238,133.	£383,427.	£621,560.

* We observe, from Hansard's Parliamentary Debates, vol. XV. page 1,030, that in 1810, the population of the Mauritius was 60,000, and in 1815 it was 87,000. Whether any official returns have been made to a later date we are not aware, but from private information we learn, that in 1830, the population was above 100,000.

It may be useful also to note a few points of comparison between the Mauritius and several of our Colonies possessed of legislative assemblies.

The following amounts of the quantity of sugar imported into the United Kingdom, are taken from Parliamentary papers:—

	1828*.	1830†.
Mauritius,	361,052 cwts.	485,326 cwts.
Barbadoes,	375,611	336,881
St. Vincent's,	288,062	261,551
Antigua, -	199,426	158,611
Grenada,	269,879	213,160

From the deficiency of accurate financial information respecting these Colonies, we are unable to enter into farther details; but the above statements prove that the Mauritius is of far greater consequence to this country than the Cape of Good Hope, as well as many other Colonies which possess the advantage of free institutions; and that its commercial importance is rapidly advancing. If, then, our remarks as to the expediency of establishing a legislative assembly at the Cape of Good Hope, are at all just, they must apply with still greater force to the Mauritius, a Colony superior as much in opulence and fertility as in civilization and intelligence. But there are special circumstances, both in the history of the Mauritius, and in the administration of its government, which enforce those reasons of expediency by the higher claims of equity and justice.

Mauritius, though at first a dependency of the Dutch, fell afterwards under the power of the French. From the year 1722 to 1790 it was administered by a Governor and an "Intendant," the former exercising military authority, and the latter being entrusted with the

* Parl. Return for 1829, No. 319.

† Ditto. ——— 1830, No.

civil power. But besides, these two heads of government, there was a "Conseil Supérieur," composed of the principal inhabitants, invested with functions similar to those of the French "Parlement," and enjoying the power of discussing the expediency, and preventing the adoption of legislative measures, proposed by the administration. But when the revolution broke out in France, the influence of liberal principles extended to the Mauritius. In 1791 a Colonial Assembly was established, the members of which were appointed by the free voice of the inhabitants. The institution of this assembly, which was uncontaminated with those furious democratical principles then prevalent in France, was a measure, not so palatable to the new rulers at home, although shortly before the overthrow of the former government, special instructions had been sent out, to confer on the inhabitants the privilege of a Colonial Assembly. But, however much inclination there may have been to crush the infant constitution, France was fortunately too much occupied with its own concerns to take any immediate steps against subjects, who, in obtaining for themselves a larger share of political freedom, had only followed the example of the parent state. In 1796 an expedition was, however, equipped by the French Directors and Commissioners, with the view of enforcing at the Mauritius, the same sanguinary principles of democratic tyranny, which now reigned paramount in France; the youth of Mauritius immediately flew to arms, in defence of the invaluable privilege which they had acquired, and forced the armament to sail back to France.

Roused with indignation at the obstinacy of the Colony, the new Government of France not only ceased to protect it, but threatened it with more

serious preparations of war. The English squadron then cruising near the island, and being anxious to secure so valuable a possession for Great Britain, their wily commander offered to protect the inhabitants from the roused vengeance of their mother country, if they would allow the English forces to land as their allies. But the Colonial Assembly prudently and nobly declined this Grecian proposal: they refused to be indebted for its safety to a national enemy, and chose rather to brave the resentment of two powerful nations, than sacrifice their independence. The inhabitants, accordingly, though already much impoverished by a protracted and expensive war, soon supplied, by voluntary contributions, funds to fit out a new fleet to resist invasion. It was not long before actual hostilities took place, and one of the few naval victories gained by the French over the English navy, was accomplished by Vice-Admiral St. Felix, who, with two frigates under his command, equipped at the Mauritius, succeeded in dismantling, and nearly destroying the *Diomede* and *Centurion*, both British frigates of heavier metal. But at length, an event occurred in the island, which showed that more danger was to be dreaded from internal treachery than from foreign hostilities. The troops, which originally had been sent from France to garrison the island, untrue to the spirit of patriotism which animated the natives, rebelled against the constitution, and threatened destruction to the infant state. Instantly the Mauritian youth, who had formed themselves into a militia, but had only their bravery to supply the want of military discipline, compelled those veteran troops to embark on board of ships provided for the purpose, and forbade them ever to set again their foot on the shores of the Colony.

Whilst the newly constituted government of Mauritius was thus so fully engaged with foreign and intestine hostilities, it also found time to apply itself in framing useful laws, and improving the domestic condition of the island. The Colonial Assembly of the Mauritius, on the 18th January, 1793, passed a law, proclaiming the principles of equality among all free citizens, whatever their rank or descent, and bestowing on free blacks a participation of the political privileges hitherto monopolized by the whites. Nor were the slaves forgotten; for whilst the long established rights of property in the master were carefully respected, rules were laid down for the benefit of that degraded class, calculated to promote their comforts and moral improvement.*

In 1799, the "College Colonial" was founded under the enlightened administration of the Legislative Assembly, and funds were at the same time provided for its future maintenance. The college subsists to this day, and contains 300 students, some of whom are attracted to this seat of learning, from the remotest parts of the Indian ocean.

