

adventurous industry? Will all this serve the true interests of a growing Colony, whose very well-being and progress so materially depend on mutual confidence, on increasing public spirit, and internal peace? Free institutions grow out of enterprize, not enterprize out of free institutions.

2. *Will the new Constitution diminish our taxation?* Our present taxation is probably as easy as that of any civilized country in the world; but can it continue so if all the changes which some contemplate are effected? Will taxation be diminished by the annual travelling and other expenses of sixty-one members? By the payment of speakerships, and ushers, and messengers? By all "the pride, and pomp, and circumstance" of a newly-formed legislation? and by the *bonus* of our *self-defence* as the consequence of our *self-government*? Can we expect reduced taxation, or even rigid economy, if property be unrepresented, and those who have no property to tax have the power to tax the property of others? We let an authority already quoted answer these questions, who tells us,—

"Taxation in America is considerable; and its pressure may easily be supposed to fall upon the rich. The poor, who regulate the assessments of these imposts, being the majority, and having little or no property of their own, deal very freely with that of the rich, and the expenditure of this taxation is often very beneficial to them, by employment in public works and offices."

3. *Will the new Constitution reduce the present expenditure for Government servants?* We do not believe it for one moment. What! Is public faith at

so low an ebb? Is the English nation, or are its Colonists so given to moral *repudiation*? Is the most fair-dealing country in the world likely to become a party to manifest injustice? Has Great Britain sent out, on a certain promise, her men of character and men of rising worth,—have these men given their best days and their most energetic services to a distant Colony, and shall we suppose that the mother-country will leave them to the tender mercies of sudden retrenchment, and to be dealt with as if they were worthless hirelings, instead of public servants who have been tried and proved faithful? Would the Colonists even ask for it, or wish it? We do not believe they would. Different appointments as they fall out may be stipulated for on lower terms; but will an honest man for one moment conceive the idea, that retrenchment is to be obtained by the breaking of public faith, and that an act of injustice is to be one of the first results of our free institutions?

4. *Will the new Constitution make places for active and energetic men?* It may, and it will. But probably those who expect to fill them may be disappointed. The wheel of great changes keeps revolving: and where there is determined party spirit, and the eye of watchful jealousy, men's motives are soon discovered, and even motives (which do not influence them) readily ascribed to them. Hence the place-seeker is commonly thwarted; if for no other reason, at least, because he is a place-seeker. One ascends by the ladder another has planted. The Abbé Sieyès was Napoleon's stepping-stone to the first consulate; and Perillus in his brazen bull, and M. Guillotine

beneath the instrument of his own invention, convince us how a man's machinations may serve to his own overthrow. It will be no enviable post which the representatives of our first Assembly will be called upon to fill. Their probable return, be they who they may, will be undisguised opposition, public complaint and disappointment.

5. *Will the new Constitution cause the existing members of society to change places?* Will those who, from their position, now take the lead be moved from it, and give place to persons now of no influence? Certainly not. Influence does not depend merely on place and power. It is the result of tried experience, straightforward intention, active energy and public spirit. A man's place may call attention to him, and give him occasion to be tried as an influential man: but his mere position will never confer upon him real influence: his influence is, in every sense, his talent. The caste of talent, activity, and public zeal will always prevail over the mere conventional caste of station; and the man who has the seeds and energies for prominence in him will have power in every community. Make what distinctions you please, still, whilst heavy indolence and inert self-ease will sink, the buoyant and elastic energy of true greatness will rise. Shakspeare took a true estimate of man when he wrote:

"It is not in our stars  
But in ourselves that we are underlings."

6. *Will the taste for politics, arising out of our new Constitution, benefit us?* Not if they be *factionous* party politics. The quiet and the prosperous do not

need changes and experiments, but protection. The enterprising merchant, the thriving tradesman, the careful farmer, are too engrossed with what really concerns them to meddle with those subjects which most generally end in talk. Party views in politics, however hotly maintained, are like controversies in religion, whose common results are far from any practical good. The political tradesman is very seldom your diligent and successful one; and the political field is to most men a very barren field for either peace or prosperity; they who toil in it sow the wind to reap the whirlwind. A small community torn by party feeling is like a house divided against itself. Every contested question raises dissension, animosity, ill-feeling, jealousy, exclusive dealing, and long-continuing rancour; and the ultimate consequences are family divisions and bitterly-maintained and unprofitable strife, in which all common interests are forgotten. We cannot too cautiously remember that our Constitution is but an *experiment*; and as such it should be dealt with. Precipitance may be fatal. Well has it been said:—

“There are seasons when political reforms are safe, expedient, and desirable; there are others when none but the most rash empiric would prescribe their application. If, when the minds of a people are violently agitated by political enthusiasm, kindled by the examples of other nations actually in a state of revolution,—if, while that class of the people who derive their subsistence from bodily labour and industry are artfully rendered discontented with their situation, inflamed by pictures of imaginary grievances, and

stimulated by delusive representations of immunities to be acquired and blessings to be obtained by new political systems, in which they themselves are to be legislators and governors,—in such a crisis it cannot be the part of true patriotism to attempt the reform even of confessed imperfections. The hazard of the experiment at such a time is apparent to all rational and reflecting men. It is then we feel it our duty to resist all attempts at innovation, to cherish with gratitude the blessings we enjoy, and quietly wait a more favourable opportunity of gently and easily removing our imperfections,—trivial indeed, when balanced against the high measure of political happiness which we possess.”—*Tytler's General History*.

Free institutions, to be of real value to a community, must not merely be the result of hasty impulse and legislative enactments; they must increase and gain permanent strength by progressive measures,—by the experiment and moderation of judicious changes,—and by the growth and development of the moral, intellectual, and religious character of the people. It is the growing belief of many that to leap from our nominated Legislative Council to two elected Houses of representatives is as dangerous as it is novel. Difficulty has been found in the choice of a *few* representatives,—where are we to find sixty-one? Are there that number of competent and independent persons who *can* and *will* fairly represent all parts and classes of this scattered Colony? We believe the practical difficulties of the carrying out our Constitution, as proposed by some, will be far greater than is generally anticipated. Would it not be safer that our

elective representation should be gradual, and whilst the Lower House is chosen by the people, that the Upper House should, for the first Parliament, be nominated by the Crown? Such a modification of elected representatives would, there is little doubt, work well. The experiment would be tried by degrees; opportunity would be given of proving our capability for self-government; violent and extreme changes would be avoided; talent would have opportunity of being tested; many who are now against extreme measures would be satisfied; and, as far as we can see, every practical good to result from free institutions would be secured, and we should be saved much bitterness, continued opposition, and, if we mistake not, disappointed failure.

Some of the old apologues are full of terse, and experimental wisdom, and though trivial, yet Horace testifies:—

*Ridiculum acri*

*Fortius et melius magnas plerumque secat res.*

Two of these fables are descriptive of our present position. The one is that of “The two goats crossing over the narrow plank.” Our party spirit, if maintained as contentiously as theirs, must serve for our common ruin. Our one and the self-same object should be the common good; and we should follow after this with less bitterness and more calm deliberative wisdom. The other fable is that of “The frogs asking for a king.” Our government has until lately been so easily conducted, and our tranquillity so perfect,—our taxation so easy, and our institutions so liberal,—that we scarce know what to complain of,—

unless it be that the reign of King Log is too stupid and too uneventful. But let us look to it that we are not agitating for the reign of King Stork, and for such hasty changes as shall give us too much reason to lament that we have changed a government of peace and a state of prosperity for one of contention, heavy imposts, and ruin. The government we need is one which while it is liberal is just, and while it is *popular* is *protective*; and which in practice as in theory effects "*the greatest happiness of the greatest number.*"

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## CONSIDERATIONS ON THE CONSTITUTION.

