

all rally round the £25 Franchise. Cleave to the Queen, the Imperial Parliament, and the British public. The Queen, the Imperial Parliament, and the British public for ever.

SPECTATOR.

To the Editor of the Cape Monitor.

SIR,—It is not by any means wonderful that there has been a general silence preserved on the subject of the transfer of expenditure from the Imperial to the Colonial Treasury, adverted to in your paper of the week before last, because it would not suit the radicals to alarm the holders of property by any such admission, and no other party has had leave to speak.

You have now, however, pretty clearly shown that the Colony must be prepared to submit to increased taxation; and my present purpose is to strengthen your argument by reference to a Despatch from Lord Grey, which was published in the *Gazette* in 1848.

“Her Majesty’s Government,” said his Lordship, “will take care to maintain in the Colony a regular British force sufficient to garrison the seat of Government and some of the more important posts. But the Militia, or whatever other description of irregular troops or local police it may be necessary to employ, for the protection of the spacious territory now included within its boundaries, must be kept up at the cost of its inhabitants.”

And in another Despatch published in 1849, his Lordship writes:—“An additional reason for the strictest economy in public expenditure is that you

will have to provide for the cost of defending that large accession to the territory of the Colony which has recently taken place.”

This was before we had been promised representative institutions ; and in promising them the Home Government tell us that we must now be prepared for additional charges against the Colonial Revenue. If, then, they were only prepared to garrison Cape Town and one or two important posts formerly, what are we to expect now ? These are questions well worthy of the consideration of all holders of property in the Colony, who will have to pay the expenses thus imposed upon the Local Government. At this rate we, holders of fixed property, shall very soon find our road tax of a penny converted into a defensive tax of a shilling in the pound.

I am, &c.

A PROPRIETOR.

P.S.—I do not know what amount of credit your readers may be disposed to give to Dr. Tancred’s narrative of his interview with Lord Grey in last Monday’s *Zuid Afrikaan*, but as far as it goes it fully confirms the view of the question expressed above. Lord Grey, he says, told him “that the Colonists would, in future, have to pay for the *barracks* if the troops should remain ;” and again, “all the expenses of whatever number of troops may be stationed in the Colony. That the Colonists should defend their frontier and meet all the expenses of Kaffir and other wars :” and this generous advocate,—who himself lives upon the contributions of the Colonists, and in this very letter impudently hints at the necessity of a remittance,—

proceeded to inform his Lordship that when the Colonists had got an unrestricted Representative Assembly they “fully expected that the expenses of defensive and offensive measures were to be defrayed by the Colony.”

The public, as well as the jury who happened to be impanneled, ought to express an opinion upon the case of the “Queen v. Van Reenen” and others, tried before the Chief Justice, on Monday, the 4th instant. The prisoners in this case were charged with assaulting Joseph September, a Hottentot. This man was in the service of one of the Van Reenens; and for some offence or other was cruelly beaten by them. The following are portions of his evidence:—

“Jan then beat me with a yoke-strap.—Schabord, Jan, and Sandenberg forced me down. Schabord held my feet, Sandenberg one hand, and Jan the other; Jan struck me on my breech and on my back. He gave me fifteen lashes. He struck hard. They pulled me down before the bed, and Willem was lying there awake. He said, ‘Jan, you don’t beat the Hottentot hard enough: you don’t beat him till he screams,—give here the strap.’ He then got up, and gave me twenty-five with the same strap.—The beating I got was more than a beast, an ox, or a horse would get. I mean to say that of it.—You may still see by my body that the lashes were hard.” Hereupon a plea of guilty was put in, by permission of the Court.

The Chief Justice proceeded to pass sentence, con-

demning the prisoners to pay a fine of £15 each, and to be imprisoned for two months.

We entirely concur with his Lordship's observation that the prisoners had a merciful sentence. It may suffice on this occasion, as it is the first case of the kind that has been brought before the Court: but should another of the same kind occur, it should be punished more severely.

There is, however, a feature in this case which especially demands notice. The Grand Jury, when they brought in a true bill against the prisoners, remarked that "they felt bound to mitigate or qualify it, by the observation that the Grand Jury consider that a case of this nature should have been settled in the Magistrate's Court."

The Attorney-General very properly protested against this attempted interference with the responsibility of the Public Prosecutor, and the Chief Justice refused to receive the return. We will not here deny ourselves the pleasure of tendering to Mr. Porter, in the name of the Public, our thanks for his independent conduct on this occasion.

Upon the refusal of the Judge to receive the return, one of the jurors was heard to remark, "Very well: we will go back and find no true bill." His Lordship, much to his credit, replied, "You will be guilty of perjury if you do:" and ultimately the Grand Jury returned a true bill against the prisoners, and the trial proceeded: with what result we have seen.

The conduct of the Grand Jury, on this occasion, cannot be too severely condemned: and unless it is distinctly condemned by the public, the consequences

may be very mischievous. If the labouring population of the Colony are not to consider themselves as slaves, they must be made to feel that their rights are as sacred as those of any other class of the community. Their complaints must not be shuffled off to the Courts of the Country Magistrates, simply because their complexions are black, and their oppressors are white. We regret that we are forced to conclude with the remark, that the coloured labourers of the Colony may guess what awaits them under the proposed democratic Constitution, from the fact that the Foreman of the Grand Jury, who thought this complaint too frivolous for the consideration of the Supreme Court, was one of the five Town-house Commissioners who prepared the "Popular" draft.

THE CAPE MONITOR.

Cape Town, Friday, November 22, 1850.

IN another part of this day's paper will be found an article abridged from the last number of the *Quarterly Review*, headed "NATIONAL WORKSHOPS." If, in the present state of society in this colony, such a narrative can be perused here without emotion by reflecting men, then all history is vain, and experience valueless.

We anticipate no such actual results as those which followed in Paris from the committal of great political power to incompetent hands, and the neglect of the mischief till it grew too great to be effectually resisted. Our population here is not so large,—their wants are not so difficult to satisfy,—their temper is not so con-

stitutionally excitable,—that we need apprehend any barricades, or July tragedies in the streets of Cape Town. But the mischiefs which are to be seriously feared, though different in character, are scarcely smaller in degree. The blood that has flowed in the streets of Paris may be in time washed away; the violence of the anarchical fever may gradually subside and be forgotten; but the loss of public character, the depreciation of all the elements of national wealth, and the check thereby given to a community gradually rising to consideration, are evils permanent and irremediable.

With so many lessons for our instruction in the past, and such urgent need of their application to the present, it scarcely becomes us to dream and speculate on the future; but this at least is certain, or next to certain: that whether this Colony is destined, as some think, in after years to separate itself from the country which, with an affection no longer demagogue or democrat can persuade us to relinquish, we fondly call our mother, and to become an independent nation, or whether—and to this hope our own aspirations are confined—we are fated to progress in wealth and respectability, accepting the protection of England, and repaying it with dutiful devotion; or whether, lastly, that progress is to be stayed, and those promising prospects blighted by continued political agitation,—the critical step which is to decide our future fate is to be taken now; and for its future results the present leaders of the Cape people must be held responsible.

And when we see that the prevailing characteristics of the party which is attempting to guide, and affecting

to represent, public opinion in this Colony, are fiction and deception; that the people in one part of the Colony are gulled into the adoption of their tenets by false representations of what is taking place in another; that all sorts of devices are resorted to, to make it appear that there is a strong feeling abroad among the people, which does not in reality exist; and further, that the apathy, and in some cases, the ignorance of the people, prevents their giving to the political questions now at issue, the consideration they require;—while the leaders are such as, though it was no agreeable task, we have lately endeavoured to pourtray, and their plots—for they deserve no better name—are aided by provincial associates bound to them by the tie of a common hostility to order and to the restraints of any government of which they are not the main movers, or destined to be the main gainers in pocket;—is it wonderful that we should anticipate impending mischief of no small amount, unless the people can be roused in time to throw off the tyranny and dictation to which they are gradually submitting themselves.