To the legislators of this small island, therefore, belongs the glory, not merely of having been inspired with a pure and devoted spirit of patriotism worthy of the ages of Greece and Rome, but of having taken the lead in those principles of liberal and enlightened philosophy, which Europe was afterwards tardily to adopt, but to which England still shows a sullen in-

* On the 6th February, 1794, the Colonial Assembly abolished all the former laws which permitted, in certain cases required, the torture or mutilation of slaves. On the 26th February, 1794, it declared the Slave Trade to be unlawful. On the 20th September, 1794, it enacted that traffic in slaves should be abolished for ever.

sensibility by her narrow minded policy towards her colonial dependencies. For a considerable interval of time, Mauritius remained unmolested by any foreign enemy. Its nobly gained independence, the mercantile enterprize of its natives, and the reputation of its college and schools, procured for it the respect of neighbouring powers; and the settlers of Graaf Beynett, at the Cape of Good Hope, King Tippoo Saib, and the Sovereign of Pegu, all sent agents or ambassadors to seek the alliance of the Mauritius.

But, notwithstanding the increasing prosperity and glory of this modern Sparta, fate had numbered the hours even of its existence. The colossal despotism of Buonaparte now sat upon the throne of France, and the remotest corners of the empire felt the impulse of his iron sway.

On the 26th September, 1803, General Decaen, with a large armament, appeared before the island, and landing with such a multitude of forces, as baffled all opposition, he proclaimed the authority of the First Consul, and abolished the Colonial Assembly. Yet, even enemy as he was to representative governments, Buonaparte saw the expediency of allowing to the inhabitants some share in the administration of their own affairs; and, accordingly, he permitted the existence of a Colonial Council, the members of which were chosen from a list, framed by the planters. This body constituted by the organic law of the 13 pluviöse, framed in the year 11 of the Republic, and the law of the 29th September, 1810, was allowed to hold meetings for the purpose of presenting their views on objects of utility to the island; and with them the Governor was bound to consult, in imposing taxes, and in resolving on any important act of executive power.

Such was the nature of the Colonial Constitution, when the island fell into the hands of Great Britain in 1810. The preservation of all the existing laws and privileges was solemnly claimed, and as solemnly guaranteed, at the time of its capitulation.*

* During the month previous to the conquest of the Isle of France by the British arms, a Proclamation, signed by Sir Robert Farquhar, was industriously circulated at his instigation, and addressed to the "Inhabitants of the Isle of France." In this Proclamation, besides other assurances of the splendid advantages held out to the natives, to be derived from a union with England, the following passage occurs, "You shall be allowed the free exercise of your religion. Your religious establishments shall be maintained with all their privileges. Your charitable institutions shall be protected. *Your laws and customs shall be preserved and respected.*"

On the 3rd December, 1810, the Island surrendered to the British troops, under the command of General Abercrombie, in virtue of a convention, of which, in conformity with the foregoing promise, the following is a leading article, "the Property of the Inhabitants, of whatever description, shall be respected: *they shall preserve their religion, their laws, and customs.*"

On the 31st December, 1810, another manifesto was published by the new Governor, in which the following sentiments are expressed, not less applicable now, as they were then, to the condition and treatment of the Colony.—"The sovereign who is either unable or unwilling to protect his subjects or *his colonies, forfeits the right of requiring from them any sacrifice or proof of attachment.* The English nation makes her glory, after conquest, to consist in offering to the Colonists, *protection, happiness, and plenty,* instead of tyranny, injustice, and all kinds of oppression with which they have been hitherto overwhelmed. The sovereign under whose dominion this interesting Colony is henceforth to remain, will use the right of conquest for no other purpose than that of creating its *felicity.*" Such were the fair promises by which we seduced this Island from its allegiance to the mother country, and prevailed on it to throw itself, even without a struggle, into the arms of England. Let England answer whether these fair promises have been kept; or whether the treatment which this Colony subsequently received at our hands, does not rather form a blot on our national honour.

Not satisfied with making these positive and repeated declarations to the natives, of the intentions of the British Government to protect their interests, Governor Farquhar, in February, 1813, published to the Colony

Notwithstanding this guarantee however, the British Governors found it more convenient to discontinue the meetings of the Council, which they found only served to clog them in the exercise of their authority. The inhabitants, at first, submitted to the degradation: perhaps they looked forward to a deliverance from the tyranny of their new masters; but when, at the peace between Great Britain and France, the unhappy Colonists found that they were basely bartered to this country, like slaves in a Turkish market, they at length petitioned the Governor for a restoration of the few political rights, which military rapacity, during the reign of terror, had left to them. It was not till the year 1817, and after the most urgent and reiterated remonstrances, that the inhabitants succeeded in recovering the semblance of a representative government. In that year the "Conseils de Communes" was re-established. But the same Proclamation which revived it, whilst it fully recognized the rights of the inhabitants, and "the justice" of their claims, likewise clipped and curtailed the powers and jurisdiction of their Assembly. Even with this remnant of liberty, this weakened and solitary ray of light, the Colonists would have remained contented; at least they would not have been wholly driven to despair. But on the 29th January, 1821, the following Vandalic Ordinance,

the instructions, which he had received for his direction, in case of the surrender of the island; and among those instructions is the following—"The Governor is to observe, as a general principle, that the *system of the local laws, and of the administration, is to be preserved in its existing state.*" "The Governor is to maintain the laws and privileges, which are guaranteed to the inhabitants."

issued from the seat of power, which might well have roused a people, not yet subdued by the lash of tyranny, to revolution and frenzy :

“ Proclamation in the name of his Majesty George IV : his Excellency Robert Townsend Farquhar, Esq., Governor, &c.