It is much to be regretted that so many of our fellow colonists appear to have given so little consideration to the character and principles involved in the formation of a Constitution for the Colony, which, whatever may be its nature, must necessarily affect, in a very important degree, the peace, happiness, and prosperity of all classes of its inhabitants.

It would seem that they have thoughtlessly yielded up their better judgments to the alluring sophistries of Mr. Fairbairn, and the very refined oratory of his coadjutors, without pausing to consider that the great principles involved in the government of nations and communities are the result of experience progressively developed in successive ages, the application of which to each particular state of society has—generation after generation—occupied the thoughts of the greatest statesmen that ever devoted their talents and acquirements to the service of mankind.

Possibly the gentlemen to whom I have referred, and the worshipful Commissioners of our Municipality, may be well qualified for the discharge of the duties belonging to that station of life into which it has pleased God to call them ; but I may, I think, without offence, be permitted to question whether their wisdom must be allowed to outweigh that of the most distinguished statesmen of the past and present generations. Yet these gentlemen have, with the most unhesitating confidence, enunciated principles which the experience of all well-ordered communities has long since repudiated.

Had they not, with such indefatigable zeal, laboured night and day to instil their principles into the minds of their credulous followers, the Colony at large would not have cared for what they said or thought ; but the consequences of their teaching have already been productive of so much individual suffering and public injury, that it is now high time that those misguided people should be cautioned to stand still for a while and survey the path whither they are suffering themselves to be led.

The two great and paramount enquiries which are most essential to consider before determining the character of the Constitution, are—1st, What principles experience has discovered to be the best on which to construct a Legislature, with the view of conferring the greatest amount of good on all classes of communities ; and, 2nd, To what extent those principles can at present be adapted to the particular character and circumstances of the very heterogeneous and dispersed population of this Colony.

In following up these enquiries, it seems to be indispensably necessary to weigh the opinions of those distinguished persons, whose lives, or the greater part of them, have been devoted to their consideration, in their practical application to Her Majesty's settlements abroad. Those opinions have frequently been recorded in the despatches which have passed between the Colonial Office and the Colonies, and in the course of the debates in Parliament. I purpose, therefore, setting forth some of them, that they may be compared with the extravagant theories of the inexperienced persons who have taken so much pains to infuse their mischievous theories throughout the Colony; and shall begin with Lord Stanley's despatch to Governor Sir George Napier, which acknowledges the receipt of a petition from Cape Town, praying that the Government of this Colony might consist of a Governor and Executive Council, both appointed by the Crown, and an Elective Legislative Assembly,—on which occasion his Lordship thus expresses himself on the subject of Representative Government for the Cape:—

“The plan suggested in the petition, and recommended in your despatch, is described as an assimilation in principle and in form to the Government of Great Britain. I cannot admit the accuracy of this statement. A Legislature composed exclusively of persons elected by the people at large is utterly unknown to the constitution of this kingdom, and does not exist in any of the Colonial dependencies of the British Crown.” “The very fact of such a scheme being propounded as one analogous to the British Constitution, affords convincing proof that the authors

had contented themselves with a very superficial consideration of the subject, and could not have applied their minds to it in such a manner as to have mastered or even ascertained the difficulties by which it is beset." "In all the more extensive British Colonies in which representative assemblies exist, a problem has arisen of which it has never been possible to find a complete solution. The capital town of the province must be the seat of the local legislature. But it is the place of residence of a comparatively small proportion of the Colonists. The settlers resident in the remote country districts have many interests opposed to those of the citizens of the metropolis. But the representative body is composed of the inhabitants of the capital town in a proportion far exceeding that of their relative wealth and numbers, because to them alone attendance in the Legislature is matter of convenience or desire. To the rural settler it is a heavy and often an unwelcome burthen." "Cape Town is barely accessible from the eastern or northern districts, except by persons prepared to incur an amount of fatigue and expense to which it would be unreasonable to expect that men would habitually subject themselves from a spontaneous zeal for the public service." "There would of course be exceptions, but as a general rule it would be irrational to expect the actual attendance at a House of Assembly at Cape Town of many Members, excepting those whose settled residence was in that town or its immediate vicinity. They would of necessity be chosen, in a large majority of cases, to represent the country districts, and the Assembly would in reality express the opinions and consult for the interests rather

of the capital than of the Colony at large ; yet they would be entitled and enabled to claim for their opinions all the authority belonging to a body freely chosen to act for the whole population." " During the actual session of the proposed Assembly, the same physical causes must create serious hindrances of another kind to the successful discharge of their duties. To a very large proportion of the constituency, all communication with their representatives, and all knowledge of their proceedings and deliberations, must arrive so tardily and so imperfectly, as to destroy one of the great advantages of such institutions in other countries." Adverting to the distinction which results from the diversity of race and origin, his Lordship says, " It cannot be denied that at the Cape of Good Hope, *more than in almost any other possession of the British Crown*, the elements of which society is composed, are heterogeneous, dissimilar, and separated from each other by distinctions almost indelible. I have no means of stating with entire precision the relative numbers or the comparative wealth of the different classes which combine to form the collective population of the Colony. But I apprehend that the Colonists of the English race are at once the least numerous and the most wealthy, active, and intelligent class. To these succeed the old Dutch settlers or their descendants, between whom and the English there probably subsist many mutual jealousies, and but few domestic or even commercial connexions." " Now if an assembly of the people of the Cape of Good Hope should be convened by Her Majesty, by what method is it proposed to secure for each of these component elements

of society its due weight and influence in that body, *and no more?* When I bear in mind how powerful, *indeed how nearly irresistible*, is the authority of an elected Legislature in the Colony which it represents, I cannot regard as a matter of secondary concern the adjustment and balance of that authority in such a manner as may prevent its being perverted into a means of gratifying the antipathies of a dominant caste, or of promoting their own interests or prejudices at the expense of those of other and less powerful classes. Will the wealthy, and intelligent, and enterprising minority, to which I have adverted, be content to find themselves overborne by a majority inferior to themselves in all respects, except in that of numerical strength?" "It is no light thing to throw down the barriers which have, hitherto, afforded protection to the great mass of the colonists, and to hazard the consequences of placing them without that protection in the presence of an authority, the abuse of which might work out a great amount of irremediable injustice." "Neither, so far as I can perceive, has it yet occurred to you to inquire by what means the necessary authority of the Executive Government is to be sustained in the presence of such a representative Legislature as you contemplate, composed, as that Legislature must be, of at least two different European races."