We have already given some illustrations of the tactics of the democratic party; and having regard to certain wholesome proverbs about touching pitch, or stirring a stench, we feel no great inclination again to approach the subject. It is, however, of such vast importance that the truth should appear, and there are so few channels through which it can be made known, that we must not shrink from the duty.

The farce which was enacted at the Town House when the People's Constitution was adopted by some five Municipal Commissioners, and about fifty Malays,

and a few others, as capable of legislating for the moon as for the Cape, is too notorious to require further remark.

The resolutions thus adopted were circulated throughout the country districts, and adopted by them at the dictation of the two or three active members of the Cape Town Municipality who claim to represent the city.

Elsewhere will be found a further statement of proceedings at Swellendam, which speaks for itself. The deception practised in the cases of Stellenbosch and Riversdale has been already exposed, as also the attempted mystification about the Cape Town Petition, nearly one-third of the names attached to which are not even discoverable.

Among the other papers taken home by the People's Delegate, or about to follow him, are petitions and resolutions of "the rate-payers" of the Cape, Green Point, Malmesbury, Caledon, Beaufort, George, Graaff-Reinet, the Paarl, &c. From the grandiloquent manner in which these petitions, &c. are heralded to the world by the party organs, one would at least suppose that they represent the expressed opinions of a majority, if not the whole, of the inhabitants. Not so. In almost every one of the places named the demonstration was a mere delusion. In Graaff-Reinet, where the largest of the country meetings was held, about one hundred individuals, of various colours and classes, answered the summons of the Anti-Government party; but the number of attendants in the Cape Division never exceeded fifty. At Green Point some ten or fifteen were collected; at Caledon it was only after a second attempt

that a very small meeting was convened at all; at the Paarl the number was under twenty; at Malmesbury the question was brought, without notice, before a meeting convened on another pretence; at George the party character of the movement and the refusal to hear argument was so palpable, that the Municipality would not allow a record of the meeting to remain upon their books, and censured their Secretary for placing it on the municipal archives. And all these impositions are magnificently announced in the columns of the Cape Town Democratic organs as great demonstrations of public feeling and opinion.

Such frauds would excite only ridicule and contempt, but for the too successful use made of them. The people of Stellenbosch, for example, know that the demonstration at that place was a piece of humbug from beginning to end; but as it was the first of the country meetings, it served, nevertheless, as an example for every other place in the Colony. The inhabitants of each town are induced to believe that every other town has spoken voluntarily in favour of the democratic party, and that another sham meeting is added to the list. The few who witness the deception, and understand the danger, are induced, from apathy or family considerations, to remain quiet; and thus their scruples are drowned—like those of Mr. Wicht—for the sake of unity! The many, who give little thought to these things, will not see the mischief till it actually comes, and all classes suffer, as they invariably do, by the depreciation of property; but then they will remember who were its authors;—the leaders, metropolitan and provincial, of the present movement, will

then reap their reward ; nor will those who saw, but neglected to warn their fellow-colonists of, impending danger, be then forgotten.

SWELLENDAM.

To the Editor of the Cape Monitor.

SIR,—Four meetings have now been called here to bolster up the Democratic Constitution. At the first of these meetings about four persons met specially to consider it. This meeting was adjourned to the 4th of October. At this adjourned meeting the Constitution appears to have been forgotten, and the resolutions noticed in the *Mail* of the 4th October, were proposed and were considered as carried unanimously without having been put from the chair. A third meeting was *burked* in consequence of the disagreeable fact of seven or eight Conservatives having mustered in readiness to attend it, who were informed that the meeting would not proceed. [They should have proceeded themselves.] The fourth attempt was on Saturday last, the 9th inst. when it had rained to such an extent as to preclude the attendance of the landed interest. There were present about forty villagers and fourteen farmers. A resolution proposed on the part of the latter for adjournment in order to procure a fair attendance from the neighbouring country, was negatived by the prevailing party,—who having, after three disappointments, secured as many journeymen tradesmen as would serve their purpose, were not disposed to yield their advantage. Resolutions were then proposed relating to the *absorbing moral question*, involved in the secession of

the four unofficials, and not to the Constitution. An amendment, proposing that the meeting should adhere to the specified purpose for which it had been summoned, was negatived by the majority. A few Conservatives present then withdrew. The farmers left the meeting disappointed that they had no opportunity of expressing an opinion on the Constitution.

I am, &c.

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To the Editor of the Cape Monitor.

SIR,—An article in the *Cape Town Mail* of the 2nd instant, alludes to the parties present at the dinner given to Mr. Godlonton, and attaches particulars not one item of which is correct. In reply, allow me, through your columns, to state that the Civil Commissioner has but one clerk; the Clerk of the Peace has not any clerk; there were but two gentlemen at the dinner in any way connected with the Bridge; and there were more than four persons totally unconnected with the Government.

The two first statements the Editor of the *Mail* must have known to be exaggerated; but as it suits the line of politics he is recommending, they have immediate insertion; whereas my communications, correct in statement, but having a somewhat opposite tendency, are debarred his columns.

This partiality is unjust, and will materially tend to strengthen the statement of incorrect reporting and garbling alluded to by Mr. Godlonton.

Yours, &c.

F. B. SCRUTTON.

Swellendam, 11th Nov. 1850.

We have given, in another column, the Governor's Proclamation relative to the state of the Frontier. At present we only desire to call attention to that part of it in which his Excellency declares his readiness to cooperate with the inhabitants of the Eastern Districts, in raising corps of volunteers for the defence of the Frontier.

This proves, first, that the Governor never proposed anything so Quixotic as the maintenance of the present Frontier without an efficient protective force: and, secondly, that he feels that the expenses of that force must be borne by the Colony.

It is useless to strive against these facts. All we can contend for is, that the additional taxation which must be imposed, being for colonial purposes, shall be fairly distributed throughout the whole Colony, and not laid exclusively on fixed property, which it will be if the qualification for Members of the Upper House be regulated as proposed in Mr. Fairbairn's Constitution.

No explanation having yet been given as to Sir A. Stockenström's intention of proceeding to England, and as it appears that no further statement is to be made to the public by his organs, we now lay before our readers a brief recapitulation of the facts.

On Wednesday, the 25th September, Sir A. Stockenström and Mr. Fairbairn were requested by the Cape Town Municipality to proceed to England as the People's delegates, which they unreservedly consented to do, and for which subscriptions were to be invited.

It shortly afterwards became generally known that Sir A. Stockenstrom had been obliged to take the advice of several medical gentlemen, and that they had recommended him not to venture on a sea voyage.

The subscriptions consequently fell off, and some who had promised to subscribe declined to pay, on the ground that the Baronet had no intention of going to England.

This led to the advertisement signed by Mr. Jarvis, chairman of the Cape Town Municipality, which appeared on the 19th October, and stated that Sir A. Stockenstrom would follow Mr. Fairbairn, "as soon as the necessary documents shall have been received from the country."

This—deception No. 1—was exposed by our Correspondent, "A Lover of Truth," in the *Monitor* of the 25th October.

It was then answered by the *Mail* and the *Advertiser*, that the state of Sir A. Stockenstrom's health would not allow of his going at once to England; but the latter paper added, that "at a more advanced period of the year" the voyage might be undertaken with advantage.