“ His Excellency, the Governor, having received from Earl Bathurst, principal Secretary of State for War and Colonies, under date 31st August, 1820, official communications, in which his Lordship conveys his Majesty’s instructions, to recall the Proclamation of the 8th September, 1817, in which the Assembly of the Communes was first created : that Proclamation, of the 8th September, 1817, is hereby recalled accordingly ; and, in consequence, all future meetings will be henceforth discontinued.

“ Port Louis, Mauritius, 29 January, 1821.

“ (Signed) R. T. FARQUHAR.”

“ By order, (Signed) G. A. BARRY,
Chief Secretary to Government.”

The other measures of Government were all consistent with this act of unprecedented infraction of national faith. It had been easily foreseen that this Colonial Assembly would prove to be a disagreeable companion in the administration of affairs ; and, accordingly, when the Governor found it impossible to refuse altogether the unanimous application of the Colonists for a restoration of their Council, it was only re-established in a modified form, and endeavours were constantly made to reduce it gradually to a mere

form or shadow. But still some other preparatory step was necessary, before the destruction of this constitutional body could be safely attempted; and, for this purpose, no step seemed more expedient than to choke the utterance of public opinion. Accordingly, on the 20th April, 1820, or about nine months previous to the suppression of the Colonial Council, the Freedom of the Press was annihilated by one stroke of his Excellency's pen, which inscribed the following Law, in the shape of a Proclamation, "in the name of his Majesty King George III, Major General Ralph Darling, commanding in the Island of Mauritius."

"ART. I. No person whatsoever can set up any printing-press, or print any works, matters, or things of any description whatsoever, without having previously obtained the *licence or permission of the Governor to do so.**

"ART. II. No person obtaining such general licence can be permitted to print any matter or thing, the exclusive privilege of which shall have been granted by the government to any particular individual by patent, contract, or any other agreement.

"ART. III. No articles of general reasoning, news, or any other matter, save and except only decrees, orders, and notices of justice sanctioned and signed by the proper authorities, shall be printed

* In The statement of the Receipt and Expenditure of Colonial Revenue in the Mauritius, by the Parliamentary Commissioners, the accounts for 1829 bear, as one item of annual income, "Government Press"..... £1,391, 10 0

We are glad to observe that the Commissioners recommend the abolition of this shameful establishment.

and published by any person without the same being previously submitted to, and approved of by such person as shall be appointed by the government to superintend the press of this Colony.

“ART. IV. Any and every infraction whatever of the three preceding Articles, shall be punished by a fine of 500 dollars.

“Port Louis, Island of Mauritius, 20th April, 1820.

“ (Signed) R. DARLING, Major Gen. Commanding.”

“ By order, (signed) G. A. BARRY,
Chief Secretary to Government.”

What could have been the design of the government in enacting so barbarous a law,* unless it was at that time meditating the perpetration of a deed, of which it feared the exposure? A good government would feel a generous pride in seeing its measures published to the world; a bad government dreads the disgrace and humiliation, which follows from the detection and general reprobation of its rapacity or oppression. The foul and unconstitutional deed which was contemplated was the destruction of the Colonial Council, the last child of hope and liberty which tyranny had spared; and that atrocity was at length

* This law (will it be credited!) still continues to be most rigorously enforced. Although certain newspapers, and other periodicals are allowed, the strictest censorship is exercised in scrutinizing their contents. Of course, all articles of a political nature, unless they are garnished with the most fulsome official flattery, are wholly proscribed; and translations of political intelligence, or remarks taken from English newspapers are equally prohibited; but there is not even permission to publish reports of the judicial proceedings of the Courts, or to inform the inhabitants of the robberies or depredations committed in the Island; and these communications are excluded on the pretext that reflections might thereby be indirectly suggested unfavourable to the character of the police, or other

accomplished by the above-recited proclamation of the 29th January, 1821.

It is hardly necessary to describe or characterize the other acts of ordinary administration by the Governor; henceforth, they were all of the same dark complexion as those two acts which we have just related; ramifications of the nefarious principle which had already shewn itself in the suppression of a free press, and of the Colonial Council. A single example will suffice: whilst under the dominion of the French, the utmost amount of taxes required from the inhabitants was 60,000 dollars, levied as above-mentioned, with the sanction of the Council. After the Island fell into the hands of the English, two proclamations appeared, notifying that the same taxes would be continued as under the French government. In the following year, in like manner, and as if in compliance with the ancient form, two proclamations were again issued, requiring payment of the usual amount of taxes. But after 1811, the government did not give itself the trouble of even giving this intimation, and the collector continued annually to exact the usual amount of taxes, down to July 24, 1822, when a new proclamation made its appearance from the Star Chamber of the government, informing the Colonists that the taxes would be continued to be exacted in the same manner as before. This amount has, since the capture of the

executive authorities. The office of Censor is, like most others to which a handsome salary is attached, held by an Englishman, who, in a great degree, ignorant of the French language, mutilates the composition submitted to his inspection by absurd corrections, or altogether destroys what his ignorance of the idiom renders him unable to understand.

