

THE  
CAPE OF GOOD HOPE GOVERNMENT,  
ETC. ETC.

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**The "Cape Monitor"**

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TO CORRESPONDENTS.

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THE CAPE MONITOR.

*Cape Town, Friday, October 18, 1850.*

To those who may be inclined to ask the question, Why is it proposed to establish another Newspaper in Cape Town?—a little reflection on the circumstances of the times in which we write, and a brief retrospect of the colonial events of the last few weeks, will, we trust, afford sufficient answer.

For some years past a considerable section of the public of the Cape Colony have been praying Her Majesty's Government for Representative Institutions.

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Her Majesty's Government at length determined to accede to this request. An Instrument granting such Institutions, in the most general terms, was sent out to the Colony, and the details were left to be filled up by the local Legislature, under the influence of the Colonial Public. The Legislative Council—then incomplete—was called together; the vacancies being filled up by a Popular Election. They set to work diligently considering the suggestions of the Home Government; and after six or seven days' labour, four of the unofficials, who now arrogate to themselves the title of "*the* Popularly Elected Members," resigned their seats. We do not propose at present to enter upon any discussion of their motives or their policy: we are simply stating facts.

The Council was thus again rendered incomplete: and, to judge from present appearances, there is no intention on the part of the local Government to attempt its reconstruction. The Governor appointed the seven remaining Members a Commission to consider and report to him on a scheme of Representative Government for the Colony, to be thereafter submitted, first to the Public here, next to the Government at home. The four seceders formed themselves into an opposition Board, with the view of preparing an opposition Constitution, to be submitted first to the Cape Town Municipality, and afterwards—it is believed, to the "Colonial Reform Party" in England.

Both these Commissions have reported: and though we have no wish to travel further than is absolutely necessary into the transactions of the past, we have thought it expedient to print the two reports in

another column,\* as they will probably form the text of many of our future comments.

The Report of the self-styled "Popularly Elected Members" has been adopted by the Cape Town Municipality, and by what are called "Public Meetings" in some of the country districts. The plan of the Government Commissioners has, with some modifications, on which we shall hereafter remark, received the approval of a considerable section of the Cape Town public (whose Memorial will also be found elsewhere),† and will probably be similarly received in several of the country divisions—particularly in the eastern province. There are thus two parties in the Colony, and two opposite sets of opinions : and one of these parties only, and one of these sets of opinions, is represented in the Cape Town Press. It is notorious—it has not been denied. It has been openly admitted, by some of the leading Cape Town newspapers, that they do, on principle, refuse to give a place in their columns to communications opposed to their own and their party's views. We hold that every considerable section of public opinion ought to be represented in the Press ; we hold that opinions opposed to those which are advocated by the leading papers in Cape Town are entertained by a large body of the Colonial community. This is the cause, and the justification, of the appearance of this Paper.

We resume our narrative. Both the Committees, or Commissions, which undertook the construction of a Constitution for the Colony, took the well considered Report of the Board of Trade and Plantations, and

\* See pp. 7 and 25.

† See p. 31.

the Letters Patent, as the basis of their work; and appear to have considered themselves in some degree bound by them. Hence it is that on many points the suggestions of the two Reports are identical. Both recommend that the Legislature should consist of a Governor and two Elective Houses: that the Council or Upper House should consist of fifteen Members, and that the Assembly or Lower House should consist of forty-six Members: both recommend the same Electoral Districts and the same distribution of Members of the Assembly among them: the same qualification of Members of the Assembly: some of the disqualifications recommended are the same in both Reports: and both advise that Money Bills should originate in the Assembly, and should be liable, like all other Bills, to amendment by the Governor and the Council. On these points, with regard to which the two schemes agree, we shall for the present abstain from comment.

Nor shall we touch just now on some minor points of difference which are observable in the two Reports, such as the special disqualifications for membership, and the propriety of officials — not Members of either House—taking part in the discussions of the Legislature.

The main difference between the two plans or schemes of Government now before the public will be found to be connected with the Constitution of the Legislative Council or Upper House. On this subject the Government Commissioners have enunciated a principle. They say—“We can discern no quality by which the Council can be distinguished from the

Assembly, more marked, or more salutary, or more calculated to secure independence of action, than that of representing in a peculiar manner, the property of the Colony, and with it those qualities, intellectual and moral, which the possession of property, generally speaking, implies." By this principle, — which is the only one, as far as we know, that has yet been promulgated on the subject, for the Committee of Privy Council, with whom the scheme of an Elected Upper Chamber originated, are very vague in their suggestions,—all the recommendations of the Commissioners have been guided. This principle has been distinctly rejected by the "Popularly Elected Members," who have not, however, suggested any other in its place.

The principal question, therefore, which is now at issue, and on which the public opinion of this Colony ought to declare itself is this—shall property be represented in the future Legislature of the Cape. The gentlemen who lately fabricated a Constitution at the Town House, and the party which they represent, have answered this question in the negative. They are to have an Assembly elected by universal suffrage, and for which every elector shall be eligible as a member: and they desire to have a Council elected also by universal suffrage, and without any property qualification at all. This is not indeed the proposition found in their draft, which suggests a property qualification of £1000. But in Council, as is well known, they voted against any property qualification: and as they do not now require £1000. *unincumbered*, their proposed qualification amounts to nothing: such quali-

fication may be manufactured by the gross; and it is on this very ground that this delusive proposition has been accepted by the facile "Popularly Elected Members," to quiet the scruples of Mr. WICHT, and some monied members of the Cape Town Municipality.

Animated by the same spirit, they opposed the suggestions of the Privy Council Committee that it should be competent to the Governor to dissolve the Assembly without at the same time dissolving the Council: though with singular inconsistency they make the ordinary duration of the Council four, and of the Assembly three years; so that, except in cases of dissolution, the two Chambers would not be elected together. Not, however, to dwell on details, it may be briefly stated that the principal characteristics of the Upper Chamber, as proposed through the Cape Town Municipality for the adoption of the public, are Election by Universal Suffrage, and no property qualification.

It will be the duty of every man in this Colony, before signing the petitions which are being hawked about by the party to whom we have referred, to consider well whether under such a Constitution the objects of an Upper House—the protection of property and the prevention of hasty and inconsiderate Legislation—will be secured. We would have him ask himself—Is it desirable to have an Upper Chamber at all? That question has suggested itself to the minds of the gentlemen who are now endeavouring to lead the Colony; and it is not long since one of them—the real leader of the party—answered

it in the negative. In the *South African Commercial Advertiser* of the 27th April last, we find the following: "The Colonists themselves have already come to this conclusion, and as they regard their future welfare, let them adhere immoveably to that conclusion—*No Upper House.*"

These words were written before the arrival of the Privy Council Report, and consequently before an *Elective* Upper House had been suggested; but on the arrival of that document, it at once appeared that whereas the Home Government would oppose the plan of a single Chamber, and that scheme would therefore fall, they *might* not oppose two Houses elected by the same constituency and from the same class; and that scheme, which afforded just as little security to property as the other, might succeed. This explains the change of opinion, and shews pretty clearly that the object of the self-appointed Commissioners, is to get a Legislature with two Chambers that will act in the same manner, and produce the same results, as one Chamber elected from the whole mass of the people by universal suffrage.