This more advanced period of the year was afterwards fixed at January, 1851.

A little further criticism in our paper of the 1st November, elicited a further explanation in the *Observer*, which stated "January or February" as the period of embarkation.

Lastly, Mr. Fairbairn's farewell address clearly states that the Baronet will not sail until he has received reports from his co-delegate in England.

These four contradictory statements are still before the public,—unexplained, and inexplicable—except upon the supposition that there has been intentional deception throughout the whole affair.

Quem Deus vult perdere prius dementat. It is strange that the leaders of the party should ever have lent themselves to a deception so certain to be discovered and exposed. But they began with a disregard for truth, and they have certainly maintained their consistency.

We have done with this subject. If the people, with these facts before them, will suffer themselves to be further imposed upon, an angel from Heaven would fail to open their eyes.

A SYSTEMATIC attempt is being made by the democratic press to elevate Mr. Brand to the seat on the bench rendered vacant by the death of the late Mr. Justice Menzies. We do not seriously apprehend that the Government will suffer itself to be driven to take such a suicidal step: but lest the party which is advocating it should, with characteristic candour, represent that the people of the Colony are unanimous in its favour, it seems advisable briefly to state the reasons why, of all men, Mr. Brand is most unfit to succeed to this appointment,—*even temporarily*.

We do not question his professional fitness, as he has been for many years a practising advocate, and is now the senior member of the Colonial bar; but in a small community like ours, it is of essential importance that the Judges of the Supreme Court should be

elevated, as far as may be, above the suspicion of being liable to political influences. Mr. Brand himself took an opportunity, in the course of the trial of *Letterstedt v. Morgan and others*, to insist very strongly on this axiom; and we recommend to his friends a careful perusal of his speech delivered on that occasion. It contains some very good arguments, supported by a host of authorities, in favour of a principle which no man of sound mind would ever think of questioning; and which, still more recently, at a public dinner, he earnestly impressed on the attention of an admiring audience:—that it is the duty of a Judge “to keep his mind free from the influence of personal hatred or friendship, and from the political contentions of the day.” Now, Mr. Brand is one of the acknowledged leaders of a very violent political party in Cape Town;—of a party whose members are not remarkable for the absence of expressions of personal hostility towards their opponents and personal devotion to their friends. He is therefore disqualified, by his own words, from aspiring to the vacant appointment; and he must himself feel—for he lately expressed the same sentiment, though not with regard to the same persons,—that however great may be the confidence of one of his own partizans who should come before him with a case for decision, the opposite party, in case he should happen to be a political opponent, might chance to entertain very different sentiments.

Again, it is very desirable that the members of a small court, vested with very large powers, should not be liable to be swayed by feelings of private enmity

or affection. Mr. Brand is a Colonial lawyer: he has been brought up in the Colony: his family is resident here: his private affections and connexions are all Colonial: if he has enmities, they are probably Colonial also: for these reasons he would be objectionable as a Judge.

It is also to be wished that a Judge should be independent as to pecuniary circumstances, because otherwise he is liable to influences, which he would not perhaps acknowledge, but possibly could not control, in deciding cases between individual suitors: at all events his judgments would be suspected,—which is as bad. Now, Mr. Brand is not believed to be in independent pecuniary circumstances: it is not long since he was insolvent. By that event the Government, through the Guardian's Fund, lost £1200: and it is presumed the other creditors did not come off scot-free. The Government which lately decided that the insolvency of any of its servants should in itself cause the forfeiture of their offices, could not, under these circumstances, consistently bestow its patronage on Mr. Brand. If Mr. Brand were to take his seat on the bench, he would do so hampered by political, personal, and pecuniary obligations, and he must be more than man if he could forget these obligations in the discharge of his judicial duties. For these reasons we hold him to be utterly unfit to succeed to the vacant office: and for the same reasons we believe it to be extremely desirable that new blood should be infused into the Court by the appointment of a competent person unconnected with the Colony. There are many men in England perfectly qualified

for the office in every respect, and we hope some such will be appointed. When Mr. Brand was formerly spoken of for a similar appointment, and his claim was, it is said, favourably viewed by the Colonial Government, he was unconnected with politics, and had not been insolvent. The recognition of his fitness for judicial employment then, has therefore no application now.

It is rumoured that Mr. Brand has not spoken only through his friends of the press ; but that he has made application to the Government for the vacant appointment. We can only say that if this rumour be true, the course adopted has not only not been creditable, but, we believe, unprecedented in the profession ; and that it furnishes in itself a sufficient reason why this applicant for judicial emolument should be disappointed. There are a hundred sufficient reasons, which could not be officially stated, but which might weigh with a Government, and ought to have due weight for or against the appointment of a particular individual to the judicial office,—and the indelicacy of a personal application seems in itself sufficient to disqualify the applicant.

Little doubt, however, is really entertained that the vacant judgeship will be properly filled up by the appointment of some qualified English barrister unconnected with the Colony : but the opinion of the two surviving judges that the functions of the Supreme Court are suspended by Mr. Menzies' death, makes it incumbent upon the local Government to appoint an acting successor pending the signification of Her Majesty's pleasure. This involves no difficulty or

embarrassment ; — certainly none such as would require even the temporary appointment of Mr. Brand.

Various persons have been spoken of as competent to fill the temporary vacancy. Mr. Denysen, the late Fiscal, possesses qualifications fully equal to those of Mr. Brand, with none of his disqualifications. Mr. Surtees already holds a judicial position, is perfectly independent of parties and individuals, and is in every respect unobjectionable. The Honourable Mr. Barrington is a qualified barrister who, but for indifferent health, would have risen to eminence at home. We take the liberty of naming these gentlemen, in order to show that the Court may be completed, and the bar may yet retain Mr. Brand as an ornament ; and the municipality may still depend upon him to assist in framing another Constitution, should a further infusion of democracy be required.

But, since the name of Mr. Bowles, the present Registrar of the Supreme Court, has been introduced into the discussion, we may be permitted to add, that no fitter person could be selected to hold the office until the appointment of a permanent successor to the late Judge. Mr. Bowles is a qualified barrister—has been for many years an officer of the Court—has thus enjoyed daily opportunities, equal to those of any practising advocate, of observing its practice and the principles on which it is conducted—is personally and politically unobjectionable—is known to be a gentleman of learning and acquirements—and in every one of these respects is the equal, and in some the unquestioned superior, of Mr. Brand.

Since the above was in type we have received a copy of the evidence taken before the "*Official Salaries Committee*" of the House of Commons. The following extract of Earl Grey's examination speaks for itself, and fully confirms our view of Mr. Brand's unfitness for the vacant seat on the bench :—

"With regard to judicial appointments in the Colonies, how were they filled up, from parties in the Colonies or from persons sent out from hence? That also varies according to the Colony : in the American Colonies they are invariably filled up from the Colonial bar : in Jamaica, sometimes from the Colonial bar, and sometimes from the bar at home ; it is very much according to circumstances at the time. Sometimes it is reported that there is no barrister in a particular Colony at the moment, who can be strongly recommended for the office ; at other times there are persons who have strong claims, and they are appointed. But perhaps judicial offices are the offices of all others which, in a small society, it is most desirable not to fill up in the Colony. I am rather anxious, where it is possible, to make interchanges between the Colonies ; to fill up a judgeship in one Colony from the bar of another, so as to give each a fair share ; but at the same time, not to put upon the bench a person who is connected with the society there by various family ties, and has been, perhaps, also engaged on one side or the other on all the causes which are pending, which may make it inconvenient that he should be upon the bench in that particular Colony."