Island, been continually augmenting, at the pleasure of the Governor; and in the year 1830, as we are informed by a correspondent, it reached the enormous sum of *one million* of dollars, having, in the short space of twenty years been increased more than sixteen fold!* What becomes of all the revenue which is thus wrung from the pockets of the Colonists, *they* need not, and dare not enquire. If some planter, more fool-hardy than the rest, and goaded on by a sense of his country's sufferings ventures to propose any question as to the application of the taxes, the menials of office, snap their fingers at his presumption, and tell him to go about his business, and mind his own affairs. The same spirit which animates the Government, pervades every other department; all the situations of power or emolument, instead of being impartially conferred on the natives and the English, are meanly and unfairly reserved for the immediate favourites of the Governor, upon whom are squandered the wealth of the Colonists. When a Mauritian, some years ago, held the situation of Chief Commissary of Police, his salary was only £480; but when his English successor stepped from the barracks to supplant him in that office, the salary instantly rose to £2000.

The more recent accounts from the Mauritius afford

* The following statement of receipts is taken from the Report of the Commissioners lately published:—

Customs and Port Duties.....	£98,576	10	0
Direct Impositions (perhaps well named)...	21,205	10	0
Special Taxes.....	53,205	9	0
Incidental Revenue	5,858	4	0

£178,845 13 0

a melancholy picture of the desolation and disquietude which prevail there, in consequence of the misconduct of the Government. The police is in such a state of disorder, that crimes are increasing with fearful rapidity.* The roads have been allowed to fall into disrepair, though a part of the revenue ought to be applied to their maintenance: and the College, which some years since was blown down by a hurricane, is only half re-built. A most dangerous and deeply rooted hostility has been engendered among all classes who are natives of the Island, many of whom bearing in their recollection the blessings of political freedom, and all being perfectly aware of our violation of the terms of their capitulation, would regard it as the happiest consummation, could they be freed in any way from the illiberal and ungenerous power which now lords it over them.

In consequence of this state of matters, Ministers have found it necessary to increase the number of regiments stationed in the Island; and we observe that very recently a man of war has been dispatched with more military supplies and troops. But the discontentment which for some years past has now and then burst forth against the local Government in bitter vituperation and even attempted violence against its authority, cannot have been produced without the existence of actual grievances. There may be dangerous spirits, it is true, in the Colony, impatient of the yoke that crushes them, and who stimulate their fellow-countrymen to shake off their fetters. But the Government has itself to blame, if those spirits have been roused, and if they are furnished with the materials of popular fermentation

* See Blackwood's Magazine for February 1831, p. 208.

and excitement. For instance, what a specimen of the manner in which the local Government tampers with the common principles of law and equity, is exhibited by its treatment of the planters, regarding the Chinese free labourers, as narrated in the Asiatic Journal for February last? It would appear, from the circumstances therein detailed, even if one half of it only were true, that it is impossible for any Colonist, who has not interest at Court, to obtain redress, even in the most ordinary matters. It was alleged, and it formed a ground of impeachment in the House of Commons against Lord Charles Somerset, that he had accepted 10,000 dollars for a sick horse, which died soon after payment of that enormous price, from a person who was appellant in several causes of which the Governor had the decision. We will not venture to aver that similar tricks take place in the Mauritius; but we do not hesitate to say, that before a man can obtain justice or redress, of which the government officers should have the award, it is at least highly prudent for him to secure beforehand the favour of the executive. In short, it behoves him literally to mendicate for the possession or vindication of his rights. He must stoop to the indignity of bespeaking the countenance and intercession of the Governor's dependants, or else he must patiently watch an opportunity for subduing the prejudices or supplicating the favour of the Governor himself, to whose will and pleasure the law is subordinate. Yet these same Colonists, now oppressed and degraded as they are, participated formerly in the blessings, and exercised the high privileges of political freedom. Then, justice flowed to all in a pure and unpolluted stream. Personal liberty was not liable to

be infringed by the mere fiat of one man. The sacred rights of property were never outraged. But what the Mauritius planter could once claim as his *right*, he can now only ask as a *favour*; he must solicit and wait for as an act of charity; and to him, in his present state of degradation, may be truly applied the lines of Juvenal :

"Cliens sedet ad pretoria regis,
Donec Bythyno libeat vigilare tyranno."

There is one circumstance which ought never to be forgotten, in reference to our treatment of the Mauritius; I mean its vast importance to Great Britain. I do not now allude to the employment of our shipping, and the purchase of our manufactures, for which this Colony has become so essentially valuable, but to the advantage which its geographical position affords for the exercise and preservation of our national power in that distant part of the world. Mauritius is the key of India. "From the situation of the Isle of France," said the English Council of Bengal, in 1768, "the French possess a device of their point of attack, and their designs cannot be fathomed, but at the moment of their being carried into effect upon the Coast of India." It was on this account that the conquest of this island was looked upon as an object of so much consequence to Great Britain; and though its usefulness as an outpost of India is not so apparent during the continuance of peace or the prevalence of war in other quarters, it is difficult to appreciate the positive mischief which would be inflicted upon our commerce, and the danger to which our oriental Empire would be exposed, if Mauritius were now occupied by the French. This

Colony is of the same importance to Great Britain, for propping up her power in the East, as Bermuda is for upholding it in the West. The facility which this latter Colony affords, for fitting out an armament against any part of America, the destination of which cannot be discovered till the moment of attack, may enable us to estimate the immense disadvantages to which our Indian dominions would be exposed, if Mauritius were ever to become the garrison of an enemy. "While the French," said Lord Chatham, "keep possession of the Isle of France, the English cannot be deemed masters of India." Such was the declaration of a Statesman remarkable for his political sagacity: and we should be fools indeed were we to despise this warning, by treating our Colonists with such selfish apathy or unmerited asperity, as would dispose them to shake off their allegiance, to the immediate detriment of our trade and commerce, and to the ultimate insecurity of our Indian possessions.