The substance of the despatch from which the above extracts have been taken, was communicated to the Cape Town petitioners, and a public meeting was held to consider Lord Stanley's objections. The question was referred by the meeting to a committee, of which Messrs. Fairbairn, Brand, and Jarvis were members ;

and we learn from the *Zuid Afrikaan* of the 7th October, 1842, that the Committee held their first meeting on Friday, the 5th of that month. How many attended is not stated; but "the unanimous opinion of those present was, that the representative Government which the inhabitants seek to obtain, and which they prayed for in their petition, was not that of an Assembly as the *only* legislative power, but of an Assembly of representatives elected by the people, a *Council chosen by the Crown*, and a Governor similarly appointed; each having concurring legislative powers,—the Assembly as a Lower and the Council as an Upper House, and the Governor, as the representative of the Crown, constituting the third estate. Thus the Colonial and her Majesty's Government would always have a check on the proceedings of the Assembly, *and all the fear of excess of jurisdiction or power, and of oppression of any particular class of people, would cease any longer to exist*; while in case of any difference between the Colonial Government and the Assembly, her Majesty's Government would sit in judgment as the umpire, and decide upon what should be or should not be."

It does not appear that the Committee ever met again, and here the subject seems to have rested till the 2nd November, 1846, when Earl Grey transmitted a despatch to the Governor of the Cape, in which his Lordship refers to various questions proposed by Lord Stanley, which had not then been answered; and expresses a wish that the Governor, in considering the question, would advert attentively to the observations made by Lord Stanley in his despatch to Sir George

Napier. Earl Grey then alludes to the hostile feelings which had been exasperated between the different races by the contest then in progress, and by the emigration of the Boers. But his Lordship observes, "that on a question of this nature some difficulties may be wisely encountered, and some apparent risks well incurred, in reliance on the resources which every civilized society, *especially every society of British birth or origin*, will always discover within themselves."

The Attorney-General, in obedience to the directions of his Excellency Sir Harry Smith, prepared and submitted for the Governor's consideration, a general plan for introducing the element of popular representation into the Government of this Colony.

It is sufficient for my present purpose to observe only on the fact that this plan proposes a Legislative Council, composed of official and unofficial Members, all of whom are to be nominees, as distinguished from the Members of the House of Assembly, who are to be elected by persons who are owners and occupiers of land or buildings to the annual value of £10, or occupiers for not less than twelvemonths, of fixed property of the annual value of £15.

Sir Harry Smith, after his return from the frontier, enclosed the Attorney-General's plan to Earl Grey, with the remark that it had confirmed his Excellency in his original idea that a Governor, a Legislative Council (to be nominated is implied), and a House of Assembly, is the best form of Government for the Colony.

This memorandum of the Attorney-General was next transmitted successively to the Members of the

Executive Council and to the three Judges, for their individual opinions, unbiassed by each other. Hence the able documents which were presented by the Governor to the Legislative Council on the 10th July, 1849.

I shall at present merely refer to these documents to show that, besides the Attorney-General, the Secretary to Government, the Treasurer-General, the Collector of Customs, and the three Judges are unanimous in agreeing that the Legislative Council should be nominated by the Crown. The Chief Justice was the only one of the seven high functionaries who qualified his opinion on these points, by observing that it would prove more satisfactory if about one-half of the Members were elected.

Early in the following year, His Excellency received Earl Grey's despatch of the 31st January, 1850, transmitting the Report of the Committee of the Board of Trade and Plantations, where his Lordship states, that as the leading features of the Constitution to be granted to the Cape are recommended by the Committee to be laid down in letters patent, he will cause the necessary instrument for this purpose to be prepared immediately; and accordingly the letters patent followed.

Now, Sir, let your readers observe what the Committee of the Board of Trade and Plantations say in their Report. They state that, the question of granting to the Cape a Representative Legislature had been *affirmatively determined* by Her Majesty, and that it had been referred to them *to report only*, on the particular *form* of Representative Constitution which appears to

them to be the best suited to the peculiar circumstances of the Colony. This question they find to be one of equal difficulty and importance, for while they recognize the necessity of a change in the existing form of Government, and the expediency of granting to the Cape a Constitution founded on *the principles of representation*, they have found “*in the peculiar circumstances of the Colony, very serious obstacles to the establishment of any such system of Government, of which the satisfactory operation can be anticipated with any confidence;*” and the report adds, “*we are bound to express our fear that we have failed in discovering any mode of proceeding which we can recommend as being free from grave objections.*” Referring to the geographical difficulties anticipated by Lord Stanley, the Committee observe that, they regret *their inability* to express their opinion that, “*in the practical working of a Representative Constitution at the Cape, these difficulties will not be experienced to a very considerable degree.*” It is self-evident, from all this, that had not the Queen determined on a Representative Legislature for the Cape, the Committee would not have recommended “*any such system of Government.*”

The same Committee in reporting on the Bill for the Australian Colonies, remark, that until the commencement of the nineteenth century, it was the almost invariable usage to establish a Local Legislature in the North American settlements of the Crown, consisting of three Estates, that is, a Governor appointed by the Crown, a Council nominated by the Sovereign, and an Assembly elected by the people. That although the experience of centuries has ascertained the value and

the practical efficiency of the ancient constitutional usage, by establishing the three Estates, public opinion in Australia constrains the Committee to adopt the opinion that a single House of Legislature should be provided for the Australian Colonies, one-third of the Members of which should be nominated by the Crown, with power of amending their own Constitution with the consent of the Imperial Parliament; but as such emendations may be productive of injurious consequences, the Committee are of opinion that it should not be lawful to make any order in Council confirming any act of the Colonial Legislature, until it had been laid before Parliament for at least thirty days.

The Committee also state, that in England the Queen's Civil List is settled upon Her Majesty for life, "and in addition to this, Parliament has thought fit to provide, by a permanent charge on the Consolidated Fund, for a very considerable part of the establishments kept up for the public service, including the whole of those of a judicial character, leaving to be defrayed by annual votes those only which have been regarded as requiring the frequent revision of the Legislature." The reasons for thus withdrawing various heads of expenditure from annual discussion apply, the Committee apprehend, with much increased force in the Colonies. "It is not to be denied," they say, "that in these small societies party spirit is apt to run still higher than among ourselves, and that questions respecting the remuneration of public servants are occasionally discussed, rather with reference to personal feelings than to a calm consideration of the real interests of the community."

If not trespassing to too unreasonable a length on your columns, I propose to pursue this subject to its conclusion in another letter.

A LOOKER-ON.

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WHETHER the result of sales which may have taken place within the last month has shown an apparent rise or fall in the value of fixed property, is a matter so slightly bearing upon the larger question, how such property is likely to be affected by the adoption of a form of Government which will inevitably throw a vast amount of political power into the hands of an Assembly composed of persons possessing no property at all, that we could be well content to leave it entirely untouched. The value of an unsupported assertion in the *Cape Town Mail* is tolerably well known to Cape Town readers; and if the only object of an article in that paper had been to show, that since the promulgation of the Town-house Constitution "landed property in this city and its vicinity has been steadily rising in value," such an assertion might safely have been left to the unbiassed judgment of the public, who know the character of the paper, and will estimate the statement at its true value.

But the ultimate and true object of the article to which reference has been made was very different. After discoursing on "the rise in the value of fixed property," our contemporary proceeds in the following strain:—

"It would be unjust, however, if we did not admit

that there is a certain description of property, which is really in danger. It was, indeed, this species of property which some of the authors of the alarm probably had in view, when they raised their cry of terror. This property is that which certain office-holders and their dependants imagine themselves to possess in the patronage and 'pickings' of the Colonial civil establishment, and the public expenditure. There is no doubt that this kind of property will be in very serious peril, when the new Constitution is established. And perhaps it is the public knowledge of this fact, which has lately caused other kinds of property to rise in value."