THE CAPE MONITOR.

Cape Town, Friday, November 29, 1850.

THE system of collecting public meetings in the Country Districts, to express the sympathy of the inhabitants with the four seceding members of the Council, is in fact only an amplification of the policy by which those members obtained seats in Council. The public meetings, each consisting on an average of about twenty persons, approve the "popular" drafts because its authors were "popularly elected:" its authors were "popularly elected" because the late ultra Anti-Convict rulers so willed it.

The simple fact is, that there was organization on one side, and none upon the other. When the Governor issued the Government Notice of May last, he intended the people to choose for themselves, and the friends of Government, desiring to see his views properly carried out, abstained from interference, and left the people to make their own election: on the other hand, those who had constantly shown themselves the enemies of Government, finding that, in consequence of the liberal concession made, they could keep the Council incomplete no longer, and that the vacant seats must be filled, determined that they would fill them.

In every town and village of the Colony, (with one or two honourable exceptions) there was an Anti-Government leader, who had distinguished himself in the previous struggle: at the election for that town, village, or district, he acted as whipper-in for the democrats: he wrote the tickets, distributed them, and

brought up the voters to the ballot-box: in several instances nearly every ticket in the box was found to be in the same handwriting.

In every district in which these tactics were in full operation, there were two other parties:—those who were opposed to the democratic movement, and those who, from various reasons, would take no part in the matter. The latter unfortunately a large class—did not vote at all, except when the Anti-Government leader chanced to get hold of them and supply them with the stereotyped lists: the former voted according to their opinion, but without concert,—so that the names recommended by the Government party in one place, did not correspond with the names recommended by the same party in another.

But after all, those who took no part in the question constituted, and still constitute, the largest class. A public meeting is called at Riversdale, for example, and attended by some twenty persons, who propose, second, and carry unanimously the circular resolutions of the Cape Town Municipality: the other inhabitants of the district do not indeed countenance the meeting, but they do nothing to discountenance it, they sit quietly at home, and let things take their course; and the proceeding is designated a public meeting.

Just as it is with the meetings, so was it with the elections. The local Anti-Government agent having received his instructions from Cape Town, got together a sufficient number of voters; the tickets were dropped into the box; the “popular” leaders were elected: and the mass of the community were calmly inactive, taking no part in the movement.

Even in Cape Town, the same thing was observable, notwithstanding all the agitation and appliances to boot of the leaders. Out of a constituency of about 2500, 600 only voted, and of these 600, scarcely more than half voted for the Anti-Government nominees; about 1900 qualified voters stood aloof, taking no part in the election. Now, on what principle can it be pretended that Mr. Wicht, who obtained only 123 votes, or Mr. Brand, who obtained 341, or even Mr. Fairbairn, who obtained 446, are the representatives of the 2500 qualified voters of Cape Town? It may be said—if the 1900 did not choose to avail themselves of their privilege, they must take the consequence. Very true: they are sensible of that now. They are suffering the consequences, and are likely to suffer more. Still the facts are the same; and it is simply false to say, that the five nominees of the Cape Town Municipality, are the actual *bonâ fide* elected representatives of the body of the municipal rate-payers of Cape Town.

The indecent haste with which the Cape Town ballot was closed, was one reason why so small a number of the rate-payers voted. A most respectable body of merchants urged upon the Municipality their reasonable wish, to defer recording their votes until they could ascertain whether the gentlemen whom they wished to nominate would sit. They also represented, that sufficient time was not given for all the householders to vote. The Municipality decided, that no alteration could take place, and the ballot was hastily closed, with the result already stated. The editor of the *Advertiser*, elated with his new dignity, sneered at the party which had desired the postponement, as consisting of

“ clerks, book-keepers, shopkeepers, and attorneys;” but the consequence was, as we have seen, that only about one-fourth of the constituency voted.

If this is all that could be gained at head-quarters, what results can be expected when we examine the country returns? We are not able to state them with the same precision, because the numbers were not published in every instance; but there is scarcely one place in the Colony, in which the majority of the rate-payers did not abstain from voting, and in which, therefore, the “ popularly elected members” were not returned by a minority of the rate-payers. We will explain:—In the Municipality, the number of votes given bore, of course, a larger proportion to the number of voters, than in the Country districts, on account of the greater concentration of the rate-payers. But an examination of the published returns of both will prove the fallacy of the statement, that the four members were popularly elected by the almost unanimous voice of the Colony. About half the Municipalities and Road Boards published the number of votes recorded by their rate-payers for each of those members, and from these published returns it will be found that the number who voted was very small compared with the number of qualified voters. From the documents published by the Council last year, it appears there are in the Colony (exclusive of Cape Town,) about 10,000 rate-payers, and from the returns which have been referred to of the votes in the different Municipalities and Road Boards, the whole number cannot be ascertained to exceed 2000; so that throughout the Colony one-fifth only of the voters have expressed their opinions relative to the four “ popular

Members." To this may be added that the Municipal voters, owing to an inadvertence of the Government, since pointed out by our correspondent "Landowner," enjoyed in many instances the privilege of a second vote as road-rate payers, so that the 2000 may probably be still further reduced to about 1500.

From the above facts the conclusion is inevitable,—that a very large proportion of the rate-payers of the Colony took no part whatever in the late election:—yet the business that was to be transacted by the Council was the most momentous which the Legislature of any country can be called upon to discuss. We say nothing here of the squabble about the Estimates, and the other important subjects which the Governor desired to bring before the Council. Whether they were or were not right in refusing to take these matters into consideration, certainly, the proposed change in the Constitution was business of much higher moment. With this, at least, the Colonists knew that the Council would have to deal; yet they appear to have cared so little about the matter that the large majority of them actually did not take the trouble to vote.

From this fact, which has been studiously kept in the background, two consequences are to be deduced. First, that if when the Colonists are called upon to elect the members of two Houses of Legislature, they do not display more energy than they lately did, when called upon to elect five members of Council, the whole government of the Colony may easily be placed in the hands of the nominees of the democratic party in Cape Town: and, secondly, that the five gentlemen who

were recently appointed by the Cape Town Municipality to frame a Constitution for the Colony were not as they professed to be, the elected representatives of the majority of a population of 200,000 souls, possessing fixed property to the amount of £6,000,000.

Hitherto we have gone on step by step : we have allowed the democrats first to gain power and organization by means of the Anti-Convict agitation ; then by virtue of that organization to obtain seats in Council by a fictitious election ; then by resigning those seats to break up the Legislature ; then by virtue of their election to declare themselves the representatives of the Colonists, and, in that character, sitting apart from the officials, to prepare a model Constitution for the Colony. If we permit them to take one step further, if we allow that Constitution to be adopted, our rights, our liberties, and our property will be sacrificed.

THE Cape Town Municipality is rapidly becoming a monster nuisance, and all sorts of little nuisances are growing up beneath its shadow : probably a worse managed town than this metropolis is not to be found in Her Majesty's dominions.