Enough has been said, we apprehend, to prove, not only that all the arguments of general expediency apply to the case of the Mauritius for the establishment of free institutions, but that its present condition is such, as imperatively to require the introduction of some such remedy for existing abuses. The only other example, to which we would briefly refer, is that of New South Wales; from which a petition was presented to Parliament in 1826, purporting to be from "the gentry, merchants, landholders, yeomen, traders, and other free inhabitants" there, and setting forth that "while they gratefully acknowledge, that the most substantial advantages have accrued to them from

the purer and more efficient dispensation of justice, which has prevailed (since the Act 4 Geo. IV) from the partial introduction of *trial by jury*, and above all from the *unrestricted Liberty of the Press, which has been the means of detecting and preventing numberless abuses and oppressions*, the natural effect of that arbitrary system of Government, which was necessarily coeval with the formation of the colony; they, at the same time, feel it a duty to themselves humbly to represent to your Honourable House, that whatever may have been their past incompetency, to be admitted to the full benefit of the British Constitution, the time has, at length, arrived, when they humbly hope to be liberated from all disfranchisement, to be placed on the same footing, as all other of his Majesty's plantations, settled by British subjects, and together with the *Liberty of the Press, which they already enjoy*, to be reinvested with those other imprescriptive rights of Englishmen, *trial by jury*, and *taxation by representation.*" The petitioners further observe, that the population of the colony "amounts to about 55,000 souls, 35,000 of whom are free, and the rest convicts. The far greater part of whom have been assigned by the Governors of the colony for the time being to the humble petitioners, and are supported by them free of all expense to the mother country. That the gross annual produce of the land and labour of the colony, including the produce of the coal mines and fisheries cannot be estimated at less than £800,000." "That the revenue of the colony amounts yearly to upwards of £60,000; that this enormous sum has hitherto been levied on your humble petitioners by authority of Parliament, and otherwise

without their consent, contrary to Magna Charta ; that it is great beyond all former precedent ; being little short of the whole amount of taxes raised in the whole of British America in 1777, when the various governments and states, into which it was distributed, comprised a population of 300,000 souls."

This petition, which is certainly to be admired for the moderation and energy of its tone, was brought before the House of Commons, and met, as was to be expected, the most strenuous opposition from Ministers. But what was their ground of defence ? They did not venture to join issue, on the general views of expediency and of political right, by which the Colonists enforced their petition, or even to touch on the enormous taxation imposed on them, at the Governor's pleasure. The sole topic which Mr. Huskisson, with all his ingenuity could advance as a basis of decent opposition, was an error in the alleged amount of population in the colony, without reflecting that the smaller he made the number of inhabitants, the stronger was the petitioners' argument on the enormity of taxes imposed on them. Mr. Huskisson said that " By the last accounts he had seen, the population amounted to 49,000 ; of that number 18,000 were *settlers* ; and the great majority of *inhabitants* were persons who had forfeited their civil rights. Now, this fact alone must materially influence the determination of the House, in deciding whether these Colonies were fitted to receive a Legislative Assembly and Trial by Jury. He had many reasons which induced him to think, that instead of imparting a blessing, they would do a great deal of mischief to the Colonies, if *prematurely*, the boons

prayed for were granted; *as soon as the people were prepared for them, he would willingly give them those privileges, which he wished to see enjoyed by British subjects wherever they were placed.*"* Such was the only answer, which Government condescended to make, and Parliament were pleased to sanction, as a reason for rejecting the petition from New South Wales: and a more pitiful mode of disposing of it, could scarcely have been conceived. Let us attend, for one moment, to the pretext (for it is really nothing better) which Mr. Huskisson chose to assign for opposing this application from the colony. He says, that the population amounts to 49,000; that of this number only 18,000 are settlers; and that of the remainder, a great majority are convicts. Add then (we shall say) one-fourth of the remainder to the number of free settlers, and we have nearly 26,000 persons in New South Wales, (instead of 35,000, as stated in the petition) who are capable of exercising the privileges of a representative body. But, says Mr. Huskisson, this is far too small a number for such an important trust, and proves that the colony is not yet fitted to receive a Legislative Assembly and Trial by Jury. Did the Colonial Secretary *forget*, or did he *conceal* the fact, that very few of our Colonies indeed, which enjoy the privilege of representative Governments, have so large a population of free inhabitants as New South Wales? The number of the free population in Barbadoes is only 20,000, in Bermuda † 9,500, in Antigua 31,000, in Grenada 3,700, in

* Hansard's Parliamentary Debates, 18th May, 1826.

† The House of Assembly in Bermuda is composed of at least thirty-six representatives,—four being sent by each parish in the island.

Nevis 1,450; and in these Colonies, the *free* inhabitants bear a much smaller proportion to the rest of the population, than in New South Wales.