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## THE NEW CONSTITUTION.

REPORT OF GOVERNMENT COMMISSIONERS.

*Cape Town, 30th September, 1850.*

To His Excellency Sir H. G. SMITH, Bart., G.C.B.  
Governor, &c. &c. &c.

I. WE, the undersigned, nominated by your Excellency to act as a Board of Commissioners for the purpose of resuming and completing the consideration of

the several subjects which were before the Committee of the Legislative Council, appointed to inquire into and report upon the proposed Constitution for the future government of the Colony, at the time when the proceedings of the Committee were interrupted by the retirement of the four Members of the Council who recently resigned,—have investigated the matters to us referred, and have agreed to the following report:—

II. By your Excellency's letter, appointing us to act, we observe that your purpose is to transmit our Report with your own remarks, and any petitions from the colonists, to the Right Honourable the Secretary of State, "in order that Her Majesty's Government may be in a position to determine upon the course which it shall be fitting to adopt in regard to the establishment of Representative Institutions at the Cape." From this it follows that the course of legislating upon the subject by Ordinance, as prescribed by Her Majesty's Letters Patent of the twenty-third of May, 1850, having become, in fact, impracticable for the present, has been abandoned by your Excellency; and as this unavoidable change of plan will necessarily require the recall of those Letters Patent, and the issue either of other Letters Patent or of an Order in Council, we shall not, in this Report, regard the provisions contained in the existing Letters Patent as necessarily withdrawn from our consideration.

III. The Letters Patent, of the 23rd May, 1850, established the following points:—

1st. That the Colonial Legislature should consist of a Governor, a Legislative Council, and a House of Assembly; both Chambers to be entirely elective,



except as to one person, viz.,—the President of the Legislative Council.

2ndly. That the Chief Justice of the Colony for the time being should, *ex officio*, be the President of the Legislative Council.

3rdly. That both Chambers might be dissolved together, should the Governor think fit, or the Assembly be dissolved without the Legislative Council.

IV. We believe that the expediency of a Second Chamber is not now questioned by any influential portion of the Colonists, and we consider it unnecessary to dwell upon a subject on which there exists, it is believed, little or no diversity of opinion.

V. In regard to that provision of the existing Letters Patent which constitutes the Chief Justice President of the Legislative Council, the case is very different. This subject was discussed in the Committee of the Legislative Council, and the Members were unanimously of opinion that Her Majesty should be humbly solicited to rescind a provision which seemed to bring the head of the Supreme Court into a connexion with the general business of the Legislature too close to consist with the preservation of that degree of respect, from all parties, which so high a Magistrate should at all times command, and which, by combining in one person the distinct duties of making and of expounding the law, must tend to lessen the confidence of the public that they will be sure to receive from the Chief Justice, in his judicial capacity, interpretations of the law which shall be wholly free from any previous bias arising from opinions given by him in his capacity as a member of

the Legislative Council. We believe that the inconveniences likely to be felt from requiring the high functionary in question to descend from the bench of justice into the arena of colonial politics, would far outweigh all the advantages which could be expected to result from such a measure. And we, therefore, venture to express our hope that Her Majesty, taking into consideration the universal repugnance which exists to risking in such a way the future character of the administration of justice in this colony, will be pleased to rescind the provision upon which we are observing, and to leave to the Legislative Council the election of its own President.

VI. The powers conferred upon the Governor by the Letters Patent in regard to the dissolution of both Houses together, or the House of Assembly separately, we view as being extremely salutary.

We are aware that very many of the public, taking, as we conceive, defective views of the objects, uses, and advantages of a Second Chamber, and desiring to place the whole power of the Colony in the hands of the Assembly, are prepared to insist that the Assembly shall, in no case, be dissolved unless the Legislative Council be dissolved at the same time. It is probable, indeed, that a large numerical majority of the inhabitants will be found to advocate this restriction upon the right of dissolution. We cannot, however, hesitate to say that we should regard such a restriction as shortsighted and mischievous. It appears to us that the one main end of a Second Chamber is, to moderate the action of popular excitement, and if, in every case of dissolution, the members of both Houses are to be

elected at the very same time, this main end must be, almost necessarily, sacrificed. No reason can, we think, be given for establishing a qualification, as regards age or property, for the members of the Upper House different from that required for members of the Lower House, or, indeed, for establishing an Upper House at all, which will not be a reason for rejecting the principle that at the very moment when popular excitement will be, presumably, most violent, the members of both Houses shall be chosen under the same impulse. Persons who would arrange the duration of both Houses, under ordinary circumstances, so as to have the elections for both contemporaneous, might yet, most rationally, and consistently, make an exception in the peculiar case of dissolution. But how persons who think that there is a reason, under ordinary circumstances, for arranging the duration of the two Houses, so as to have the elections for both at different times, can rationally and consistently maintain that in the peculiar case of a dissolution, the elections for both Houses shall, for once, be simultaneous, we do not understand. We therefore humbly recommend, that the provision of the existing Letters Patent relative to the right of dissolution be retained in any other instrument by which the new Constitution may be finally established.

VII. We shall now proceed to submit to your Excellency the several points considered and provisionally agreed upon by the Committee of the Legislative Council, previous to the interruption to its labours already mentioned :—

1. That the Parliament ought to consist of a Governor and two Houses, a Legislative Council and a House of Assembly,—was, as we have already stated, unanimously resolved.

2. It was unanimously resolved,—that the Members of the Assembly should be chosen for three years.

3. It was unanimously resolved,—that every person, not subject to any special disqualification, who should have occupied for his own use and benefit, within the limits of any electoral division, for twelve calendar months, fixed property of the value of £25, should be entitled to be registered as a voter, and to vote, in that division, for Members of Assembly.

4. It was unanimously resolved,—that the 20 existing fiscal divisions of the Colony should be, respectively, electoral divisions, returning each two Members to the Assembly; that the Municipalities of Cape Town and Green Point, voting as one electoral division should return four Members,—and that the Municipality of Graham's Town, as another electoral division, should return two Members;—making in all, a House of Assembly of 46 Members.

5. It was unanimously resolved,—that any person qualified to be registered as a voter, and to vote for Members of Assembly, in any electoral division, might be himself elected a Member of Assembly for any electoral division.

6. It was unanimously resolved,—that the Legislative Council should consist of 15 Members.

7. It was unanimously resolved,—that Members of both Houses should receive from the Colonial Revenue

a daily allowance for expenses whilst attending their legislative duties, and also travelling expenses upon the principle of mileage.

8. It was resolved, by a majority,—that the qualification of the electors for both Houses should be the same.

9. It was resolved, by a majority,—that no person under 30 years of age should be competent to be elected a member of the Legislative Council.

10. It was resolved, by a majority,—that no person should be competent to be elected a member of the Legislative Council who should not be the owner of fixed property, within the Colony, to the value of £2000 above all registered incumbrances thereon, or the owner of fixed property to the value of £2000 who should be worth £4000 above all debts.

11. It was resolved, by a majority,—that of the members of the Legislative Council first chosen, 7 should, by lot, vacate their seats at the end of 5 years, and the remaining 8 at the end of 10 years, in such manner, that, except in cases of dissolution, there should be elections of 7 members and of 8 members alternately, every 5 years, so that each member, after those first elected, should sit for 10 years.