The following are a few of the complaints which have reached us :—the streets are never watered, they are strewn with “rubbish” instead of metal : the gas-lamps are extinguished just when they are most required : the drainage of the city is most imperfect : a great portion of it is effected by open ditches choked with filth, and which, but for the cleansing south-

easter could not fail to produce periodical pestilence : the whole line of the beach from the north to the south jetty is disgraceful : every kind of dirt and refuse is thrown on the open beach : the entrails of fish lie rotting in front of the fish-market, till the sea chances to wash them away : the blood of slaughtered oxen finds its way to the sea, in little natural gutters across the sand : the vegetable market is held under two or three crazy umbrellas, in the middle of Green-market square : on the occasion of a fire, the town engines are either inefficient or inefficiently worked, and the Municipality go begging to the Insurance Companies to make up for their defect : the water supply is notoriously insufficient : the state of the road within the military lines is so unsafe that a respectable tradesman is obliged to advertise for a low and secure vehicle to carry him through that portion of his daily journey which lies within the limits of the Municipality of the city of Cape Town. When we remember how the Municipal Commissioners have been principally employed for the last two years, and the class from which they have been chosen, there is nothing wonderful in all this : but we draw attention to those abominations, in order to remind the rate-payers that the remedy is in their own hands. If, at the ensuing election, they will not take the trouble to replace the present Commissioners by a better class of men, they must not be surprised if it is again asserted, that their want of exertion is attributable to their extreme satisfaction at the present state of things.

Although we stated in our last number that we should make no further allusion to Sir A. Stockenstrom's alleged intention of proceeding to England, still, as we have dealt somewhat freely with the subject, we cannot refuse to lay before our readers such further explanations as the Baronet and his friends may, from time to time, vouchsafe.

The following is accordingly extracted from last Saturday's papers.

(From the S. A. C. Advertiser.)

“Sir Andries Stockenstrom left Town on Thursday, on a visit to his property on the Frontier, prior to his departure for England. He passes through Beaufort and Graaff-Reinet on his way, and will return by the more direct route of George and Swellendam.”

(From the C. T. Mail.)

“Sir A. Stockenstrom.—Sir Andries left Cape Town for Maastrom on Wednesday last, for the purpose of arranging his affairs for his voyage to England.”

This is the *fifth* story. It thus appears that when Sir A. Stockenstrom first accepted the mission to England without reserve,—secondly, determined to wait for documents from the country,—thirdly, till January or February, on account of his health,—and fourthly, till he received letters from his colleague in England,—he had, in fact, affairs to arrange at Maastrom previous to his departure. Perhaps he is gone to fetch the documents from the country.

FROM THE GRAHAM'S TOWN JOURNAL.

Graham's Town, 9th Nov., 1850.

GENTLEMEN,—I have much pleasure in handing to you the enclosed Address from the Town of Fort Beaufort, which I have been requested by some of the subscribers to place in your hands, and I beg to assure you of my hearty concurrence with the sentiments therein contained.

I remain, Gentlemen,

Yours very faithfully,

GEO. JARVIS.

To the Hon'ble W. Cock and R. Godlonton, Esqrs.

We, the undersigned, inhabitants of the Division and Town of Fort Beaufort, as loyal and faithful subjects of Her Majesty, cannot at the present crisis refrain from tendering to you our sincere and grateful approval of your conduct in the Legislative Council. We deem it a duty at the same time to express our disapprobation of those proceedings which have so abruptly terminated the labours of the Council, and thrown the Colony into a state of useless agitation and confusion. While we appreciate the value of Representative Institutions, we fear that they will be retarded rather than promoted by the late *captious* resignation of the four unofficial Members; as some time must necessarily elapse before the details of our New Constitution can be satisfactorily settled, we cannot admit the justice or expediency of clogging (in the interval) the wheels of Government, and compelling Her Majesty's Representative to act in an unconstitu-

tional way, by spending the public money without any vote of the Legislature.

Trusting that you will continue to rally around our most respected Governor, Sir Harry Smith, to whom we and the other inhabitants of this Frontier are greatly indebted, and with whom we most cordially sympathize under his present difficulties,

We have the honour to be, with much respect, your obedient servants,

(Signed by 88 Inhabitants.)

REPLY.

Graham's Town, 11th Nov., 1850.

G. Jarvis, Esq., J.P.

SIR,—We have had the honour of receiving the Address from the inhabitants of Fort Beaufort, approving of our recent proceedings in the Legislative Council, which you have been so good as to forward to us with your note of the 9th inst., and in reply we must request that you will convey to the subscribers our heartfelt thanks for this public token of their approval, together with our assurance that it will ever afford us high gratification to advance, to the utmost of our ability, the interests of the Eastern Province.

Begging you to accept our joint thanks for the expression of your concurrence in the sentiments contained in the address,

We have the honour to be, Sir, your very obedient humble servants,

W. COCK.

R. GODLONTON.

PUBLIC MEETING AT SIDBURY.

ON Wednesday, the 6th instant, a Public Meeting was held at Sidbury, to take into consideration the state of the Frontier, and the Constitution of the Colony.

F. O. Hutchinson, Esq., presided.

The following Resolutions were adopted :—

1. That this meeting desires to record its approval of the "Exceptions" brought forward by Messrs. Cock and Godlonton, and to express its opinion that those gentlemen have, as Members of Council, merited the approbation and gratitude of the Inhabitants of the Eastern Province, from the ability and unflinching determination with which they have advocated its right to Local Government; and considers that the conduct of those gentlemen, in retaining their seats in the Legislative Council (when Sir A. Stockenstrom, Mr. Fairbairn, Mr. Brand, and Mr. Reitz, capriciously, if not factiously abandoned their legislative duties), was manly, consistent, and patriotic.

Proposed by Mr. Austin, seconded by Mr. Pollard.

2. That scarcely any two other individuals could be named, so destitute of the confidence of the people of this Division as Sir A. Stockenstrom and Mr. John Fairbairn, or who are more unfit to be the representatives either to the Home Government, or otherwise, of the people of this section of the country.

Proposed by Mr. Rice Smith, seconded by Mr. Higgins.

3. That in the opinion of this meeting the state of alarm now existing on this Frontier is most de-

plorable ; but fully justified both by the official statement of Colonel Mackinnon, and by the alarming manner in which registered Kaffir servants, suddenly and simultaneously, left their employers on receipt of a message from their Chiefs.

Proposed by Mr. Rippon, seconded by Mr. Horne.

4. That subsequent events have not tended to restore a general feeling of security, nor will that feeling exist until the authority of the turbulent portion of the Chiefs be completely abrogated, and the probability of future mischief and rebellion greatly diminished by the removal to safe keeping of such offenders against the public peace. But that, at the same time, willing to place every proper confidence in His Excellency, it is not the desire of those present to hasten *prematurely* the development of his plans. It is, however, their firm and deliberate conviction that nothing short of summary measures will give any prospect of Frontier tranquillity, and, therefore, that the mere deposition of the rebellious Chief, Sandilli, cannot be regarded in the light of a satisfactory conclusion to present proceedings against our rebellious and crafty neighbours.

Proposed by Mr. Moxon, seconded by Mr. Thomas.

5. That this meeting would emphatically warn His Excellency and Her Majesty's Government, unless permanent measures of security be forthcoming, the result will be the certain abandonment of the Frontier Districts by a large proportion of its more respectable and enterprising inhabitants, both Dutch and English, and that this meeting, therefore, desires to recal to memory the reasons which led to the great Dutch Emigration of 1835 to 1838, viz : The unsatisfactory

state of relations with the Kaffir tribes; the withholding of compensation for losses incurred in the war of 1834-35; the existence of uncontrolled vagrancy to a ruinous extent; all acting upon embittered feelings consequent upon the Slave Emancipation.

Proposed by Mr. C. F. Pohl, seconded by Mr. Austin.

6. That Local Government is indispensably necessary to give security and confidence to the Frontier Districts of the Eastern Province—and this meeting, therefore, pledges itself to continue every exertion on behalf of such a just requirement.

Proposed by Mr. Pollard, seconded by Mr. Austin.