But further—in New South Wales other important political privileges have already been established, and for which the Colonists express their gratitude; we mean unrestricted liberty of the press, and trial by jury in certain cases. Several newspapers, accordingly, are published in the Colony, unfettered by a capricious censorship, which expose, on the part of the local authorities, any attempt at oppression or injustice. In consequence of the enjoyment of this organ of public opinion, the most flagrant acts of misconduct on the part of the Colonial Secretary, and measures at least most unwise on the part of the Governor himself, have been made known to the world, which, but for the disclosures by the press, would, probably, never have been either exposed or redressed. And it cannot be denied that in those instances, the retribution inflicted upon the guilty offenders, in the general disgust and indignation which followed their detection, will afford a most salutary warning to their successors in the Colony.

But without, at present, commenting further on the benefits of these free institutions, why, we ask, have the Colonists been deemed worthy of *some* political privileges, and not of *others*? It cannot be for want of civilization and intelligence that they are thought unfit to enjoy a legislative assembly, because they are called upon to sit as jurors in questions of life and death, and constitute a society which affords encouragement to, at least, three newspapers, with other periodicals. It cannot be for want of a suffi-

cient population, from whom representatives may be chosen, when we see so many other Colonies possessing the privileges and institutions of a free people, whose population bears no comparison with that of this rising and important colony. What then, we would ask, can be the cause that the British ministers, whose daily experience and exercise of political privileges must have convinced them of their blessings, and whose highest glory and boast it is to direct the energies of a free people; what can be the cause that they so sternly and obstinately refuse to the Colonists of New South Wales, and others similarly situated, the like boons which are enjoyed in other parts of the empire? They, themselves, try to assign various reasons, not always consistent with each other in their defence, the futility of which we have already exposed. But truly, a solution of the difficulty—a key to the mystery is not difficult to be found, though much ingenuity and manœuvring is exercised to prevent its discovery. The true explanation is to be found in that love of power, which, whilst it more or less affects all men, exerts, like other vices, a stronger influence upon those whose passion for it has once been indulged. A more striking example of this remark could not be found than in Mr. Huskisson, who, though in the whole tenor of his previous life, he had been actuated by a pure and generous love of freedom, and a beneficent desire to extend the blessings of it all over the world, yet, the moment he entered the Cabinet—the moment he stepped within the threshold of power, became tainted and inoculated with its vice, and became the victim of those anxieties to

extend the influence of the Crown, and the patronage of Government, which chilled and paralyzed the noble sentiments of liberality and freedom by which he had once been actuated. There cannot be a doubt, that in those Colonies, wherein a constitutional check exists on the power of the Governor and the conduct of other official functionaries, much more patronage is placed in the hands of the minister of the day, many more fat sinecures can be bestowed by him, many stepping-stones to additional honours and emolument may be given away, than in those Colonies where the inhabitants are allowed freely to comment on the conduct of public men, and to watch over and scrutinize the application of the revenues which they contribute. There can be no doubt of this fact; and therefore we may easily comprehend the meaning of the obstinate and persevering opposition which ministers endeavour to raise up to petitions for Colonial Representation, however much they may strive to cloak and conceal their motives, under the flimsy guise of want of sufficient intelligence or sufficient population.

It is quite manifest, that whilst unrestricted liberty of the press exists, it is in vain for ministers to think that an arbitrary Government, either in New South Wales, or any where else, can exist with any credit to itself, or any confidence in the people. If the Governor is to act in an arbitrary manner, in levying and disposing of the public imposts, or in any other measure of administration, the press, when allowed to work freely, will sooner or later undermine the authority of the Government. If, on the other hand, the Governor is not to act in an arbitrary manner, but

wishes to manifest impartiality in the disposal of offices, and strict integrity in the application of the taxes, why should it fear the presence and fellowship of a representative assembly, which, in sanctioning the measures of Government, divides the responsibility, and ensures to it a larger share of confidence and efficiency? Nor, in reference to the other two Colonies, of which we have already spoken, viz. the Mauritius and the Cape of Good Hope, can we see, why they should be deprived of those political privileges, which have already been awarded, and with so much benefit, to New South Wales. Their greater importance, both on account of their proximity to India, and of their fertility, commerce, and population cannot be doubted; nor will it be denied, that the society at both of these places is at least equally intelligent as that at New South Wales, where, as Mr. Huskisson stated, a great majority of the inhabitants are convicts; and when, lastly, we consider the more frequent examples of mis-government, both at the Cape and the Mauritius, we cannot but admit, that if it has been thought expedient to introduce an unrestricted liberty of the press, and trial by jury at New South Wales, there are still stronger reasons, why these organs of political security and control should be also established in the former.

It would be easy to justify and enforce the claims of every other British Colony still under the ban of political disfranchisement, in the same manner as we have humbly attempted in reference to the Cape of Good Hope, the Mauritius, and New South Wales. But it is unnecessary to add further illustrations of the general principles on which our argu-

ment in favour of colonial representation is founded. One word, however, on the state of another Colony, viz. Ceylon, on account of the opinions and practical knowledge of an individual who had ample means of knowing its condition, and suggesting what was best adapted to improve it. There is, probably, no person who has bestowed greater attention on the affairs of this Colony, in the honest desire of enhancing its importance and prosperity, than Sir Alexander Johnston, the present Vice President of the Royal Asiatic Society. From having been President of his Majesty's Council in the Island, and long a resident there, he possessed the most ample means of becoming acquainted with the habits and feelings of the natives, and the grievances of which they had cause to complain. In consequence of the representations made by this individual, much was done to improve the agriculture of the country, and give relief from various obnoxious taxes; and the important privileges of sitting upon juries, and being tried in all criminal cases by juries of their own countrymen, rights never before enjoyed by any native of India, were granted to all the natives in the island of Ceylon; and the intelligence displayed by them in questions of life and death, leave no doubt that they are equally worthy of, and qualified for the possession of other no less important privileges. But in this, as in most of our other oriental dependencies, there is still, unfortunately, no freedom of the press—no representative assembly. Yet, during the possession of this Island by the Dutch, there did exist, in one province of the island at least, the semblance of a constitution,