12. It was resolved, by a majority,—that for the purpose of every election of members of the Legislative Council, the 22 electoral divisions before alluded to should each, by a majority of votes, choose a number of candidates equal to the whole number of members then to be elected, and that the required number of members should be those candidates for whom the greatest number of electoral divisions should be found to have voted.

13. It was unanimously resolved,—that no person holding any office of profit under Her Majesty within the Colony should be eligible to be elected as a member of either of the two chambers, and that any member of either chamber accepting any such office should *ipso facto* vacate his seat.

VIII. The foregoing are, we conceive, the only points of any importance which were provisionally agreed upon in the Committee of the Legislative Council, and in order to place your Excellency in a position to judge of the balance of opinion amongst the Members of the Committee upon those points in regard to which they were not unanimous,—we attach to this Report a copy of the Minutes, signed by the Clerk of the Council.

IX. Fully recognizing the value of a suggestion contained in your Excellency's letter appointing us to act, we are desirous not to depart, unless upon the clearest grounds, from any of the conclusions at which the Committee of the Legislative Council had arrived. It would, however, be wrong to conceal from your Excellency that some difference of opinion exists amongst us regarding the proposed qualification, as well for the electors as for the members of the Legislative Council. Whether these matters should remain as already fixed, or whether a higher property qualification should not be required for electors of the Council than for electors of the Assembly, and the property qualification of members of Council, as voted in Committee, be, in that event, reduced, are important questions upon which our opinions are not in unison, and upon which the sense of the Colony at large has not yet been ascertained. Re-

garding it as important that the two Houses of Parliament should, respectively, be so constituted as to exhibit as many diversities as may consist with ultimate agreement and substantial sameness of origin and objects, we can discern no quality by which the Council can be distinguished from the Assembly, more marked, or more salutary, or more calculated to secure independence of action, than that of representing, in a peculiar manner, the property of the Colony, and with it those qualities, intellectual and moral, which the possession of property, generally speaking, implies. But the manner and degree in which this beneficial principle should be acted on are matters of much difficulty, and your Excellency will not, we think, be in a position to determine them conclusively until the sentiments of the public shall have been more generally declared.

X. The mode of conducting business adopted in the Committee of the Legislative Council was to read and consider the Report of the Right Honourable the Committee of Council for Trade and Plantations, of the 19th January, 1850, paragraph by paragraph, and upon our assembling, as a Board of Commissioners, under your Excellency's authority, we deemed it advisable to continue the same course. Pursuing this system, we resumed the subject matter of that Report at Section 31, the clause at which the Committee of the Council left off when rising for the last time.

XI. We are humbly of opinion that it will be preferable, at least in the first instance, to abstain from all legislation regarding the right of any members of Government to take part in the discussions of either

House of Parliament. It appears to be a grave departure from the principle of withdrawing all officers of Government from party contests, to place any of those officers in the position of discussing questions, in either House, which can scarcely fail to involve them, more or less, in party contests. So far as the principle of non-interference is concerned, we can perceive little difference between speaking and voting as members, and speaking without voting as officers, except that officers who attend *ex officio* are perhaps more likely to become politically and personally obnoxious than officers entitled to sit and vote as members popularly elected. Should either of the Houses require information which any officer of Government is supposed to be capable of affording, that officer will, of course, upon application to the Governor, be directed to attend and give all the information in his power. And if it should hereafter be found that the public interests suffer from the want of some officers of Government to explain and support Government measures in both Houses,—the Parliament will, when the evil shall have been practically experienced, be in a position to devise and apply the safest remedy.

XII. Connected with the subject just observed upon is another, which, though it can scarcely enter into the formal legislation necessary for establishing the new Constitution, is, nevertheless, so much akin to the principle of making the officers of Government entirely non-political, that those of us whom it most immediately concerns desire to bring it under your Excellency's notice. We allude to the constitution and functions of the Executive Council. At present, the



members of the Executive Council are all officers of Government. By the Royal Instructions they are enjoined to advise the Governor upon all matters which he shall bring before them ; and he, in turn, is enjoined to call for their advice upon all matters of importance. But if certain officers of Government are to advise His Excellency in regard to what measures he should propose to the Parliament ;—in regard to what measures of the Parliament he should amend and return ;—and, more than all, in regard to what measures of the Parliament he should wholly disallow ;—it will, we fear, be impossible to preserve those officers from being mixed up,—or, at least, from being supposed to be mixed up,—with those party contests from which it is intended to withdraw them. It is to be feared that should they at any time feel constrained to offer advice opposed to the impulse of the hour, there will be turned against them, as a clique of secret advisers, a tide of popular indignation stronger by far than any which they could have encountered had they, in one or other of the Chambers, been privileged, as members amongst their fellow-members, to urge their reasons in open and fair debate. Those of us who belong to the Executive Council, whilst prepared to take upon us any responsibility which Her Majesty shall be pleased to impose, feel it to be our duty to bring this subject, through your Excellency, under the notice of Her Majesty's Government and the Colonial Public.

XIII. Proceeding to the important subject of a "Civil List," we observe that the Right Honourable the Committee of Trade and Plantations appear to recommend the adoption of the following principles.

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1st. That the fixed (as contra-distinguished from the unfixed) Expenditure, should, before the summoning of a Parliament, be provided for by law.

2nd. That the remainder of the public Revenue should be appropriated, annually or otherwise, by the Parliament, as the Parliament should think fit.

3rd. That it should be competent for the Parliament, by any Act duly passed, to provide as it should think expedient, for alterations in that Fixed Expenditure which, until so altered, would remain, as already stated, under the sanction of a law.

4th. That Her Majesty would be graciously pleased so to exercise her powers, as at all times to confirm, without hesitation, all laws passed with a *bonâ fide* view of reducing expenditure, in case they were consistent with a due regard to the claims of individuals on the public faith, with however, two exceptions, that is to say, first, laws lowering the salary of the Governor, and secondly, laws diminishing "the appropriations now made, from the Colonial Revenue for the maintenance of the establishments required for the preservation of order and the spread of civilization amongst the border tribes." From laws coming within either of these two exceptions it seems to be intimated that Her Majesty's sanction might be properly withheld, although no claims of individuals were therein involved.

XIV. We have given this delicate and difficult question the fullest consideration in our power; and we have come to the conclusion that, subject to the preservation of the public faith in regard to any existing rights now vested in particular individuals, the entire Revenue of the Colony should be at the disposal of the Parliament.

XV. That any portion of the public now harbours the design of subjecting all existing salaries to the pleasure of the future Assembly and Legislative Council, with a view of removing from office, or reducing the income of such public officers as may not chance to be popular with those bodies,—we should be sorry to believe. It is our impression that few would, at present, be found to dispute the justice of the sentiment contained in the following extract from the report of the Right Honourable the Committee of Trade and Plantations:—“Men who have abandoned other prospects for the purpose of accepting colonial employment, which they had reason to expect would be permanent, and who have grounds of public faith, and on contracts which on their side have hitherto been strictly fulfilled, ought to retain their present salaries, so long as they conduct themselves properly, or to receive adequate compensation for their loss.” Acting upon this view, we should propose that the reasonable rights of existing officers should be placed under Her Majesty’s protection. If the majority of the inhabitants shall approve, as we think they will, of affording this protection,—the provision in that behalf will meet general acceptance; and if the majority of the inhabitants, having ulterior views, should unfortunately disapprove of what would appear to be but an act of justice,—we submit that the protection recommended will, on that account, be only the more necessary.