7. That a copy of the Resolutions be forwarded to His Excellency by the Chairman.

Proposed by Mr. John Austin, seconded by Mr. Horne.

8. That the thanks of the meeting be given to Mr. Hutchinson, for his able and impartial conduct in the Chair.

Proposed by Mr. Moxon, seconded by Mr. Pollard.

(Signed) F. O. HUTCHINSON, Chairman.

MR. BOWLES having received his appointment as Acting Puisne Judge of the Supreme Court, and the question being thus, for the time, settled, it is, on every account, desirable that the present constitution of the Court should cease to be a subject of party and political contention. We believe that the step which His Excellency has taken will give general satisfaction to all, with the exception of the extreme section of the

democratic party who, of course, will be satisfied with nothing short of the appointment of their own nominee.

The organs of this party have been, apparently, very much exasperated by the article in which we, last week, stated the reasons why, in our opinion, Mr. Brand was not eligible for the vacant appointment. We held those reasons to be good, and deemed it our duty, as public journalists, to explain them; we are therefore charged with having made a personal attack on Mr. Brand.

This is not true: we were not the first to mention Mr. Brand's name. An office of great responsibility and trust was vacant, and Mr. Brand's friends thought it right to put forward his claims to succeed to that office. We thought there were cogent reasons why he should not obtain it, and we stated them: we should never have mentioned Mr. Brand's name, if it had not been first mentioned by others.

Among the reasons which appeared to disqualify Mr. Brand were his pecuniary circumstances. He was lately insolvent. The Government has announced that the insolvency of any of its servants shall be sufficient reason for the forfeiture of office. To have appointed Mr. Brand, would have been a virtual deviation from this law. In reply, it is courteously insinuated that we are insolvent also. What then? We have not applied for the judgeship.

It is also contended, that there was nothing dishonourable in Mr. Brand's insolvency. Possibly: but we never asserted the contrary.

We also stated Mr. Brand's recent political pro-

ceedings as an objection to his being placed upon the bench, and we are not aware that that objection has been answered.

We have *not* said that Mr. Brand should not be appointed because he is of Dutch extraction. The attempt to make this a question of race, and thus to array the English and Dutch Colonists in antagonism to one another is none of our doing. Mr. Brand was pleased to imagine such an attempt on a late occasion in Council: and his supporters seem disposed to keep up the delusion. It is to be hoped that this attempt of a discontented party to aggravate the disagreements now too prevalent in the Colony, may prove abortive.

Lastly, we are charged with making assassin-like onslaughts on Mr. Brand, by the cowardly medium of anonymous writers. The charge of anonymous writing, as against a newspaper, is simply ridiculous: it is as if one should vehemently assert that fire is hot, snow white, and grass green. The articles in this paper, are not more anonymous than those in the democratic organs. For ought we know the article to which we are now referring may have been written by Mr. Brand himself. But supposing it not to be so, we are not aware that the fact of an article being written by Mr. Watermeyer, or Mr. Smuts, gives it a value which it would not derive from its own intrinsic merit. If the articles in this journal contain correct statements of fact, and legitimate deductions from them, it matters very little who are their authors.

This view, however, is not shared by one of our

contemporaries, who having failed to ascertain the authorship of our former article on this subject, has edified his readers by the announcement that we receive "pay from the pence contributed to the general revenue, by even the meanest coolie in the Colony," and "serpent-like wound the hand that feeds us." This is very mysterious. However, we can afford to allow our contemporary to amuse himself and his readers by his conjectures. Yet it is singular that the conductors of a paper which was for several years edited by Mr. Brand, should be so ignorant of Insolvent Law as to suppose that the fact of the Government having suffered a loss of £1200, by the learned gentleman's insolvency, could be a secret to any one who cared to know it. These matters appear in an insolvent's schedule, which is generally consulted by his creditors, and is open for public inspection. Mr. Brand's case was no exception to this rule.

Other remarks similar to those already noticed, have been sufficiently answered by our correspondent "Civis." In concluding our own comments upon this subject, to which we do not propose to return, this only need be added; that when any individual is seen aspiring to an office, for which he is, on many accounts, totally unfit, he must not complain if the reasons of his unfitness are fairly and openly stated to the public; if he thrusts himself forward and finds his qualifications freely discussed, he must not complain of personality; if he places himself in a position to provoke the comments of public journalists, he must not complain of anonymous writing.

But over and above the personalities which have

been introduced into these subjects, though not by us, there is one incidental point in which the public are deeply interested. It is urged by the *Advertiser* that Mr. Brand's insolvency cannot prove a bar to his elevation, because he has obtained a legal discharge. We asserted his pecuniary obligations as a reason why his judgments would be open to suspicion, and we are met with the reply of a legal discharge. If this be the standard of morals adopted by the party which has been advocating Mr. Brand's claims,—if they consider that in consequence of his legal discharge he is no longer morally responsible for his debts, we can no longer wonder at other of their unscrupulous proceedings. The present plea reminds us of that provision of the "People's Constitution" which would admit to the exercise of the Franchise, and to seats in the Legislature, persons who have been convicted of heinous crimes, provided only that they have completed their five or seven years' hard labour. It would be strange if the prime movers of the Anti-Convict agitation should procure for the Colony the blessing of a Convict Legislature. But it is thus that the principles of a party gradually disclose themselves; and from such specimens, the Colonists may judge what will be the character of their Government when the leaders of that party are allowed to come into power by the adoption of the "People's Constitution."

To the Editor of the Cape Monitor.

SIR,—The *Zuid Afrikaan* and the Radical press of Cape Town generally, unable to refute your arguments,

or to evade the truth, is now trying to make out a case of *personality* against you, with respect to Mr. Brand. But the editors of the *Commercial Advertiser* and *Cape Town Mail* should recollect that *they* originated the discussion regarding Mr. Brand's qualifications for the Cape Bench. They obtruded his supposed claims before the public, and backed them with the weight of their editorial authority. This was not very decent. It was certainly ill-judged. But, as they thought proper to provoke such a discussion about Mr. Brand, your acceptance of the challenge, as a public monitor and guardian, was indispensable. There is only one opinion amongst unprejudiced persons, of the able manner in which you have discomfited Mr. Brand's indiscreet eulogists, and disposed of that gentleman's pretensions.

The charge of personality brought against you is nonsense ; and if no more can be said in favour of Mr. Brand's claims to the Bench than the editor of the *Advertiser* and *Mail* have hitherto adduced, Mr. Brand may well say, "Save me from my friends." Did it ever occur to those friends that there is *another* "colonial lawyer," whose claims to the vacant seat in the Supreme Court of Cape Town are superior to Mr. Brand's in every way, and on the very principles which they themselves have laid down ? Mr. Henry Cloete, Recorder of Natal, is a "colonial lawyer" in its full meaning, like Mr. Brand. He was senior to Mr. Brand at the Cape Bar ; and the fact of his having held for some time a judicial appointment at Natal, surely gives him a better title to the superior emoluments and dignity of the Cape Bench, than any which

