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CAPE OF GOOD HOPE

GOVERNMENT

AND

LEGISLATURE

CONSIDERED.

LONDON:
JAMES RIDGWAY, PICCADILLY.
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P R E F A C E.

A PREFACE to the subjoined Pamphlet is only needed as a thread to bind together the different facts, assertions, and opinions therein contained; and to exhibit from a connected view of them the necessity of such a publication as the "Cape Monitor," from which they are extracted.

During the Anti-Convict agitation at the Cape, the local Press was the most absolute tyranny which ever attempted to gag a fair expression of opinion. Printers were censors, and the power of a *veto* on any article seemed to lie with the compositor. The only Editor, in Cape Town, who at the time attempted to express an opinion contrary to the leaders of the agitation, received notice from his printer that he could not print such articles; and the Editor in question was compelled with much risk and inconvenience to purchase type and press for his own use. Up to this period, contradictions to assertions, boldly and unblushingly made in the columns of the ultra papers, were refused insertion; although the most violent and unconstitutional articles, teeming with abuse of those in authority, were put forth as if they expressed the general opinion.

In the leading article of the first number of the "Cape Monitor," it was adduced as a reason why a

new paper should be established, that there are two parties in the Colony, and two opposed sets of opinions: and one of these parties only, and one of these sets of opinions is represented in the Cape Town Press. It is notorious—it has not been denied: it has been openly admitted by some of the Cape Town Newspapers, that they do, on principle, refuse to give a place in their columns to communications opposed to their own, or to their party's views.

When the first number of the "Cape Monitor" appeared the Legislative Council had just been rendered incomplete by those who styled themselves "the popularly-elected Members," resigning their seats. The consequences of this resignation were, that the Governor appointed the remaining seven a Commission to consider and report on a scheme of Representative Government for the Colony; and that the four seceding Members formed themselves into another Board with the view of preparing an opposition Constitution to be submitted to the Cape Town Municipality, and afterwards—it is believed—to the "Colonial Reform Party" in England.

Both of these parties, namely, the Government Commission, and the Board formed by the seceders, reported; and the conclusions to which they respectively came will be found in the Pamphlet under the heads:—"Report of Government Commissioners" (pp. 7—24), and "Draft of the retiring Members of Council, (pp. 25—28.)"

Previous to the publication of the "Cape Monitor," the Press of the Western Division of the Colony (with only one exception) would lead to the supposition that

the draft of the seceding Members of Council expressed the opinion of the whole Colony. The "Monitor" has entirely disproved and overthrown this deception. That two opinions existed was long privately known, but to utter a free opinion openly was attended with difficulty, in consequence of the means of intimidation, and the inhuman threats which had been put forth under the Anti-Convict "Reign of Terror," the ban of which it was publicly stated, should continue from generation to generation. The "Monitor" appeared. Good men and true looked on it, acknowledged it, and have supported it as a boon, and as a rallying point. It declared its fair intentions; it has adhered to them. It has spoken truth; it has exposed and put down falsehood. And by giving publicity to the Memorial to the Governor from the merchants of Cape Town, and the Addresses and Resolutions and Memorials passed at Graham's Town, Graaff-Reinet, Sidbury, Uitenhage, George, Caledon, Swellendam, Wynberg, &c.; and also many letters from different townships exposing how meetings were got up and conducted, as well as extracts from the papers of the Eastern Division of the Colony, where there is no clog on the liberty of the Press, it has given utterance to a general and growing opinion that the scheme of Government proposed by the seceding Members does not receive the confidence of the Colony, but must prove detrimental to its prosperity and fairest interests.

The addresses, letters, statements, &c. put forth in this Pamphlet have challenged contradiction. As originally published they have called attention to abuses which have at once "quailed their front" before

them. They have received no contradiction save such attempts at reply as have been noticed in the columns of the "Monitor," and most of which appear in this Pamphlet. But they have effected a mighty change; and we believe they may yet save the Colony from utter anarchy, continued party feuds, and ruin.

The leading articles under their respective dates form a fair and able running commentary, and wholesome matter-of-fact statement of the case as it is; and an attentive perusal of them will give a general and just notion of our present position. The papers on the question;—"Will the proposed schemes for our new Constitution afford a balance of power?" are a sequel to six previous papers, showing from the histories of Greece, Rome, England, France, and America, the necessity of such a balance; and it will be found to contain the opinions of the Judges and other official authorities at the Cape, as expressed in their memoranda and minutes forwarded to the Governor, in the year 1848, on the nature of the representative Government suited to the Colony of the Cape. The articles "Considerations on the Constitution" are also exceedingly valuable, as leading back to the steps taken, and to opinions heretofore advanced, especially by Lord Stanley in his despatch to Sir G. Napier, respecting the Cape; and those of Sir W. Denison, and Sir H. E. T. Young to Earl Grey respecting Van Diemen's Land, and South Australia.

The effect which the establishment and circulation of the paper, from whence the extracts which compose this Pamphlet are taken, has had upon the inhabitants of the Cape, may be gathered from the leading article

for January 3rd (p. 246), which states:—"No sooner had this paper been established than it became publicly known that in every district where the democratic leaders had previously proclaimed themselves triumphant, there was a considerable body opposed to their views which had hitherto possessed no medium for the expression of its own opinions. It is in supplying such a medium that we trust we have done good service to the cause of order and property. We have enabled the friends of that good cause to speak for themselves,—and right well and loudly have they spoken. It is no longer possible now for the most impudent impostor to pretend that the Colony is unanimous in favour of democracy. The leaders of that party can now no longer hope to impose upon the ignorant and ill-informed. Wherever throughout the Colony, their deceptions penetrate, the statements of our numerous correspondents follow and expose them; and thus, as we have said, a healthy public opinion has been established in the Colony, which will assuredly defeat and annihilate their democratic schemes."