Now every word of this is palpably untrue. The "office-holders and their dependants" have experienced none of this "terror" which our contemporary so complacently imagines: and for this simple reason:—that every newspaper and every public speaker (with one exception) and every individual in the Colony who has expressed an opinion on the subject,—that the framers of the Privy Council Report, the framers of the "popular Constitution," as well as the Government Commissioners,—have all acknowledged the principle, which no honest man could question, that the public faith shall be preserved, and that, whatever changes may be made as vacancies occur, the claims of the present holders of office will be religiously respected.

For this reason the officials feel no danger, and it is simply a deception to assert that they are influenced in their political course by regard for their own position; for only one party in the political contest

has yet ever hinted at the possibility of the breach of faith proposed by our contemporary, and that party is too insignificant to create any serious alarm.

Still, if, in the midst of these dissensions, the character of the Colonists is to be considered of any value, it is right that this disgraceful proposal should be placed in its true light, and that its secret history should be disclosed in all its deformity. It is, therefore, to be clearly understood that the Civil servants of this Government—whether high or humble, whether “office-holders” or “dependants”—are threatened with loss of office, and deprivation of emoluments, of which, by an implied contract, the public have guaranteed them the enjoyment, unless they suppress their honest convictions, and hypocritically profess democratic doctrines which they do not in reality entertain.

This is the threat which, having been repeatedly disclaimed by Government Commissioners, by the seceding Members, and by all classes of the public, is now revived by the *Mail*. It will be repudiated with deserved scorn by all right-minded and honest men; but it deserves some notice, considering the quarter from which it emanates.

The *Cape Town Mail* is very well known to be the political organ of the Commissioners of the Municipality of Cape Town. Now, when we bear in mind that at one of the meetings of that body a Commissioner was hardy enough to propose that the claims upon the public faith of individuals now holding office should be disregarded, and that the other Commissioners present were — we will charitably suppose—obtuse enough to overlook the dishonesty of

the proposition made to them ; and when we find that dishonest proposition reproduced in the columns of a newspaper known to be in the interest and under the direction of the Commissioners, we are scarcely uncharitable in suspecting the commencement of a crusade against that "description of property" (we adopt the phrase) whose only security is the good faith and honesty of the public.

If it should hereafter be proposed to reduce the salary of the Governor and Members of the Executive Council by one-half, what objection can those functionaries make to such a proposal? They would say, "We accepted our offices on the understanding that we were to be remunerated by such and such salaries, and in the height of political contention all parties agreed that that understanding was a sacred compact not to be violated." But they will be answered by the Democrats, "Oh no, you had a fair warning in the *Cape Town Mail*, which denies your version of the 'understanding' and 'sacred compact' and clearly proves that it was an open question to be entrusted to our opinions, and judgments." If the article to which we have referred is not intended for such a purpose, it is childish.

Nor is it unworthy of remark that other papers in the same interest have more timidly supported the same dishonest proposal. The *Observer* and the *Advertiser* have already sung anticipatory pæans on the withdrawal of Government support from Ecclesiastical Establishments in this Colony. The example of the Canada Parliament has been gleefully quoted ; and we have been told that the day is not far distant

when the Churches of this Colony will be emancipated from Government protection.

It is thus clear that the Colonists will be asked to break the pledge given by implication to the ministers of different religious communities in the Colony, as well as to the civil servants. It is not, however, believed that such proposals will be accepted by the people of the Colony, however congenial they may be to the feelings of some of the Cape Town Municipal Commissioners, and the conductors of the democratic press.

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## THE CAPE MONITOR.

*Cape Town, Friday, December 27, 1850.*

THE manner in which the approaching change in the Government in the Colony will affect certain classes of individuals is deserving of attention while the method in which that change is to be effected is under consideration. Last week, we took occasion to refer to the threat of deprivation of salaries which has been made against the civil servants of the Colonial Government, and is repeated in rather coarse terms in last Saturday's *Mail*. To that question it is needless to revert, because the party which has made the threat is inconsiderable in numbers and influence. The question of Government support to religious establishments in the Colony is of greater importance, because if the several ministers of the different religious communities receiving aid from the Government seem likely to be left dependent upon the annual votes of the Legislature which it is proposed

to establish, it is impossible to exaggerate the public mischief and continued bitterness of feeling which is almost certain to arise.

It should also be well considered that the parties interested in this question—we allude to the congregations for whose benefit these stipends are paid—are in general little able to protect themselves. If, on the occurrence of vacancies, official salaries in the civil departments are unreasonably reduced, the injury and inconvenience will be confined to the transaction of public business, and the collection and expenditure of the public revenue. And for such inconvenience the public will in due time find a remedy, by consenting to pay such salaries as will secure the services of competent men. But if we discontinue the salaries and offices of the ministers of religion, the poor, the ignorant, and the vicious will be the first sufferers, and the whole community will feel the effects in the spread of poverty, ignorance, and crime.

A disposition has been manifested by some public writers in Cape Town, whose opinions are, no doubt, shared by some Colonists, to contend for the abolition and discontinuance of those votes of the Legislature by which pecuniary provision has hitherto been secured to the ministers of certain Churches. This is a question which will, of course, come under the consideration of the Cape Parliament: and should the Parliament decide, as in the much-quoted case of Canada, that Government support is to be withdrawn from the Churches, that decision must be unquestionably held binding. We have no desire to conceal our opinions upon the question which has been so much, so often,

and so vehemently debated. We should look upon the contemplated measure as a very grievous calamity. We believe the promotion of religion to be an object to which a portion of the public funds, in all countries, may, under certain conditions and circumstances, be properly and advantageously applied; and, as regards Colonies, we will express our own views in the emphatic words of Mr. E. G. Wakefield, because that gentleman's opinions are believed to carry considerable weight with the party in this Colony, most likely to be violent in opposing grants for ecclesiastical purposes.

“Imagine for a moment that, like Penn or Baltimore, you had undertaken to found a nation. Think of the greatness of the responsibility: figure to yourself how ardent would be your desire to sow the finest seed, to plant the most healthy offsets, to build with the soundest materials. Is there any effort or sacrifice you would be unwilling to make for the purpose of giving to your first emigration a character of honour, virtue, and refinement? Now, go on to suppose that in planning your colonization, you had by some strange oversight omitted all provisions for religion in the Colony; and that accordingly, as would surely be the case, you found amongst religious people of all classes, but especially amongst the higher classes, and amongst the better sort of women of every class, a strong repugnance to have anything to do with you. If you had made no provisions for religion in your Colony, and if people here only cared enough about you to find that out, your scheme would be vituperated by religious men, who are numerous; by religious

women, who are very numerous ; and by the clergy of all denominations, who are immensely powerful : you would have to take what you could get in the way of emigration. Your labouring classes of emigrants would be composed of paupers, vagabonds, and sluts ; your middle class, of broken-down tradesmen, over-reachers, semi-swindlers and needy adventurers, together with a few miserable wives, and a good many mistresses ; your higher order of emigrants would be men of desperate fortunes, flying from debt and bedevilment, and young reprobates spurned or coaxed into banishment by relatives wishing them dead. You would sow bad seed, plant sorry offsets, build with rotten materials : your Colony would be disgusting.”