Mr. Brand's friends can display on his behalf. I do not wish to enter into a comparison between the public or private qualifications of Mr. H. Cloete or Mr. Brand for judicial power, in a colony where they have been both born, and both have resided for so many years. Each gentleman will have his own advocates, and a public paper is scarcely a place to discuss such delicate matters. Indeed, it is of little importance which of the two stands first in the estimation of their countrymen, or of the colonists at large: for *no* "colonial lawyer" could be tolerated as a judge, in the midst of his own private or political connexions. The editor of the *Observer*, who is at present the officiating editor of the *Advertiser*, should be careful how he talks about personality and slander. He, and nearly all the other editors of the Cape Town Newspapers, in the height of the Anti-Convict frenzy, if they did not abet the libels which appeared in their columns, certainly did not scruple to publish speeches made at the Town Hall, in which persons of the highest respectability were dragged before the public, and exposed to insults of the grossest kind. Private individuals, whose only offence consisted in not yielding to the threats of the Town Hall agitators, were commonly called "Traitors." Others who kept aloof from all public discussions, were most unjustly, and often wantonly, accused of favouring the Convicts; and the speeches of the Town Hall orators containing these attacks were duly reported, with a full *anser-ous* accompaniment of hisses, "and a symphony of groans!" It would be strange, indeed, if those who suffered from personal imputations, and public ridicule of this kind, should soon forget them. Let the editor

of the *Advertiser* ask himself, if *he* would have liked to have been marked for ruin, or to have witnessed his friends exposed to the insults of a cowardly confederacy. I say *cowardly*, because what was called the *Public Press* not only denied us the Englishman's privilege of a clear stage and no favour; but, like a band of red Indians, they tied us to the stake, and then gave their oratorical Squaws the full use of their tongues and nails upon us. The infliction of the former was less endurable than the latter; especially when a strolling player, who makes an exhibition of himself at one shilling the hour, was apparently hired to take part in the performance. Some of us thought that the good taste of this was questionable, and that savage insults against defenceless persons were not to be applauded. Others again went to the Town Hall, as they now go to the Circus, to see the clown. To be sure the capacity of the audience generally was not of the highest order, seeing that they could derive amusement from the grimaces of a declamatory mountebank, or the pugilistic contortions of a pocket "Hercules."

I really think that after what occurred last year, the editors of certain Cape Town papers, need not be very squeamish about what they now call personalities. They are mistaken if they suppose that public attention will be diverted from the investigation of *public* characters by any manœuvre of this kind. Your readers are quite capable of drawing the line between the public and private career of any marked man; and when the peculiar position and circumstances of such a man, in private life, are incompatible with his elevation to a public office of enormous responsibility, the press

must do its duty, and private considerations must give way.

CIVIS.

THE CAPE MONITOR.

Cape Town, Friday, December 6, 1850.

WE have transferred from the columns of the *Port Elizabeth Telegraph*, of the 21st November, an interesting letter, signed "Verax," on the state of public opinion in the Colony. We take in good part the writer's advice to us to steer clear of allusions to anti-convict agitation. We have not referred to that dark chapter in the history of the Colony further than was necessary in order to show the means by which the present leaders of the democratic party have obtained the influence they have of late so extensively exercised; such influence, so acquired, could not be of very long duration: we are happy to believe that it is already on the decline—more happy to believe that our own exertions have contributed in some degree to its overthrow. We claim no higher merit than this—that we have afforded to the loyal and well-meaning portion of the community, a medium through which their sentiments may be made known, and through which the deceptions in which the opposite party very liberally indulge may be exposed. It is a fact that this paper is circulated and read in places where, before its appearance, newspapers were not read at all, because the inhabitants had become so disgusted with the dishonest assertions and arguments of the democratic press, that

they preferred receiving no public intelligence at all, to intelligence garbled and distorted for party purposes.

It will be in the recollection of many of our readers, that on the 12th of October, the Editor of the *Commercial Advertiser* somewhat prematurely announced that the Colonists had “not been slow in expressing their approbation of the withdrawal of their four representatives from the Legislative Council;” and proceeded:—

“Meetings have already been held, and resolutions of approval adopted, in the following places:—

“Cape Town, Paarl, Stellenbosch, Swellendam, Worcester, George, and Uitenhage.”

“Private letters also state that similar proceedings had taken place or were about to take place, no doubt being entertained as to the results of the same, at the following places:—

“Malmesbury, Graaff-Reinet, and Beaufort.”

“These ten places are the capitals of districts or divisions which contain **THREE-FOURTHS of the whole population, and THREE-FOURTHS of the-estimated value of the whole FIXED PROPERTY of the Colony:**—the population being upwards of **ONE HUNDRED AND THIRTY THOUSAND**, and the value of the fixed property being estimated at upwards of **FOUR MILLION AND TWO HUNDRED THOUSAND.** * * *

“Thus, as rapidly as time permitted, the **POPULATION and PROPERTY** of the Colony have uttered a decision that no man can pretend to misunderstand.

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“With respect to the **CONSTITUTION** drawn up by

the five representatives of the people, there appears to be as much unanimity."

The above statement is laid before the readers of this journal, with all the typographical emphasis of the original. For absolute untruth, for deliberate, wilful deception, it has scarcely a parallel in the English language. We shall not travel over again the ground already traversed. Our readers know how far the meetings here alluded to—generally consisting of some twenty or thirty mechanics and apprentices—represent the hundred and thirty thousand inhabitants and the four million two hundred thousand pounds value of fixed property, of the districts in which they were held. They also know by how many of the inhabitants of the Colony the four seceders were elected to the position they disgraced. Our purpose now is to show how many of the Colonists have deliberately condemned the recent proceedings of "the popular four," who, we are lately told by one of their organs, will hereafter be "the real rulers of the Colony."

The apathy of many of the Colonists who have, up to this moment, pursued the let-alone policy adverted to in our last number, is much to be lamented. It must not, however, be supposed that this apathy is universal. Many have spoken out in support of order and good government, who will be found, both in numbers and in property, to constitute a party by no means despicable.

The merchants of Cape Town took the lead. Their memorial, signed by ninety of their body who represent property and annual transactions to the amount of at least half a million, contains the following words:—

“Your Memorialists have observed with deep regret the dissolution of the Legislative Council, by which the Colony has been deprived for an indefinite period of that legal channel which Her Majesty, by her letters patent, had prescribed for giving effect to her most gracious intention of granting Representative Institutions to this country.”

Graham's Town—the metropolis of the Eastern Districts, and the second town in the Colony—was not slow in adopting the same course. The Municipality of that place declared the conduct of the seceding members deserving of “the most unqualified reprehension and disapproval of all the thinking portion of the community,” and adopted the “Reasons for Assent,” prepared by Messrs. Cock and Godlonton, in which they stated their opinion “that the resignation of their trust, under existing circumstances, would be the abandonment of a solemn duty.” Similar resolutions were almost unanimously adopted a few days afterwards by one of the largest meetings ever held in Graham's Town.

The Divisional Road Board of Cradock, condemned the resignation of the four Members, and rejected their draft Constitution.

The Divisional Road Board of Fort Beaufort followed the same course; and the Albany Board and many others would, without doubt, have done so, but for the consideration that they were elected by their constituents to make roads and not constitutions.

A public meeting at Port Elizabeth declined to offer any opinion on the merits of the rival Constitutions, as the inhabitants of that place had taken no

part in the previous elections; but on an attempt being made to pass a resolution approving of the resignation of the four members, only five hands were held up in its favour. Subsequently, however, a further meeting was held at the same place, at which the excessive liberality of the Government draft and *a fortiori* of the "popular" Constitution, was earnestly deprecated.

At Somerset, the District in which Sir A. Stockenstrom's estates are situated, and in which his influence was supposed to be paramount, a public meeting, largely attended, denounced the resignation of the four members as "detrimental to the interests of the whole Colony," and rejected, by a large majority, a resolution declaring that their conduct had been dictated by conscientious feelings of duty.