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in the form of a legislative council, called the *Staatsvergaderung*, very similar to that which had prevailed at the Cape of Good Hope. This legislative council gradually fell into disuse; and it was not till the year 1809, when Sir Alexander Johnston was in Ceylon, that the then Governor, by his advice was induced to re-establish in the province of Batticola, this ancient institution. At the same time, Sir Alexander Johnston, having come to England at the request of the Governor, for the purpose of proposing to the Secretary of State for the Colonies, such changes as he might think advisable in the government of Ceylon; submitted it as his opinion to the Secretary of State, that the island should have a free press and a free constitution, similar to the West India Colonies; and particularly that it should have a representative council, in which the natives of every caste and religious persuasion should be fairly represented by men of their own caste and persuasion. Although the then Secretary of State was by no means averse to Sir Alexander's plan, his relinquishment of office at the time, and some circumstances which occurred afterwards, prevented the adoption of the measure, and the inhabitants of Ceylon were forced to be contented with what they had got. The legislative council, which was established in Batticola by the Dutch in the year 1781, though very defective in its powers, soon began to prove its utility; for as the natives had now acquired an interest in the administration of the Government, little or no jealousy existed between it and the Colonists, and the prosperity of the province increased so rapidly,

that in a few years after the re-establishment of the the Council, the population of the province had doubled, the produce in grain quadrupled, and the province, which before was of little importance, soon became remarkable for the number of cattle which it reared, and the abundance of grain which was raised upon it. And there can be no doubt, that if this Island, the fertility of which was known even to the Greeks and Romans, and was highly prized by the sagacious Hollanders, enjoyed the advantages of a representative assembly, and the other privileges of a free people, it would become to Great Britain one of the most important of her Colonial dependencies.

In defence or palliation of the refusal to ameliorate the existing system in these colonies, and raise them to the same rank with those enjoying a free constitution, we have heard it alledged, that in as much as the former are *conquered* Colonies, they are different from those which have always been attached to Great Britain, and on this account do not possess the same claims upon our favour. We wish to know whether any Government would now dare to acknowledge or support such an infamous principle? What! shall we deny to human beings the common rights of humanity and justice, merely because their forefathers were not subjects of Great Britain? Shall they be thought unworthy of British privileges because they have acknowledged their weakness by claiming our protection and patronage? Shall we add to the misfortunes of the vanquished, by branding them with marks of degradation, and imposing on them a yoke of servitude? Were those Colonies to blame, for not being

originally founded and possessed by Great Britain? It may have been their *misfortune*, it certainly could not be their *fault*, and so far should the circumstance of their having originally belonged to other countries be from warranting either harshness or indifference towards them, that it ought rather to invite our desire to improve their condition, and confirm their attachment to us, by conferring on them a participation of the privileges which dignify and invigorate the power of this country in other parts of our empire.

But to see that such a narrow-minded policy as that to which we have just adverted, has never been countenanced by the Government, and that principles of an opposite character were advocated and acted on by the most enlightened of all our statesmen, we have only to consider the course which was pursued with regard to *Canada*. That country, as is well known, originally belonged to the French, but in 1763 fell into our hands, after a long and sanguinary war, in which our arms suffered more from the effects of cruelty and treachery in the enemy, than was ever its fate in any other quarter of the world. During its dependance on France, Canada had not even the semblance of a free constitution; so that we were under no obligation either by capitulation or otherwise, to withhold the establishment of a severe and arbitrary Government. But what was the course pursued by Great Britain towards the conquered Colony? In 1774, by an Act of Parliament, a Council was "appointed, consisting of the Lieutenant Governor, the Chief Justice, the Secretary of the province, and twenty other members chosen indifferently from the French and British residents, invested

both with a legislative and executive authority, and possessing power to perform every act of Government, except that of imposing taxes."* But in 1791 a Bill was introduced by Mr. *Pitt*, for the purpose of placing in the hands of the Colonists the full and uncontrolled administration of their own affairs, and which, as *Pitt* himself said, on asking leave to bring it in, was framed "With a view to promote the happiness and internal policy of the province, and to put an end to the differences of opinion, and growing competition that had for some years existed in Canada, between the ancient inhabitants and the new settlers from England and from America, on several important points, and bring the Government of the *province as near as the nature and situation of it would admit, to the British constitution*. The first great object was, to divide the province into two parts, under the denominations of Upper and Lower Canada, *and to give a local legislature to both*."—"The means of carrying this into effect would be to appoint *a house of assembly, and a Council in each, which would give them all the advantage of the British constitution*."—"With regard to taxation," he added, "no taxes were meant to be imposed by the Parliament respecting Canada, but such as might be necessary for the purpose of commercial regulation; and in that case, to avoid even the possibility of a cavil, *the levying of such taxes, and their disposal, should be left entirely to the wisdom of their own legislature*."