XVI. His Excellency will not, we trust, understand us as meaning to say that all existing salaries are to be unconditionally guaranteed. We are aware that all existing public servants have not the same claim to

consideration, and we have no desire to fetter, in regard to any public servant, Her Majesty's Royal pleasure. We only mean to submit 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. We therefore recommend a clause to the effect that all persons holding office under Her Majesty at the time of the coming into operation of the new Constitution, should continue to receive their salaries during their term of office, without reduction, unless Her Majesty should otherwise determine.

XVII. In thus offering our humble opinion that no permanent Civil List should be reserved by law, but merely existing individual rights preserved, so that when this temporary arrangement shall gradually cease to operate, by offices successively becoming vacant, the entire Colonial Revenue should be subject, without exception, to the power of the Parliament,—we would not be understood as thinking it expedient that the whole of the Public Establishments should be at all times provided for by annual vote. It would not, we think, be either wise or proper, to leave all salaries and services, of whatever nature, to be the subject of annual agitation, and, perhaps, contention. But our conviction is, that whilst, in regard to certain services, an appropriation more permanent than annual will be highly expedient, the power of making that more permanent appropriation cannot be withdrawn from the Parliament without a sacrifice of the great principles upon which a Parliament is granted, and without occasioning, throughout the Colony, deep and general

discontent. If, at this moment, no equity existed in favour of particular individuals, growing out of Her Majesty's previous arrangements,—we cannot see how the granting of Representative Institutions, at all, could be defended upon any grounds which would not be also grounds for leaving to the Representatives, when chosen, the right of fixing the scale of remuneration to be paid for services in which, as the Report of the Committee of Trade truly observes, “the Colonists alone are interested.” Should Her Majesty be pleased to provide that officers appointed by Her Majesty, previously to her gracious grant of Representative Institutions, shall not have their position essentially altered by the fact that she has been moved to make that gracious grant, few persons, it is hoped, will object to such a provision. But further than this, it will, we think, be unadvisable to go, until the Parliament shall be assembled, and the course of removing from the precarious class of annual grants certain kinds of expenditure, not admitting of, or not requiring, annual revision, shall have been, by the Parliament, considered and adopted.

XVIII. The principles by which we propose to regulate the salaries of existing Civil Servants will equally apply to the salaries of the existing clergy of the several denominations which receive Government aid,—and to all pensions and retiring allowances; and, it would also seem, that all public servants now in office should have their claims to future pensions (estimated according to the principles applicable to such claims at the time when they respectively entered office), recognized and secured.

XIX. We shall now advert to a few points, more

or less important, which, though not arising directly out of the Report of the Board of Trade, seem to require notice.

XX. We are of opinion that the following general disqualifications should be established in regard to membership of either House of Parliament, in addition to any other disqualification already mentioned :—

1. Persons under 21 years of age.
2. Persons not born in this Colony, and not being natural-born subjects of the Queen.

We consider that Naturalization Acts should not qualify persons alien born. By the Statute Law of England, no Naturalization Act can be introduced which does not contain a clause disabling the party from sitting in Parliament, and although in rare instances of great rank or splendid services this statutory prohibition has been, through courtesy, repealed, it never, we believe, occurs that any parties naturalized by Act of Parliament, become Members of either House.

3. Uncertificated Insolvents.
4. Persons of unsound mind.
5. Persons convicted of treason, murder, rape, fraud, perjury, or falsity.
6. Persons holding office of profit under Her Majesty within the Colony,—and persons in the Military or Naval Service of the Crown, and in active employment.
7. Contractors with the Government.

XXI. We are of opinion that the same general disqualifications which we have just enumerated in regard to membership, should also destroy the right of voting, with the two exceptions, that aliens natu-

ralized by either the Imperial or Colonial Parliament, and Contractors with the Government, should be competent to be registered as electors, and to vote, in conformity with the law of England on these heads.

XXII. We are of opinion, that provision should be made, in whatever instrument shall be issued for establishing the new Constitution, for registering the electors of the Colony, in their several Field-cornetcies or Municipal Wards—so as to frame an accurate Divisional List for each Electoral Division,—since, by no other means could even the first election be conducted, without great confusion and unavoidable irregularity.

XXIII. We are of opinion, that provision should be made, requiring that all Bills, directly or by construction, imposing any burthen, or charge upon the inhabitants of the Colony, or any of them, should originate in the Assembly, but be capable of being returned by the Legislative Council, or the Governor, with amendments. And we are also of opinion, that it should not be lawful for either the Assembly or the Council to pass, or for the Governor to assent to, any Bill, appropriating any part of the Colonial Revenue, unless the Governor on Her Majesty's behalf, shall first have recommended to the Assembly to make provision for the specific purpose contemplated by such appropriation. This, we may observe, is in keeping with an old and inflexible rule of the British House of Commons, from the practice of which it has been introduced into most Colonial Legislatures, and its wisdom is too apparent to require any comment. Should either House desire an expenditure for any purpose which the Governor, of his own motion, does not bring for-

ward for consideration, an Address to His Excellency, requesting him to recommend to the Assembly to make provision for the object in view, will scarcely fail of success, unless there be something in the state of the Revenue, or the nature of the service proposed to be provided for, which renders a compliance with the Address impracticable.

XXIV. Should your Excellency, after considering the several matters contained in this Report, deem it advisable that they should be put into the form of a Draft Law, so as to be connected with the various details which they necessarily require, it will be competent for your Excellency to direct the Attorney-General to prepare for publication in the Colony, and, after due publication, transmission to England, such a Draft Instrument as shall seem to him best calculated to meet the end in view.

XXV. We have, in conclusion, to lay before your Excellency, a document drawn up by the two last undersigned, for the purpose of being attached to this Report, and treating of the form of Government alleged to be necessary for, and to be demanded by, the inhabitants of the Eastern Districts of this Colony. Not considering that the subject of this document falls within the scope of our commission, we abstain from making any observations thereupon.

(Signed)

JOHN MONTAGU, Sec. to Government.

HARRY RIVERS, Treasurer-General,

WM. HOPE, Auditor-General,

WM. PORTEB, Attorney-General.

W. FIELD, Collector of H.M.'s Customs.

W. COCK, Member of Legislative Council.

R. GODLONTON, Member of Legislative Council.



## DRAFT OF THE RETIRING MEMBERS OF COUNCIL.

“Art. 1. The Legislative Powers of this Settlement shall be vested in a Governor and a Legislative Council, and a House of Assembly, both of which shall be composed of members elected by the inhabitants, and shall be called ‘The Parliament of the Cape of Good Hope.’

“Art. 2. The Council shall consist of fifteen Members, chosen for four years, of which no less than six shall form a quorum. The Assembly shall consist of forty-six members, chosen for three years, of which fifteen members shall form a quorum.