Since the real feeling of the Colony has been fairly represented by the "Monitor," the opinion has been growing daily not only amongst persons of influence, whether from position, or property, or information, but also amongst calm-thinking people generally, that we are by no means in a position for two elective Houses, that the Legislative Council and the House of Assembly should be chosen by a very different constituency, so that the one might be a real and practical check to the other; and that, in order to make this check as efficient as possible, Members of the Legis-

lative Council should not be elected by the people, but nominated by the Crown. And that this opinion is not only prevalent at the seat of Government, but throughout the Colony, is attested not only by letters from correspondents, but from the country memorials, some of which petition for a *nominated* Upper House in direct terms, and others by implication.

No Constitution less fenced and guarded by such a check as this, can be either safely recommended, or inspire general confidence. The real interests, the vital prosperity of the Colony are now on the balance, — at their critical juncture. With a legislation giving popular representation on the one hand, and yet fairly representing property and English feeling on the other, confidence may be restored; persons of all classes will be without just complaint; the British merchant will be encouraged, and the English name respected; the Dutch farmer will have an impetus to landed improvement, from having a voice in the popular election, and knowing that the agricultural as well as the commercial interests of the Colony are represented; and the Hottentots, and other recently emancipated slaves, will have fair protection, without the possibility of being reduced to a rigorous servitude little less galling and oppressive than actual bondage.

It may possibly be supposed that there will be a difficulty of obtaining a sufficient number of nominated Members, for the Legislative Council; this difficulty is but a supposition. The opinion is now so general, that the interests of the Colony are at stake, that many whom no popular election could

induce to take seats, would take them readily from a sense of duty if *nominated*; nor would any future display of the declining democratic feeling be able to deter them. This it is only fair to judge, as no reply, much less opposition, has been made to this suggestion of a *nominated* Upper House, openly and repeatedly put forth in the columns of the "Monitor," and called for by public memorial. In fact, it may here again be stated, that no reply has been made to any of the assertions, no clearing up of any allegations, no refutation of any of the arguments of the "Monitor," in a direct way; save those which as before stated, appear as answers in the pages of this Pamphlet.

Some measures even more protective—measures which shall check anti-English disaffection, and give a stimulus, whilst it removes the present stigma which rests on British loyalty—our present calamitous position urgently demands.

From muttering disaffection we have advanced to the expression of opinions, which honest men count treason; from vituperation and abuse of British rule, we have suddenly been hurried into a cruel and treacherous frontier war; and whilst the homes, the properties, the lives of many are in hourly jeopardy; whilst the wild Kaffir, inspirited to outbreak, from his too correct knowledge of our distracted position, and the slander breathed against the British name, and the opprobrious terms of "butcher," "canting hypocrite," and "buffoon," applied to her Majesty's representative, and those of "malignant liars," and "secret traitors," to his advisers—whilst this is the case, the

Boers, near the very seat of war, to put their position in the very mildest light, *sit still*; the democratic papers breathe such unjust, disloyal, insidious language, that every honest feeling is outraged by it. Every movement of the Governor, every measure for the rescue of life, and protection from savage barbarities, every Proclamation calling for aid or denouncing rebellion, is made the subject of insolent and ignorant attack; in a word, we are at a perilous crisis, *viz.*: with a savage border war, with the Hottentot of the Kat Kiver joining the Kaffirs, whom they have before with very hatred resisted,—the Burgher forces refusing to act even under the Proclamation of Martial Law; the whole Colony distracted and divided, and yet without a Legislative Council to direct and aid the Executive in its trying hour of need.

If the Colony is now to be saved, if the British name is again to be respected, if the honest spirit and loyalty of the English population is not to be crushed, and overpowered,—prompt, decisive measures must be taken. To talk now of elections which would only rend the breach wider, and lay us more open to frontier aggression, is destruction. To delay till a Constitution is framed and approved, and put in force, is to bid us be at peace, whilst the enemy is at our very gates. And to be presented with a Constitution, formed in rash haste, when calm deliberation and cool practical inquiry are so essentially needed, is to make that, which has been promised as a boon, a Pandora's box filled with the deadliest ills and most baneful consequences. One prompt, determined step,—a step which shall be intermediate to any final measures,—a step

which will give hatred and disaffection time to settle down and find their own place,—a step which will allow breathing time from the panting excitement through which we have been hurried,—a step which when the war is ended, will permit us deliberately to see what the *now* wants of this long-distracted Colony really are,—a step which will be *our* safety, and England's honour—such a step, as a jury-mast, if we are to struggle through the present storm into peaceful waters, must be taken. That step is a temporary return, to our form of Government in 1836, *viz.* a Governor and an Executive Council, with legislative powers. This, and this only, will save the scenes exhibited in Canada in the years 1839 and 1840, from being transacted with greater fury at the Cape. This will be justice to English loyalty, to the Dutch interests, to the Negro and Hottentot and Fingo, who are now cheerfully swelling our levies in the West. This, in a word, will inspire confidence to our flagging commerce, respect to British authority in the misguided and disaffected, and peace and prosperity to all.

Cape Town, Feb. 1st, 1851.