Mr. *Fox* said,

"That the giving to a country so far distant from England a legislature and the power of governing for itself, would exceedingly prepossess him in favour of every part of the plan. He did not hesitate to say, that if a local legislature was liberally formed, that circumstance would incline him much to

* Edinburgh Encyclopedia, Art. Canada, p. 327.

overlook defects in the other regulations, *because he was convinced that the only means of retaining distant Colonies with advantage, was to enable them to govern themselves.*"*

When the House resolved itself into a Committee on the Bill, Mr. *Pitt* again stated,

"That the only way of consulting the interest of the internal situation of Quebec, and of rendering it profitable to this country was, to give it a legislature, as near as circumstances would admit, upon the principles of the British constitution."

Mr. *Rurke* approved highly of the Bill, and commenced by saying, that

"It was evidently the intention of His Majesty's Declaration, that the laws adopted in Canada should be as nearly as possible similar to those of England. Indeed it was usual in every Colony to form the Colony as nearly upon the model of the mother country as was consistent with the difference of local circumstances."

Mr. *Fox* having expressed an opinion that a Council proposed by the Bill would not be sufficiently independent to control the Governor, and commented on the greater efficiency of an aristocracy that was *hereditary* rather than *elective*, Mr. *Pitt* said that he joined *"As far as that went, with the Right Hon. Gentleman, and agreed with him, that as much as possible of a constitution, deservedly the glory and happiness of those who lived under it, and the model and envy of the world should be extended TO ALL OUR DEPENDENCIES, as far as the local situation of the Colony, and the nature and circumstances of the case would admit."*†

When the bill came into the House of Lords, Lord Grenville observed, that—

"The government of Great Britain had been anxious to

* Hansard's Parliament. Deb. March 4, 1791.

† Parl. Deb. May 11, 1791.

communicate to Canada a participation of all the blessings of the English Constitution, as far as the circumstances of the case would admit. They did not mean to give Canada exactly the same Constitution, as for instance, 558 representatives—that was impossible; but *their great object had been to adhere as nearly as possible to the purity and principles of the English Constitution in every part of the Bill.*”*

Thus, then, by the co-operation of the most enlightened statesmen of all parties, and by the unanimous approbation of Parliament, an act was passed to the infinite credit of the mother country, and with infinite benefit to the Colony, conferring upon the latter all the privileges of a free constitution. The Legislative Assembly and Council in each province received power to enact, with consent of the Governor, any laws they pleased, not contrary to British statutes, as well as to levy taxes, and superintend their application to their proper purposes. “The House of Assembly, in Lower Canada, consists of fifty members, and in Upper Canada, of sixteen;† who are chosen by the freeholders in the towns and counties. In the counties the electors must be possessed of landed property to the clear yearly value of forty shillings, or upwards; and in the towns, must possess a dwelling-house and lot of ground to the yearly value of £5 sterling, or must have paid, for one year at least, a rent of £10 per annum.

* *Ibid*, May 30, 1791.

† Mr. Pitt stated “That as there were not above 100,000 individuals in Upper Canada (including men, women, and children), he thought sixteen in the present state of the province, was about a reasonable proportion of those who were fit persons to be chosen members of the House of Assembly, and could spare time enough for due attendance.”

These councils must be assembled once at least every twelve months; and the Houses of Assembly continue four years, at most, but are subject to be dissolved before the termination of the full period.”*

Such was the form of government bestowed upon Upper and Lower Canada, both of them conquered Colonies—both of them, at the time of their political enfranchisement, vastly inferior in wealth, intelligence, and importance to any of these Colonies which we still obstinately exclude from a participation of the rights of freedom. How is it possible to justify, or rather to exculpate such illiberal policy? Is there no statesman now among us, who will avow and advocate those enlightened principles which were supported by the united eloquence and patriotism of Pitt, and Fox, and Burke? Shall we say that these statesmen were fools or knaves for extending to British subjects, resident in the British dominions, the privileges of a free constitution? We fear that this will be the only alternative left in our defence, if we still repudiate the example which they have given in the treatment of Canada, and wilfully reject the consideration of claims infinitely stronger than those which were entertained and admitted by the most illustrious statesmen who ever guided the affairs of Britain.

In concluding these remarks, the length of which can only be justified by the importance of the subject, may we be allowed to express a hope, that some independent and patriotic Member of Parliament—one who does not selfishly narrow his wishes to the votes

* Edinburgh Encyclopædia, Art. Canada, p. 327.

and favour of his constituents, but who is alive to the honour of his country, and the welfare of its subjects in every part of the Empire; one, who justly appreciating the blessings of rational liberty, would extend their influence to all who owe allegiance to the same sovereign; that some Member of Parliament, we say, would espouse the cause of the unrepresented Colonies, and stand forward as the champion of those institutions and privileges, which however accordant with the spirit of the British constitution, and acknowledged to be the birthright of British subjects, have been unaccountably withheld and violated and trampled on, in some more distant parts of the British empire. The advocate of such a cause, may, perhaps, incur by his exertions, the frowns of the minister, and the displeasure of some minion of power; but he will gain, what to an honest heart is an infinitely higher reward, the gratitude of thousands of his fellow subjects, whose wrongs he has redressed, and for whose happiness he has founded an immutable basis.

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LONDON:

Printed by B. CLARKE, 9, Warwick Square.

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