“Art. 3. The present fiscal divisions of this settlement shall be electoral divisions, and shall choose for the first Assembly the number of members herein placed against their names, respectively, until further provisions be made by the Parliament, as follows:—

Cape Town & Green Point . . . . .	4	Uitenhage . . . . .	2
Cape Division . . . . .	2	Port Elizabeth . . . . .	2
Malmesbury . . . . .	2	Graham's Town . . . . .	2
Stellenbosch . . . . .	2	Albany . . . . .	2
Paarl . . . . .	2	Fort Beaufort . . . . .	2
Worcester . . . . .	2	Somerset (East) . . . . .	2
Clanwilliam . . . . .	2	Cradock . . . . .	2
Swellendam . . . . .	2	Graaff-Reinet . . . . .	2
Caledon . . . . .	2	Colesberg . . . . .	2
George . . . . .	2	Albert . . . . .	2
Beaufort . . . . .	2	Victoria . . . . .	2

“Art. 4. The election of the members of the Council shall be entrusted to the constituency of the entire settlement, who shall record their votes in the several electoral divisions in which they possess, at the time of

election, the right of voting for the election of members of the Assembly.

“ Art. 5. Every male inhabitant of the full age of twenty-one years, who shall have occupied fixed property for his own use and benefit of the value of £25, for twelve calendar months next preceding the registration and time of voting, within the limits of an electoral division, shall be entitled to vote for members of Assembly to represent that division and for members of Council.

“ Art. 6. Every male inhabitant entitled to vote for members of Assembly, shall be eligible for election to a seat in the House of Assembly; and every male inhabitant of the age of thirty years, who shall have resided in the Colony during three years preceding the registration and time of voting, and who shall be the proprietor of landed property, situate within the Colony, of the value of not less than £1000, shall be eligible for election to a seat in the Legislative Council.

“ Art. 7. No person shall be entitled to vote at any election of Members of either House of Parliament, or to be elected a member thereof, who shall not be either a natural-born subject of the Queen, or shall have been naturalized by law passed by the Imperial Parliament, or shall not have obtained a deed of burghership, or shall not be naturalized by act of the Parliament of the Cape of Good Hope, or who shall be undergoing punishment and restraint under a judicial sentence for any crime, or who shall hold any contract under the Government, or who shall be in active employment in the civil service of Her Majesty's Government; and any Member accepting an office in

the service of the Government as above, or entering into any such contract, shall thereby vacate his seat in either House.

“ Art. 8. The Secretary to Government, the Attorney-General, and the Treasurer-General, shall have the privilege of taking part in the discussion of both branches of the Legislature, so far as may be necessary for the explanation of any measures proposed by the Government, but without being entitled to vote.

“ Art. 9. The House of Assembly shall choose its own Speaker and appoint its own officers, and the Legislative Council shall also choose its own Speaker and appoint its own officers.

“ Art. 10. The Members of both Houses shall receive a pecuniary allowance, to be fixed by law, for expenses incurred by attendance.

“ Art. 11. The Governor shall call together a Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Parliament in one session, and the first sitting of the next session.

“ Art. 12. The Governor may introduce Bills in either House of Parliament, or return Bills submitted to him with amendments, for reconsideration, with the exception of Money Bills, which shall be introduced first in the Assembly. Any other Bill may originate in either House of Parliament.

“ Art. 13. The election of Members for the Legislative Council shall take place by the person entitled to vote delivering in person to the officer presiding at such election a list, signed by him, and containing not

more than the names of fifteen persons, and for the Assembly, by each voter giving, *vivâ voce* and in public, to the officer presiding at such election, the names of the person or persons for whom he votes.

“ Art. 14. The Governor shall have the power to dissolve the Parliament at any time, but he shall not have the power to dissolve one House or Chamber without at the same time dissolving the other.

“ Art. 15. The Queen and the two Chambers of Parliament shall be supreme within the Colony, as the Queen and the two Houses of Parliament are supreme in Great Britain, the Queen acting immediately in her own person, or in the person of her representative, the Governor.

“ Art. 16. The Legislative Council and House of Assembly shall, respectively, have the power to frame and determine their own rules of order, and all voting therein shall be *vivâ voce*, and all subjects and questions be decided by a majority of votes, the respective speakers, or presiding members, having a casting vote, in case on any point the votes shall be equal.

“ A. STOCKENSTROM.

“ J. FAIRBAIRN.

“ F. REITZ.

“ J. BRAND.”

## ADDRESS TO THE GOVERNOR.

To His Excellency Sir HENRY GEORGE WAKELYN SMITH, G. C. B., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope.

The Memorial of the Commissioners and Wardmasters of the MUNICIPALITY OF GRAHAM'S TOWN,  
RESPECTFULLY SHEWETH,

That the conduct of your Excellency, in assisting and promoting the establishment of Representative Institutions in this Colony, calls forth the warmest approbation of Memorialists, whilst a deep anxiety is evinced at the recent disruption of the Legislative Council; the seceding members of which come under the deprecation of a very large portion of the English community of Albany.

Your Memorialists, however, hasten to convey their highest admiration of the noble, upright, and constitutional course adopted by your Excellency throughout the recent difficult proceedings in Council, and to express their deep sense of gratitude which is due to your Excellency and the faithful Members of the late Council, in striving to effect such measures as were intended to advance the public interests, but which, it is much to be deplored, have been for a while thwarted by a factious opposition.

The reasons for assenting to the order of the day, in proceeding to the consideration of the Estimates, appended to this Memorial, have been adopted by your Memorialists, as evincing a pure conservative and statesmanlike spirit.

It is the opinion of your Memorialists that the peace and the repose of the frontier has hitherto been owing to the judicious arrangements of your Excellency, and the admirable line of policy which your Excellency has adopted.

And your Memorialists, as in duty bound, will ever pray.

By order of the Board of Commissioners and Wardmasters,

A. W. BECK, Town Clerk.

Town Office, Graham's Town,  
4th October, 1850.

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### HIS EXCELLENCY'S REPLY.

Colonial Office, Cape of Good Hope,  
14th October, 1850.

To Town Clerk, Graham's Town.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of a Memorial, dated the 4th instant, and signed by you by order of the Commissioners and Wardmasters of the Municipality of Graham's Town.

His Excellency is gratified to find that his effort for the establishment of Representative Institutions in this Colony, and the unforeseen difficulties by which he has been met, are duly appreciated by the Municipality.

His Excellency regrets that the present incompleteness of the Legislative Council, caused by the retirement of four of the unofficial members, renders it impossible to act according to the instructions of

Her Majesty's Government, by establishing a Representative Constitution for this Colony by local ordinance: but trusts that the course which he has adopted will enable him to furnish the Secretary of State with such ample information as will prevent the occurrence of any serious delay in consequence of recent untoward events.

I am to add that his Excellency will spare no effort or exertion to maintain that tranquillity on the frontier which has hitherto existed, and which he observes with pleasure that the Municipality attribute to the policy adopted by him.

I have, &c.

(Signed) JOHN MONTAGU.

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### MEMORIAL TO HIS EXCELLENCY THE GOVERNOR.

A Memorial, of which the following is a copy, now lies for signature at the Commercial Exchange:—

To His Excellency Lieut.-General Sir HENRY GEORGE WAKELYN SMITH, G.C.B., Governor and Commander-in-Chief of the Cape of Good Hope, &c. &c. &c.