At Sidbury, resolutions were passed declaring the course adopted by the seceders to be characterised by caprice and faction: and that they did not possess the confidence of the people of that part of the Colony. The people of Zwager's Hoek and Fort Peddie adopted similar resolutions. At George and Swellendam the democratic agents obtained the appearance of a triumph, but our readers are aware that in those places public opinion is very much divided, that the meetings were packed, and that those who wished to oppose the cut-and-dry resolutions were not allowed to speak.

The Governor's recent visit to the Frontier has enabled some of the inhabitants of those districts to address him personally on the subject of the Constitution. The following is extracted from the Uitenhage address:—

“We, as British subjects, are naturally desirous to enjoy the privilege of our birthright—Constitutional Government; but we dare not conceal from your Excellency that our ardent aspirations are clouded by a deep anxiety that in obtaining this long delayed concession (a concession which we regret was not granted in less perilous excitement), we run the danger of being swamped by that democratic feeling which has unfortunately taken possession of the popular mind within the last few months. And we implore your Excellency to represent these our views and alarms to the Home Government in time, so that while granting us our undoubted privileges, we may be protected by a conservative system of franchise, which will do justice to the rights and duties of property and intelligence respectively.”

The following extract from the Port Elizabeth address is to the same effect:—

“We trust that through your Excellency’s representation, the boon of representative institutions, based on sound and constitutional principles, may not long be withheld from this Colony.”

The following is from the Sidbury address:—

“We have been made more fully aware by the gentlemen composing our deputation of the present sad disorganization in public affairs consequent on the existing lamentable political convulsions, and in the democratic and factious proceedings of certain parties.”

We are also informed that petitions and addresses of the same purport are in preparation at Graaff-Reinet, George, the Knysna, Riversdale, Swellendam,

Caledon, and Graham's Town: besides which there are many places which up to the present time, have remained neutral, and may be expected to feel the effects of the reaction evidently in progress in the colony.

It would, perhaps, be possible, by a judicious employment of capitals and italics, to found upon the facts above stated a tolerably plausible assertion that "the almost unanimous voice of the Colony" has pronounced against the measures proposed by the seceding members. But we wish to state nothing that will not admit of proof; and the fact is, that the Colonists are not unanimous. There is, however, among them a large and daily increasing party opposed to the democratic movement. The more the question is discussed—the more widely truth is circulated—the more that party will increase. The Colonists will learn that the democratic form of Government, which is proposed for their acceptance, is one which has never brought peace and prosperity to any country, and they will ultimately prefer a Constitution founded upon the experience of ages, and the national traditions of Englishmen.

(*Port Elizabeth Telegraph.*)

THE PUBLIC VOICE.

Port Elizabeth, 12th November, 1850.

TO THE EDITOR: Sir,—The Colony is rapidly recovering from the democratic fever with which it has been of late so violently affected, and the tumult

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of applause extorted by the grand *Coup de Théâtre* of the seceding members is fast subsiding. I question much if the begging circulars from the Cape Town Municipality, asking for applause and *money*, were to be sent round again, they would meet with as favourable a reception as they did a few short weeks since. Already have many respectable individuals in Uitenhage expressed their sorrow at having so committed themselves at their late meeting. A large number of inhabitants of George have disavowed the sentiments and resolutions of the public meeting held in that town. At Swellendam, the stronghold of one of the *dissenting* members, so strongly adverse has been the feeling of an influential portion of the inhabitants to the fustian and balderdash put forth at the meeting, that by way of demonstration they actually complimented Mr. Godlonton by inviting him to a public entertainment. From Cradock, Colesberg, and other places, communications of a similar tenor have been received, while at Graham's Town, Fort Beaufort, Somerset, Sidbury, and Port Elizabeth, the factious opposition of the *would-be* "popular members" has been openly and unhesitatingly denounced, and a large body, representing the wealth and intelligence of the capital have mildly but firmly recorded their disapproval of the recent proceedings in Council. The ultra admirers and supporters of the ex-members and their politics, plume themselves complacently on their overwhelming numbers, and the "*insignificance*," as they phrase it, of the minority opposed to them. They do well to make the most of this temporary and imaginary majority, for temporary and imaginary it certainly is to a very

great extent. Even now the ground is fast giving way under them, and in a short space of time, when reason shall have assumed its sway, these boasted numbers will have dwindled away to *zero*.

People, even now, are beginning to enquire what grand step has been gained by this parade of opposition? What great principle has been vindicated? What popular or salutary measure has been forwarded? What victory achieved? To any or all of these simple inquiries, the characteristic colonial reply is the only one which can be given—*Ik weet niet*.

But on the other hand, they ask with well-founded indignation—Have not the wheels of the Government machine been unnecessarily clogged? Have not all fiscal arrangements and all enquiry into Government Revenue and Expenditure been recklessly burked? Have not public works and improvements been indefinitely suspended? Have not the much-needed amendments in several defective Ordinances been needlessly delayed? Have not division and antagonism been most inopportunately engendered at a time when perfect unanimity was of the most momentous import to the success of our cause? And lastly, has not the great question of Representative Institutions itself been *certainly* postponed, and *probably* endangered, by these ill advised proceedings?

And all this interruption of public business and public improvements is to be caused, and all this bad feeling is to be created, because four democratic members, who arrogate to themselves the leadership of the people, and who proclaim themselves the exponents of the *public voice*, think proper to turn

sulky when they find it impossible to carry everything their own way, and vainly flatter themselves that they will produce a sensation, by stalking out of the Council Chamber in all the majesty of offended dignity.

The effect of this exhibition was precisely what your able correspondent, *Punch*, described as the throwing up of caps by the mob at the passing procession, but on their return home when the excitement has subsided and the enthusiasm has abated, the spectators begin to wonder what it was that called forth their unbounded admiration.

The delusion and the false impressions have been ably kept up by the misrepresentations of a dishonest Press, for such it is affirmed to be by their new contemporary the *Monitor*, who fully corroborates an assertion I made in a former communication. It is refreshing after the displays of radicalism with which we have been surfeited for months past to be enabled to refer to the sound constitutional views of this creditable Journal; but I would whisper a word of friendly advice to this new offspring of the Press, and strongly counsel him *to let alone* the settled question of anti-contractism, and not to risk the good opinion of many would-be friends, by the re-agitation of a painful subject which has been long since satisfactorily disposed of.

Various charges have been brought against the people of Port Elizabeth, founded on their judicious opposition to the £25 franchise. They have been accused of fomenting national antagonism, and of illiberal and vexatious interference with the rights of the coloured classes. I am not aware of a single word having escaped the lips of any public speaker, or of a

line written in any local journal, indicative of any such feelings. On the contrary, they know that the £25 franchise was introduced into the Council for the express purpose (whether mistaken or not, it is not my present purpose to enquire) of equalizing the constituency in favour of the English portion of the community, and with regard to the prejudice against colour, I do not believe that there is a town in the whole colony more free from any such unfounded and contracted views. The people of Port Elizabeth object with great reason to the placing of the franchise in the hands of those who are not capable of using it, and they think that it would be a means of raising many of the coloured community from their present degraded position by rendering the attainment of the franchise an object of honest ambition.

History has shewn, and experience has confirmed, that there is no character so truly despotic as your extreme radical or democrat when in power, and the attempt is already perceptible in this Colony to exercise a despotic sway over the minds of that large portion of the public who do not like the trouble of thinking for themselves. But the people of this Colony, and especially the Dutch portion of it, are by nature, habit, and education, the very reverse of democratic; and there can be no doubt whatever that when they have cast the film from their eyes, and have thrown off the trammels which their despotic leaders have endeavoured to fasten upon them, they will rally round the Government and those leaders whose object, they will not fail to discover, is to preserve them from the perils of democracy and republicanism.

VERAX.