These remarks having reference to an infant Colony, are equally applicable to a Colony of maturer growth, and to none more than that in which we dwell, because here the congregations are poor and scattered, and little able to afford their ministers such support as would ensure a constant supply of men of superior talent, learning, and piety, as public teachers of religion.

This, which is true in some measure of the recognized Churches of England, Scotland, and Rome, and of the Wesleyan community, is especially true of the Dutch Reformed Church. Some aid may be expected from the former four religious societies and communities in Europe ; but the ministers of the latter must depend entirely upon the voluntary contributions of their flocks, if deprived of Government aid : and the Dutch Reformed Church will become what Mr. Wakefield tells us the Churches of Rome and

England were in Canada, even before the insufficient support formerly granted to them was withdrawn—"a starved Church."

Further than this, we do not propose at present to pursue the general question, because there is now no Legislature to deal with it. In the new Parliament it will, no doubt, be keenly debated, and we shall then be found ready to afford such support as we are capable of giving to the promoters of views, the adoption of which we believe to be of the utmost importance to the public weal. But there is one question which we hope to see entirely withdrawn from the interference of the Parliament,—namely, the salaries at present granted, and by implication guaranteed, to the present Ministers of the supported Churches. In the words of the Government Commissioners, we desire that the Parliament should take over "all Her Majesty's existing contracts, as well those with public servants as with all other people, in the plight and condition in which they stand."

The justice of this principle has been acknowledged by the Canadian Parliament, who, in voting the appropriation of the Clergy Reserves to secular purposes, have resolved "to respect the rights of the present incumbents." In expressing a hope that the rights of present Incumbents in this Colony will be secured by the instrument establishing the new form of government, we are simply advocating a measure which will certainly prevent much bitterness of feeling and very grievous injustice.

For, from the tone of the articles which have recently appeared in the *Advertiser* and the *Observer*,

and of the extracts adopted by our contemporaries from the *British Banner* and the *Nonconformist*, we entertain some doubt whether their strong feeling in favour of the voluntary principle may not lead them, after thus feeling their way, openly to advocate the same breach of public faith towards the Ministers of religion which the *Cape Town Mail* has proposed with regard to the civil servants. The resolution of the Canadian Parliament to respect the rights of present Incumbents is only considered a wise one by the *Nonconformist*, on the narrow ground that "it deprives the Home Government of all excuse for refusing their consent to the secularization of the ecclesiastical endowments of the Colony;" and this sentiment is taken over by the *Observer* without a single qualifying remark. It is, therefore, scarcely uncharitable to presume that a similar withdrawal of Government support, without a similar reservation, is contemplated by that paper and its adherents; and it is the duty of the Colonists to check this apparently growing tendency, and to provide in sufficient time against the threatened act of injustice.

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## CONSIDERATIONS ON THE CONSTITUTION.

*To the Editor of the Cape Monitor.*

SIR,—In resuming the subject of my last letter, I have now to observe that the receipt of the Committee's report and of Earl Grey's despatch which transmitted it, led to the completion of the previously

dismembered Legislative Council; but which was speedily dismembered a second time. Hence a commission was issued by the Governor to the remaining members to complete the work, which the four who retired so discredibly abandoned.

This commission brought forth what is now called the Government Draft of a Constitution for the Colony.

One cannot but be struck at first sight with the difference between the construction of the Upper Chamber, as adopted in this draft, and for which the four members of the Executive all voted, and that which those officers recommended, conjointly with the judges, in the minutes and memoranda presented to the Council by the Governor. That their opinions on that point have undergone no change, I believe to be an absolute certainty; but then their position had most materially changed. On the first occasion, they were required to record their *opinions*, as individuals; on the second, as Her Majesty's servants, they were constrained to obey the commands of the Secretary of State, in such manner as they might think best calculated to meet that Minister's views. What the real views of that Minister were, must remain a subject for conjecture. But it is quite evident that, at the time the Letters Patent were issued, they materially differed from those he had publicly expressed throughout the previous course of his administration of the Colonial department. The probability is that—like the chartering of the *Neptune* for conveying convicts to the Cape, without waiting to know the wishes of the Colonists, for which he had asked—some *pressing emergency* induced His Lordship to seek relief in a

hasty mark of parental indulgence, without an immediate conception of the danger to which it would expose the child: while there can be no doubt this promise of self-government will be subject to the condition that the Colony shall provide for the expenses of its military defences.

Sir W. Denison, in writing to Earl Grey under date 15th August, 1848, referring to the elements of which society is composed in Van Diemen's Land, remarks, "That it can hardly be subject of surprise that so few are found who rise above the general level, or that those few owe more to the possession of a certain oratorical facility, than to their power of mind and the justness of the opinions which they advocate." "It is usual to assume that Colonies are offshoots from the parent stock, containing in themselves the germs of all the elements of which society in the mother-country is composed,—but this can only be said of any Colony with many reservations." "There is an essentially democratic spirit which actuates the large mass of the community."

This Governor also remarks, in a despatch of the 9th February, 1850, on the difficulty in Van Diemen's Land of finding persons properly qualified to act as representatives, and the consequent risk, when qualified persons are unwilling to serve, of the business of legislation falling into the hands of persons in no way qualified to perform it; and observes that the measure before the last sitting of Parliament for introducing the *principle* of popular representation into New South Wales, by the addition of elective members to the Legislative Council, will no doubt be thankfully acknowledged by

the inhabitants of Van Diemen's Land. He had before said the principles of this constitution "are fully appreciated and approved by the inhabitants."

This constitution consisted of a single Chamber, composed of thirty-six members,—twelve of whom were to be nominated by the Government, and twenty-four elected by the people.

Sir H. E. F. Young, whose opinions will carry weight at least with our friends in the Eastern Province, in a despatch to Earl Grey, of the 17th December, 1849, encloses certain resolutions passed by the Legislative Council of South Australia, two days before, on the subject of the intended constitution to be granted by Parliament. By these, it was resolved, that the Legislative Council should consist of a Governor and two Chambers, the Upper of which to be composed of members all nominated by Her Majesty, and that the six chief officers of the Government, if not nominated for the Upper House, should be, *ex officio*, members of the Lower.

Sir H. Young observes, in his despatch, that he thinks this form of government an improvement on the early form of government for the Colonies, by securing in the Lower House the constant presence and service of the heads of the chief public departments. He says, it is evident that the more popular the form of the Colonial Government the more expedient it is to guard against the public confusion and embarrassments which would result from the local Government being unrepresented in the Lower House,—arising from the rejection of the principal officers of Government by the popular electors.

Mr. Labouchere, a member of the Privy Council, and one of the Committee of Trade and Plantations confessed, as late as March last, to have derived great satisfaction from the intelligence which had reached the Government from the Australian Colonies, which expressed so much unanimity that it was impossible to doubt that upon the whole the measure proposed by the Government had been welcomed by the Colony. He stated that Sir George Grey and Sir George Gibbs, the two most distinguished men England ever sent to the Colonies, were of opinion that materials did not exist for two Chambers; and that men in Australia of the most popular views and principles, and who had no abstract dislike to two Chambers, have come to the conclusion that two Chambers, at present, are not advisable.