The Memorial of the undersigned Merchants, Land Owners, and other inhabitants of this city and neighbourhood—

RESPECTFULLY SHEWETH—

That 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 ; and that, in consequence, your Excellency has been compelled to resort to the appointment of Commissioners for resuming the consideration of the provisions for the constitution so abruptly terminated.

In publishing the Commissioners' Report, your Memorialists have observed with much satisfaction, that your Excellency is open to receive petitions on the several subjects contained therein, with the view of forwarding them to the Right Hon. the Secretary of State.

Availing themselves of this opportunity, Memorialists beg leave to inform your Excellency that they have examined that document with feelings of the deepest interest, and while they desire to declare their satisfaction at the general scope and liberal tone of the Report, they take the liberty to suggest such modifications in a few of its provisions, as they think would be better adapted to the circumstances of the colony.

Your Memorialists concur in the sentiments expressed by the Commissioners in the 6th clause of their Report, "that a large numerical proportion of the public take defective views of the objects, uses, and advantages of a second Chamber, and desire to place too much power in the hands of the Representative Assembly." The Report of the Committee of Trade and Plantations contains this observation, "that it is highly desirable that there should be a second branch of the Legislature, less easily swayed by the popular



feeling of the moment than the Representative Assembly, and capable of acting as a check or counterpoise to that body, to guard against too hasty Legislation, without requiring the too frequent interference of the Governor, or the Crown." By the same Committee it is also remarked in reference to the Legislative Council,—“that it will only be a proper precaution to require that the electors, by whom its members shall be chosen, shall be of a higher grade in society, than will necessarily be possessed by those who will be the constituents of the House of Assembly.”

Your Memorialists are aware that some difference of opinion exists in the minds of the Commissioners regarding the proposed qualifications, as well for the electors as for the members of the Legislative Council, and fully coincide in the opinion expressed in the 9th clause of their Report,—“that they can discern no quality by which the Council can be distinguished from the Assembly more marked, or more salutary, or more calculated to secure independence of action than that of representing in a peculiar manner the property of the Colony.”

Regarding such conclusions as well founded, your Memorialists confidently recommend that the electors of the Upper Chamber, should possess a higher qualification than those of the Assembly, and are of opinion that they should be proprietors or renters of fixed property to the value of £500; and that the qualification for members of the Legislative Council, should be the possession of unincumbered landed property, to the value of not less than £1000, or, double that

amount in moveable or mixed property, with a residence of three years in the colonial territory.

In reference to the suggestion of your Commissioners, respecting a pecuniary allowance to members of both Houses, for their attendance and travelling expenses, your Memorialists are of opinion that travelling expenses alone should be allowed to the Members of the Legislative Council, conceiving that the class of persons who would be elected to that Chamber, would not require nor consent to receive such remuneration. The attention of your Memorialists has been anxiously directed to that portion of the Commissioners' Report, which has reference to the principle of making the officers of Government entirely non-political. Deeply impressed with the difficulties which must arise in the effectual working of any Government, where its advisers are withdrawn from the full and free discussion of any measures of importance, which may be proposed for Legislation, your Memorialists are of opinion that it is not only expedient, but that it will be highly beneficial to render the members of the Executive Council eligible for election to seats in either Chamber, as they cannot contemplate that amongst so large a body of Representatives, they can exercise any undue or prejudicial influence.

In commenting on the 6th clause of the Report, your Memorialists fully agree with the Commissioners, and deem the provision that enables the Governor to dissolve both Houses together, or the House of Assembly separately, to be extremely salutary.

In regard to the duration of the Legislative Council, it is the opinion of your Memorialists, that the inde-

pendence of its members will be sufficiently secured by limiting it to a period of five, in place of ten years.

Memorialists acknowledge the justice which will result to the rural divisions of the colony, from the application of the principle involved in the 12th paragraph of Section No. VII, regarding the election of members for the Legislative Council.

Having thus expressed their sentiments on the recommendations contained in the Commissioners' Report, your Memorialists have the honour respectfully to pray,

That your Excellency will be pleased to forward their Memorial to the Right Honourable the Secretary of State, for his Lordship's consideration, with such remarks thereon from your Excellency as may seem to be required.

J. Stein	G. H. Twentyman	T. Draper, Sen.
J. D. Thomson	J. Jearey	J. Lycett
E. Chiappini	J. Schikerling	C. S. Gickard
E. Christian	J. Calf, Junr.	R. J. Jones
A. McDonald	J. King	L. Busby
T. Ansdell	G. Greig, Junr.	L. Busby, Junr.
J. Searight	L. H. Twentyman	W. Fell
W. Hawkins	A. Croll	J. L. Statham
A. Chiappini	H. B. Christian	A. G. Mathieson
J. Ross	M. C. Gie	J. Reid
W. J. Elridge	T. H. Baird	J. Taylor
F. Porter	C. R. Eaton	A. Alexander
P. G. van der Byl	J. Fuller	A. Searle
E. J. Jerram	T. Jones	B. Schitlin
E. Norton	W. Openshaw	F. Bindemann
B. Norden	C. Martin	G. Rawstorne
J. Thomson	J. Fell	C. J. Christian
R. J. Jones	A. J. Phillips	T. B. Venn
M. W. Nishett	J. Dyason	J. Albertus

J. Hall	T. Radmall	M. Nisbet
J. C. Gie, Mz.	P. Stigant	H. Reid
H. Walker	H. E. Knight	G. D. Brunette
E. H. Norton	C. Arkcoll	J. Young
S. Bushell	S. Bailey, M.D.	H. Piers
C. J. Manuel	G. W. Prince	R. Kelly
H. C. Robinson	E. Lansdberg	H. O. H. Holland
H. H. Gird	J. Townsend	H. Bevern
A. Woolf	D. M. K. Cameron	G. Lesar
B. Alexander	J. Jones	E. J. Hanbury
J. H. Parker	V. G. B. Baker	J. Rose

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### REPLY.

“Colonial Office, Cape Town, 17th October, 1850.

“SIR,—I am directed by his Excellency the Governor to acknowledge the receipt of your letter of this day’s date, enclosing an address signed by ninety merchants and others of Cape Town and its neighbourhood, relative to the Draft Constitution proposed by the Commissioners appointed by his Excellency for that purpose.

“I am to acquaint you, in reply, that his Excellency will forward the Memorial to the Secretary of State, together with such comments as may appear to him to be required; and that in doing so he will not fail to represent to his Lordship how large an amount of the respectability and intelligence, and how much of the property of Cape Town and its neighbourhood, are represented by the signatures to this memorial.

“I have, &c.

“JOHN MONTAGU.”

“R. W. EATON, Esq.,

“Sec. to the Commercial Exchange.”

## THE CAPE MONITOR.

*Cape Town, Friday, October 25, 1850.*

WE have already shown that, on the 27th April last, Mr. Fairbairn was in favour of a Legislature consisting of a single elected chamber, and represented the future welfare of the Colony to depend upon its obtaining that form of Government.

On the 10th of the following September, when the Committee of the Legislative Council were considering that clause in the Report of the Board of Trade which provides that the Cape Legislature shall consist of a Governor and two Houses, Mr. Fairbairn said, "he believed there was a difference of opinion upon the point some time ago, but he had not heard of any lately."

We might fairly warn our fellow-colonists of the danger they incur in trusting the formation of their future Constitution and Government to the hands of a statesman—whatever his ability—whose opinions on such a vital subject are so lightly changed. But as we have already intimated that we have no faith in these sudden changes, but rather believe that Mr. Fairbairn (and in speaking of him we speak also of the party which he leads, and of which his paper, the *Commercial Advertiser*, is the organ), was perfectly sincere when he wrote in favour of a single Chamber, and would still insist upon the same point were he not well convinced that it is unattainable. A perusal of the Privy Council Report at once made it perfectly clear that the scheme of a single Chamber must be abandoned; and that the same end must now be sought for by the establishment,

if possible, of an Upper Chamber composed of the same elements as the lower, and subject to the same influences.

This diversion was first attempted to be covered by a series of articles in the *Commercial Advertiser*, in which it was announced that minor differences should be forgotten, and that the Colonists should work together for the common good. In the mean time the agents of the party were zealously distributing voting tickets throughout the Colony, with a view of placing a portion of the legislative power in the hands of their leaders.

Thus the four gentlemen who have recently become so prominent, found themselves seated at the Council Table, with all the prestige which they fondly supposed would attach to them as “popularly-elected members:” and thus strengthened they opened their battery against an Upper House in which it was proposed that the property of the Colony should be represented and protected.

The qualification debate will be fresh within the memory of our readers. The levelling party were discomfited: their machinery had failed: and in due course they retired from the Legislative Council.

The seceding members have represented to the public that they resigned their seats—not, as we hold, because they were foiled in their attempt to nullify the influence of property, but—because the Governor proposed to proceed to general business, which they were not empowered by their constituents to consider.

If this were really the case, they ought to have spoken sooner. On the 6th of September the Governor

read a list of subjects which he proposed to bring before the Council, and not a word of objection was heard—for then not a word had been said of qualification. On the 10th His Excellency laid upon the table a series of Minutes on those subjects, and nothing was then said in opposition by the unofficial members,—for nothing had then been decided about the Upper House.

On the former occasion, the feeling of the Cape Town constituency was clearly manifested by the general applause of a crowded audience when the Governor mentioned the Trial by Jury in Civil Cases and the establishment of Resident Magistrates' Courts at Missionary Institutions,—showing the anxiety of the public for immediate legislation on those subjects: and, with regard to the country constituencies, it is well known that petitions on general subjects were sent in from all parts of the Colony. One of these—that in favour of the re-enactment of the Church Regulations—was prepared at Swellendam, in the immediate neighbourhood of the residence of Mr. Reitz: and several others were entrusted to Sir A. Stockenström, who does not appear to have explained to the petitioners that he could not support their prayer. Nay, we are very much misinformed if the Honourable Baronet did not assure the Glen Lynden memorialists that he would not quit the Council till he had obtained justice for them. If this is not the case, we shall be very glad to be corrected: if it is, Sir Andries ought to explain how the Glen Lynden petition is connected with the formation of the Constitution, as he now says

he came into the Council on the understanding that he was to confine his attention to the latter subject.

These are all matters well worthy of the attention of the public: and it will be for them to decide, with this evidence before them, whether the refusal to consider general business was not an after-thought suggested by the defeat of the party in the division on the qualification of members of the Upper House.

Foiled in the Council, the seceders betook themselves to the Cape Town Municipality,—whose Board-room has recently resembled the forum of a Debating Society much more than the place where a respectable Corporation meet together to discuss the municipal interests committed to their care. This matter, however, only concerns the rate-payers, who might, we think, not unreasonably object to the admission of strange orators, not elected by them, who harangue the Board on governments and constitutions, and rival the authors of the *Oceana*, *Utopia*, or the *New Atalantis*, while the unfortunate inhabitants of Cape Town continue poisoned with stench, and threatened with fever, in consequence of the neglect of the city drainage.

Freed from the critical supervision of Messrs. Montagu and Porter, and but slightly embarrassed by the timid hesitation of Mr. Wicht, the seceders soon framed a Constitution to their liking, which was readily adopted by their patrons of the Municipality,—not without some qualms on the part of Mr. Maynard, who has more property than he likes to trust to be taxed by gentlemen who have none,—and



was circulated through the Colony for the admiration of the inhabitants.

All the columns of all the Cape Town papers of last week teemed with letters of Municipalities and Road Boards, and with accounts of public meetings approving of the Town House Constitution, and of the resignation of the four unofficials. Never was such unanimity: the five self-appointed Constitution framers have divined, as if by magic, the views and wishes of the entire community; and with felicity altogether unprecedented have concocted a document which expresses the opinions of several thousand individuals, with whom the framers of the document have held no previous communication. To be sure we are not told that any other scheme has been under consideration: and we are informed that at one "public meeting" the chairman, on being requested to read the Report of the Government Commissioners, declined to do so, on the ground that it would be "a bore:" no serious consequences followed this contumacy,—the meeting being only about twenty strong.

It is certain that no subject could be conceived fitter for the consideration of public meetings than that on which the Colonists are now invited to express their views: but we entertain a different opinion with regard to Municipalities and Road Boards; and we are glad to observe that some of the latter have refused to consider the subject, on the ground that they have no political functions. It is true that these institutions were employed to collect the votes of the rate-payers, when a rude election was to be made without any previously prepared machinery: but it is a mistake to

suppose that they were on that account, clothed with any usual amount of political wisdom, or that they therefore represent the political opinions of their constituents, by whom they were elected for an entirely different purpose.

But the convenience of now consulting them is sufficiently evident, when it enables the leader of the party to boast that his policy is approved by "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," and that "thus as rapidly as time permitted the population and property of the Colony have uttered a decision that no man can pretend to misunderstand."

On this point the following remark from the Attorney-General's memorandum appears to be very apposite: "To discharge ordinary municipal duties, and to choose Members of Assembly, are surely quite unconnected functions, and I may think a man very fit to look after the cleansing and ventilation of our town, whom I do not think at all fit to choose for me my representative in Parliament."

But it will be said—public meetings have been held in the Country Districts, and have pronounced in favour of the scheme proposed by the seceders: and money has been subscribed (not very much we are told) to send Sir A. Stockenstrom and Mr. Fairbairn home to England. We have seen on more than one recent occasion how easily even large public meetings may be assembled, and how easy it is to disregard them where it is convenient to do so. We

know also that the public may be gulled even into paying their money for a cause which is not the cause of truth. We know not of what great truth Dr. Tancred was the Apostle.

But we have a word or two more to say about these meetings.

The true account of the proceedings of "the noble people of Stellenbosch" will be found in Mr. Norden's letter, which we have taken over from the last number of the *Cape Town Mail*.\* That "noble people" whose proceedings will gladden the heart of every real lover of his country, consisted of five or six idlers headed by Mr. Onkruydt, who is dignified for the nonce with the title of Justice of the Peace, in order to magnify the importance of the demonstration. The reader will perhaps remember a memorable occasion on which a memorial professedly emanating from "the people of England" was traced by the late Mr. Canning to three tailors in Tooley Street. The Meeting at Riversdale, we are informed, was rather more numerous, some forty persons being present, owing to its being held at sacrament time when the Dutch farmers come into the towns in great numbers. It is stated, however, confidently that not more than five or six of those present understood even the language in which the proceedings were conducted.