Sir Harry Smith, in his despatch of the 26th October, 1849, says,—“It seems agreed that the legislature should consist of a Governor (with an Executive Council), a Legislative Council, the members of which should be appointed by the Crown, and an Assembly elected by the people. That the general principles guiding the legislation of the Colony are adopted from the despatch of the Secretary of State in 1827, when transmitting a charter of justice for the Colony,—*viz.* that of a general approximation of the Colonial law to that of England. His Excellency suggests that the qualification of voters for the Lower House should be the ownership of fixed property worth £10 per annum, or the occupancy of the same of the annual value of £15; and that for members, the ownership of unencumbered fixed property of the value of £500, or of

encumbered worth £1000,—otherwise, a clear annual income of £200, resulting from professional pursuits or public service.”

We will now take a concise review of the character and circumstances of the population of the Colony for which it is proposed to introduce a form of Government very nearly resembling a pure democracy.

It should be remembered that about forty-five years ago, when Great Britain last took possession of the Cape, it had been previously subject to an arbitrary and very corrupt system of government, and that, too, at a time when slavery existed here under the sanction of the law. This state of things must necessarily have had its effects in the formation of the habits and character of the population, both Dutch and English, who, or their descendants, form the great bulk of the population at the present day; and there still remain traces of the discontent which the subsequent emancipation of the slaves occasioned, independently of the just grounds of complaint at the *manner* in which that measure was carried out at the Cape.

From 1806 to 1825, Great Britain ruled the Colony—to use the words of the late Mr. Wilberforce Bird—by “the absolute government of one,” and from thence to 1834 by a Governor and official Council; but, at the latter period, the first step in the direction of popular legislation was taken by the introduction of a Council partly composed of inhabitants nominated by the Governor, which, by giving a voice, though not a vote, to the people, opened a door for the expression of public opinion, through the unofficial Members, on all subjects brought before the legislature.

But in later years, besides the lingering murmurs respecting the emancipation of the slaves, the mismanagement of our border policy has been a source of wide-spread discontent, especially among many of the Dutch inhabitants of the frontier districts, and which has been, undoubtedly, encouraged and exasperated by their correspondents in Cape Town, and their organ, the *Zuid Afrikaan* newspaper. If any of your readers doubt this, I refer them to the evidence in the columns of the *Commercial Advertiser*, at the time when it characterized the gentleman connected with that paper by the distinguishing epithet of "Fire-brand." Hence it was that an important section of the Dutch population of the remoter country districts trekked beyond the boundary, and who, to a great extent, have thrown off their allegiance to the Government.

To these considerations, it should be added that more than one-half of the population consists of emancipated slaves and other free persons of colour, whilst the whites comprise individuals of English, Dutch, German, French, and Portuguese extraction,—of which the English form but a small proportion. Of this heterogeneous mass, but a small number of the whites can be fairly said to have acquired a sufficient degree of intelligence to qualify them for the responsible duties of legislation. It was, in all probability, this singular feature in the population of the Colony—and which distinguishes it from most, and, I believe, all the other Colonies of the Crown,—which induced the members of the Executive to extend the franchise to the more advanced portion of the coloured races, to afford

to them the means of guarding against that species of "class legislation" which those who affect to repudiate that principle might possibly resort to for their oppression, and of which Sir Andries Stockenstrom's constituents have betrayed their fears in their memorial to the Governor, but more distinctly at their meeting at Philipton, on the 25th October.

In the meantime, education has not been without its influence on the inhabitants of the principal towns: but in the country districts, which contain the great bulk of the population, very thinly scattered over a vast extent of country which has never yet been visited by the schoolmaster, insurmountable obstacles are at present opposed to educational improvement among the agricultural classes. Then the mode in which many landholders acquire their title to their farms opposes a formidable barrier to the progress of these nominal proprietors in the march of civilization, and consequently to the prosperity of the rural districts. The Boers, who occupy the bulk of the land, and who, as Mr. Montagu has justly observed, are also the peasantry of the soil, *purchase* their farms, very many of them, *without capital*, by mortgaging them to the seller, and therefore are without the means of improving them. The most they are generally able to accomplish, by the personal labour of themselves and their families, with the aid of such labourers as they can afford to pay for, since they lost their slaves, is to raise sufficient produce to pay the interest on the mortgages and afford a rude subsistence to their household. Whilst the total want of all means of

education amongst this portion of the proprietors of the soil—in whose houses a book is rarely, if ever, seen, save the old family Bible—has, unhappily, occasioned each generation to sink below its progenitors in civilization and intelligence.

In this state of things, it is proposed to introduce into this Colony, where the community are so utterly unprepared for its reception, and without any preparatory steps, a system of legislation professedly based on the principles of the British Constitution !

The peerage, which there forms the safeguard against encroachments of the monarch on the one hand, and the democratic branch on the other, is the growth of centuries. For this element of that admirable constitution, to which the greatness of the country is mainly to be attributed, it is proposed to substitute at the Cape a Council, the members of which are to be elected by all but universal suffrage; the effect of which must necessarily be, that the Members of both Houses, being returned by the same constituency, will conjointly assail and embarrass the Government by the double force of a two-fold democratical influence.

It is true, that the sixteen peers of Scotland and the twenty-eight Irish peers who sit in the House of Lords are elected, but then they are elected by the *nobility* of their respective countries; and although Irish noblemen, being regarded as commoners of Great Britain, may be returned as members of the House of Commons, they must renounce their right of voting for the Irish representative peers before they can take their seats in the Lower House. Their case, there-

fore, forms no parallel to the principle sought to be enforced in the formation of an Upper Chamber at the Cape.

These, Sir, are some of the very important points which demand the most serious and unprejudiced consideration before any changes in our Legislature are decided on,—not only by the Colonists generally, but by all those who possess a stake in the country, or who may be enabled to exercise any influence in deciding on them.

A LOOKER ON.

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SIR A. STOCKENSTROM has had an ovation at Graaff-Reinet, and has explained his opinions and principles to the inhabitants in a Dutch speech and an English letter. The latter has been published; the former suppressed. In his letter, he says, “the £25 franchise is of *official* origin, it is therefore entitled to *official* support; and any official attempt to divide the community on that point can only indicate a dishonest stratagem to retard or frustrate representative institutions altogether.”

The £25 franchise for the Lower House was, indeed, proposed and supported by official members of the late Council, and any attempt on their part to create a division on the subject now would certainly be inconsistent. No such attempt has, however, been made.

But the *Advertiser* explains the allusion. “It is improper,” says our contemporary, “that public officers of such rank under the Government, as for instance, the Civil Commissioner of Swellendam, should be

engaged in this opposition." Improper! Why? Is Sir A. Stockenstrom, who is a Government pensioner, to be allowed the free expression of his opinion, and is the same privilege to be denied to Mr. Southey, who is a very large landed proprietor in the Graaff-Reinet district? When it suits their purpose, the writers and speakers of the democratic party are not unaccustomed broadly to assert that a large body of the civil servants are with them, and to denounce the tyranny which, as they allege, interferes with the free expression of opinion.

But it is urged that the members of the Executive Government—"the highest in the land, must bow to their convictions before the authority of their Chief;" and that *a fortiori* the Civil Commissioner of Swellendam should be obliged to submit to the same dictation.

If this were true—which it is not—it would have nothing to do with the matter, because neither the "Chief" nor the "Executive Government" have pronounced any decision on the question. It is notorious that the official members went into Council utterly unfettered on any question relating to the Constitution, even by previous consultation among themselves; and that their acts were not the acts of the Government as a body, but of themselves as individuals.

But suppose it were otherwise, how could this affect Mr. Southey? He is not a member of the Executive Council, and therefore is not bound by the decisions of the majority of that body. This is the doctrine contended for by the official members in Council, and afterwards in their letter to the Governor; and it has evidently no bearing on Mr. Southey's case.

There are two or three other points in the Graaff-Reinet address to Sir A. Stockenstrom and his reply, which are worthy of notice.

For example, when the subscribers to the address revive the old fallacy of the seceders, by speaking of the framing of a constitution for the Colony,—“for which object you were solely elected by your constituents,”—we are tempted to ask for an explanation of the petitions about canteens, pounds, and a stipend for a Roman Catholic clergy man ; one signed by 32 and another by 111 inhabitants of Graaff-Reinet, and both presented to the Council by Sir A. Stockenstrom. We are also reminded of the case of the Glen Lynden petitioners, who were assured by the Baronet that he would obtain justice for them *before he left the Council*,—*and whose petition he accordingly presented.*

As to the £25 franchise for the Lower House,—although it is quite true that some difference of opinion prevails upon that question in the country districts, it cannot be too carefully borne in mind that the main point of difference is that which relates to the constitution of the *Upper House*, and that the proposal of the £25 franchise for the electors of this House was *not* of “official *origin*,” but, on the contrary, was opposed by several officials.

We observe that Sir A. Stockenstrom announces his intention of going to England, but without allusion to the disreputable deceptions which have been practised upon the public in connexion with that subject, and to which he does not deny having been a party ; and as pomposity and bombast are no sufficient answer

on such a subject, a distinct denial is the only course which will satisfy the public in this matter.

We do not imagine that Sir A. Stockenstrom's party will gain much by this demonstration. He was met at a little distance from the village by some thirty or forty inhabitants: and though it is quite true, as observed by a correspondent of the *Advertiser*, that the powder used for the salutes was "wasted," we are informed the expenditure was not very great. The attempt at an instrumental performance on the occasion was more melancholy than musical; and the Baronet, who must have remembered former rejoicings at Graaff-Reinet, must have felt humbled at his position, though he, of course, speaks of the "more than usual kindness" of his reception. The address commented upon above was presented by a crowd collected to attend an auction,—Sir Andries reversing the usual order of things, by waiting upon them at the auction room to receive it. Ten names out of the ninety-two who signed are selected for publication; and the *Zuid Afrikaan*, relying on such evidence, glories at the discomfiture of another movement at Graaff-Reinet, which (unless that paper's means of acquiring correct information from the country are very limited), the writer must know to be promoted by all the more influential English proprietors of the place, representing property to the amount of not less than £100,000.

If our contemporaries can produce nothing better than "the glorious reception of Sir A. Stockenstrom at Graaff-Reinet," as a specimen of the approval of

their principles by the country Colonists, they will find it safer to avoid the subject.

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THE *Cape Town Mail* has stumbled upon some statistics in a Yankee Almanac, by which he proposes to prove that by the establishment of free institutions here "transfer dues, auction dues, stamps, road rates—in short every tax of every description, except only the duties upon imports—might be dispensed with." Such promises are not unusual on the part of those who, not guided by any honest political principle are bidding for public favour on the eve of a great political change: but as it is certain that the grant of Representative Institutions to the Colony will be accompanied by some heavy expenses hitherto borne by the Imperial Government, we may fairly ask—in what manner is the proposed reduction of expenditure from £274,000 to £50,000 per annum to be effected?

Our contemporary has his answer ready:—

"By the reduction of official salaries: knock it off the wages of your Flunkeys: pay your Governor £500 a-year, your Secretary £150, and let your Attorney-General live on fees,—and you will be not only governed, but well governed, at £50,000 a-year."

Not to dwell upon the circumstance that our contemporary's own figures show that under the same system in America the civil expenditure has, between 1776 and 1847, increased from 6*d* to 1*s* 3½*d* per head of the population, so that the economical policy of the proposal may be doubted, all we desire is to strip the question of the mystification in which our

contemporary's array of figures and tables has involved it; and to leave the public to judge whether, under an executive composed of officers paid at the rates proposed, they would be either well governed or governed at all,—whether either England or the Colony would supply competent men to fill the high offices of state for remuneration which the chief clerk in a merchant's office would refuse to accept.

That the expenditure of the Colony has increased since 1846 is very true: but so far from proving “the mismanagement to which its affairs have been so long subjected,” this proves the activity and energy with which its affairs have been conducted, its resources developed, and its population increased by a judicious immigration. These things are not to be done without some expenditure of money; but it is an expenditure for which the tax-payers are amply repaid, by the improvement of property and the development of the elements of public wealth.

Our contemporary has himself, in another part of the same paper, quoted an instance exactly in point—the increase in the value of property in Port Elizabeth, which has really arisen mainly from the opening of the Zuurberg road, which causes a large quantity of the produce of the interior divisions to be brought by a direct route into Port Elizabeth for export. The inhabitants of Algoa Bay will scarcely grumble at the expenditure which has been attended with such happy results for them: and they may perhaps doubt whether that expenditure would ever have taken place under a Governor with £250, and a Secretary with £200 a-year.

Combined with the opening of the Zuurberg road,

the other causes mentioned by our contemporary—the increase in value and quantity of the export of wool, the abundant harvest, and the introduction of emigrants—have doubtless contributed to increase the value of property at Port Elizabeth and elsewhere; but we can scarcely concur in the inference of the *Mail*, that none of these causes would “have been of any effect if there had existed a general sense of the insecurity of property, arising out of political disturbances, or out of apprehensions connected with the new form of Government.” We cannot concur in the inference thus intended to be drawn, because all the causes above named *had* produced a great effect before the commencement of political excitement; that effect *was* checked by the political excitement caused by the proceedings of the democratic party in September last, though it may be convenient to our contemporary and his friends to blink the fact, and though the temporary check has been removed in consequence of the growing certainty (arising out of the facilities which we have afforded for the free expression of opinion), that the property and intelligence of the Colony are clearly opposed to the threatened democracy, and have, by making these feelings known, taken the proper means of securing for themselves a due representation in the future Parliament.

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## THE CAPE MONITOR.

*Cape Town, Friday, January 3, 1850.*

## KAFFIR WAR.

THE imminent peril to which the Colony is now again exposed, owing to the inroads of savage barbarians, makes all other subjects, for the time, of secondary importance. Under the head of "Frontier Intelligence" will be found the fullest particulars we have been able to collect from various sources of information, relative to the late disastrous occurrences. There can no longer be any doubt that a bloody, and probably a protracted war has commenced; that the Kaffirs have proved themselves totally unworthy of the philanthropic efforts which have, during the last two years, been made for their civilization: and that the utmost efforts of all the Colonists in their several stations, are urgently required for the defence of their common country.

At such a moment it seems wise to abstain from comment or discussion of any abstract questions relative to the general principles of border policy. Thus far, at least, all classes of the Colonists have implicit confidence in Sir H. Smith,—that all that a brave, experienced, and distinguished soldier can do for the Colony in this emergency, will be done by him.

Our readers will observe that the Frontier districts have been placed under Martial Law, and their inhabitants required to enrol themselves under their respective Field-cornets, &c. It is also understood

that Hottentot levies will be raised to co-operate with the troops in the same manner, and on the same terms, as during the last war.