At Swellendam a meeting was called for the 2nd October, and failed for the want of attendance. A second attempt was made on the fourth, (also sacrament time) at which about thirty persons were present. The number of persons in the town at the time may

\* See p. 50.

be judged from the fact, that the sacrament was administered to upwards of 600 recipients.

These are *facts* which should be compared with the accounts of these meetings given by the Cape Town papers of last week; and the proportion of truth to falsehood in those statements will be easily ascertained. These are merely given as instances of the system; and we feel no doubt that similar exaggerations have been and will be made in the case of all other towns in the Colony.

It is to be remarked, however, that in detailing these proceedings of the "noble people" of Stellenbosch and other parts of the Colony, not excepting even Cape Town, a singular silence is preserved in regard to names.

We shall print in our next number the names of the ninety gentlemen who signed the memorial which was given in our last, and we challenge the opposite party to imitate our example. It will be found that for amount of annual transactions and for the "possession of property, and those qualities, intellectual and moral, which the possession of property, generally speaking, implies," any two names in this list are equal to any two hundred that can be produced by our opponents.

Such testimonies, however, of public confidence, whether in the shape of money or memorials, as the manoeuvres of the party can obtain, are to be carried home, we are told, by Mr. Fairbairn and Sir A. Stockenstrom, though if any person is inclined to subscribe in order that he may be represented by the

Baronet, we recommend him to withhold his subscription for a time, as it is rumoured that that gentleman's medical attendants have given him good and sufficient reasons why he should not undertake the voyage. If this be so the advertisement in last Saturday's papers, which states that Mr. Fairbairn will be followed to England by Sir A. Stockenstrom as soon as the necessary documents are completed, will be another instance of the deception of this party.

The Colonists are now aware that the greatest danger which threatens them, is, that "the deputation" may, by displaying in England names which they do not venture to publish here (because they would be scrutinized and placed at their true value) induce the belief that they represent the general opinion of the Colony. If those who differ from them, and desire to avert from themselves and their children the evils which the accomplishment of these designs will surely bring, only have energy enough to avail themselves of the Governor's invitation by speaking out their opinions on this matter, in such a manner that they may be duly represented by him to the Government at home, this danger, we have no doubt, will be effectually removed, by the establishment of such an Upper House as will secure that balance in the Constitution, the necessity of which has been shown by an able correspondent in this day's paper to have been felt by political philosophers in ancient, as it has been generally acknowledged in modern times. But this can only be effected by present exertions; and delay can only lead to disappointment and defeat.

## MEMORIAL FROM GRAHAM'S TOWN.

*(From yesterday's Gazette.)*

Colonial Office, Cape of Good Hope, 18th October, 1850.

His Excellency the Governor has directed the publication of the following Letter from Mr. W. Smith, of Graham's Town, with the accompanying Address, and the Reply thereto, for the information of the public.

By Command of His Excellency the Governor,  
 (Signed) JOHN MONTAGU,  
 Secretary to Government.

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Graham's Town, 12th October, 1850.

His Excellency Sir H. G. W. Smith, G.C.B.,  
 Governor of the Cape of Good Hope, &c. &c.

Sir,—I have the honour to forward to your Excellency a Memorial from the Inhabitants of Graham's Town, convened in Public Meeting, held on the 7th instant, (being one of the largest assemblies ever held in that place), and signed by me as Chairman of that Meeting.

With the most cordial sympathy for your Excellency, under the present trying state of affairs, and confidence in your Excellency's intense interest in the true welfare of the colony,—

I have the honour to be, Sir,  
 Your Excellency's most obedient and  
 most humble Servant,  
 W. SMITH.

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To His Excellency Sir H. G. Smith, Bart., Governor  
and Commander-in-Chief of the Cape of Good  
Hope, &c. &c. &c.

The Memorial of the Merchants, Traders, and other  
Inhabitants of Graham's Town, in meeting assembled:—

SHEWETH,

That Memorialists deplore with the most unfeigned regret the dismemberment of the Legislative Council, by the resignation of four of the Unofficial Members belonging to that body, by which means the several legislative measures for the internal improvement of the Colony, as proposed by your Excellency in the Government Minute of the 10th September, have been interrupted; and which measures, Memorialists firmly believe, would have tended to the early introduction of Representative Institutions, the prosecution of Harbour Improvements and Public Works generally, and added several wholesome laws to the existing code for the better protection of a portion of the varied interests of both Provinces, as shown by the Draft Ordinances for consolidating the laws relating to the Courts of Resident Magistrates within the Colony: for amending the law relating to the apprehension of Criminals and the prosecution of Crimes; for improving the Public Prisons of the Colony;—the further consideration of which important matters must therefore necessarily for the present be abandoned.

That Memorialists cannot but consider the suspension of all business in Council as a great public misfortune, and that the establishment of a Parliament for the better Government of the Colony, or a modified form

of government for the Eastern Province, is thereby postponed to an uncertain and indefinite period. That all past experience, as in the case with the Australian Colonies Bill, which Memorialists believe has not yet passed the present sessions of the Imperial Parliament, tends to the impression that a Representative Constitution will not be promulgated in this Colony for the next two years, or eighteen months at least. That Memorialists view with the deepest apprehensions and alarm the cessation to all legislative functions for so long a period, and earnestly pray that your Excellency will be pleased to order the several vacancies in the Legislative Council to be filled up, by allowing the Colonists to elect four other gentlemen to supply the places of those who have retired, that the public business of the country may be at once resumed.

That Memorialists are fully sensible of the difficulties with which your Excellency is beset, and beg to tender their warmest sympathy in the very painful and trying situation in which recent events have placed you, deeply afflicting as they must be to your Excellency, both mentally and physically.

That Memorialists respectfully make the above suggestion to re-organize the Council, not only from the deep interest which they take in the country's welfare, but also to strengthen the hands of your Excellency's administration, which as loyal and devoted subjects of her most gracious Majesty the Queen, Memorialists consider that all measures tending to the prosperity of the country, and the advancement of the general good, it will be their bounden duty firmly to maintain and strenuously to uphold.



And Memorialists, as in duty bound, will ever pray.

Graham's Town, October 7, 1850.

WM. SMITH,  
Chairman.

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REPLY.

Colonial Office, 17th October, 1850.

W. Smith, Esquire, Graham's Town.

SIR,—I have the honour to acknowledge the receipt of your letter of the 12th instant, together with an Address to His Excellency the Governor, which arrived here last night after His Excellency's departure for the Frontier.

Hearing that the Governor was detained by unfavourable weather at Simon's Bay, I lost no time in forwarding to him your Letter and Address, and have just received his directions thereon.

His Excellency joins you, in regretting the interruption of legislative business which has occurred, in consequence of the unexpected resignation of four of the Unofficial Members of Council, and cannot doubt that the Colony will suffer much injury from that unlooked for event.

With regard, however, to your proposal that the four vacancies should be filled up by a second popular election,—His Excellency regrets that recent experience does not in any degree encourage him to adopt that suggestion. He trusts, however, that the measures which he has taken will have the effect of establishing, at an earlier period than you contemplate, a Representative Constitution, which will command the confidence of the Colony generally; and though the