It is to be feared that the want of a local force which the Governor has constantly endeavoured to establish (whether in the form of militia, rural police, or volunteer corps) will now be severely felt. We can only rest in hope that the commencement of this contest, is not to be taken as a fair augury of its probable progress.

It is satisfactory to know that the Commissariat on all parts of the Frontier is well supplied with provisions of every kind.

We have made arrangements for obtaining the fullest information from the immediate scene of hostilities, and shall publish, in Extras, the most important news which may arrive by each post between our regular issues.

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THE season at which we have arrived suggests the duty of looking back, and taking a review of the events of the past year. In another column will be found a *resumé* of the principal occurrences of Colonial interest during that period. The same varieties of joy and sorrow, of failure and success, which mark each period in the history of all individuals and communities are here observable; but, on the whole, the prospect suggested by this retrospect is cheering, and we enter upon the year 1851 with good hopes for the future.

In offering to our readers the customary congratu-

lations on the commencement of a new year, we felicitate them also on the opening and establishment of a new era. For the first time, perhaps, in the history of the Colony a sound, healthy public opinion is making itself sensibly felt throughout the community. Under the legislative institutions which have lately passed away, and which were only suited for the protection, so to speak, of an exotic society not yet naturalised in the soil to which it had been transplanted, the growth of public opinion could be but slow, and its expression but rare. Circumstances of mixed good and evil have rudely broken down the fabric of those institutions, and it is now, on all hands, agreed that before the close of the present year the Cape Colonists must have the management of their own affairs,—their own legislation in their own hands.

In the abrupt transition from such a constitution as that under which the Government of this Colony has hitherto been conducted to one based on the principle of popular representation, it was not unnatural that some men should be found desirous of carrying out their theories of liberalism and republicanism to an extent of which the most enthusiastic Chartist in the mother-country never dreamed. This is a phenomenon which would probably have been observed in any community similarly circumstanced to our own. That such theories should, for a time, have met with apparently general acceptance is a circumstance more remarkable and exceptional.

With the causes of this apparent success of the democratic party our readers are familiar. At the period when the question of the form of the Constitution

was first debated, the leaders of that party had at their command nearly the whole of the Colonial Press, and a powerful provincial organization. By the unscrupulous use of those engines they hoped to intimidate into silence the large body which here, as in every society, believed democracy to be inconsistent with good government and security of property. This body had scarcely any means of making its sentiments known,—in the Western Province absolutely none. The democrats were thus enabled to make it appear that they represented the universal voice of the people; and for a time there was some danger that their manœuvres might be crowned with success.

That danger has well nigh passed away. It is now clearly understood that the inhabitants are not even numerically in favour of the seceders' Constitution; and that the intelligence and property of the Colony are decidedly opposed to the dangerous doctrines on which that document is founded.

For the distinct expression of this opinion, the merchants of Cape Town are, in the first instance, deserving of credit. It is not easy to exaggerate the debt which the Colony owes them. Occupied, as might be supposed, with the duties of their important calling, they have yet during the struggles of the last two years been ever found arrayed on the side of good government, order, and protection of property. When the Colony was threatened with the curse of convictism, they were the first to stand forward in opposition to that hateful measure. While the danger was imminent, their time and resources were always at the command of their fellow-citizens. When the Governor

had conceded all that it was in his power to grant,—all that a reasonable public could ask,—when the danger was in effect over,—then, and not till then, they retired from the conflict. In the outrageous measures of a party who strove to make the anti-convict movement a stepping-stone to political power, they refused to join. When the leaders of that party placed themselves at the head of another movement for the purpose of bringing the Colony under the tyranny of a knot of democrats, the merchants of Cape Town were the first to protest against the scheme.

For this they have incurred the odium of the democratic Press ; which, however, while loading them with epithets of the coarsest abuse, feels no scruple in deriving a comfortable income from their subscriptions and advertisements. This it was, we presume, that led to the establishment of the *Exchange Gazette* ; and now that another medium for advertisements is supplied, and the merchants have sufficient accommodation in this respect without resorting to the democratic organs, it is satisfactory to know that some of the leading mercantile houses have wholly withdrawn their support from those papers,—thereby setting a wholesome example, which all who have the well-being of the Colony at heart would do well to follow.

The protest of the Cape Town merchants against the Chartist principles of the seceders' Constitution was echoed by a large and influential body throughout the Colony. 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.

Thus much for the past: one word for the future. Before many months are gone, the question about the *form of legislature* will be decided, and the *business of legislation* will be at length resumed. When that time comes, we shall be at our post, ready to do battle, as best we may, on behalf of those principles for which we have already contended. We shall advocate measures, no matter from what quarter they proceed, which seem to us best calculated to promote the best interests of the Colony, moral and religious, the security of property, the due observance of the public faith, and the maintenance of the character and prosperity of the entire Colony.

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THE account of the Graaff-Reinet demonstration, which we have extracted from the *Graham's Town*

*Journal*, fully bears out the statement contained in our article on the subject last week. It is really lamentable that a gentleman in Sir A. Stockenstrom's position should lend himself to such deception as this and others with which his name has been recently connected.

Of this he may rest assured, that unless he explains the impositions which have been practised upon the public relative to his proceedings and intentions, his visit to England will do little good even to his own party. He will find that our history of his practices has preceded him. These three things remain unexplained. *First*, that it was stated, on his behalf, he waited for documents from the country: *second*, that it was similarly stated that his infirm health alone prohibited his immediate departure: *third*, that it was announced that he would not leave the Colony till he received letters from Mr. Fairbairn. Of these three statements two must be false; and if Sir A. Stockenstrom expects to be well received by honourable men in England, he must disconnect himself with the imposture before he leaves the Colony.

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#### GRAAFF-REINET—A DEMONSTRATION.

THE following article from the *Graham's Town Journal*, of the 20th December, relative to the Graaff-Reinet *demonstration* fully confirms our article of last week on this subject:—

The Cape Post of Tuesday last, brought the (to some) welcome intelligence that Sir A. Stockenstrom would arrive here on Thursday. The old ultra party

of the A. C. A., immediately set to work to make it publicly known, and to induce persons to ride some miles to meet him, in consequence of which he was escorted into town on the evening mentioned by some thirty individuals on horseback, and four or five more in vehicles of different orders, and safely deposited in apartments previously provided for the occasion. The arrival was announced by a discharge of fire-arms from the premises of a few of his personal friends, and similar tokens of rejoicing by a few black boys perambulating the streets, and firing off their muskets in different places. It is said to have been expected, that this example would have been generally followed—it being the usual mode of welcoming friends or great men; but if so, there was a disappointment, for it would not *take*, and after much praiseworthy exertion on the part of those employed to get the steam up, this part of the play ceased. The public were, however, in a measure compensated by the more pleasing sounds of music, produced by the remains of the Graaff-Reinet band, consisting of an old drum, with a cracked fife and tin-kettle accompaniment, issuing at first from the neighbourhood of the “the Lion’s” quarters, and afterwards parading the streets, and gladdening the hearts of “the party.” This continued for some two hours, when, it is said, the musicians were scared to their homes by the ghost of Jacob Dormell appearing, and demanding to know why his instruments were so “misused.” This may only have been imagination over excited by the occasion and the wine. Some disappointment was expressed, however, at the want of variety in the musical selections, the whole two