



RESPONSIBLE GOVERNMENT

FOR

COLONIES.

*Price 2s. 6d.*

65. Buller.

✓  
Tremaine. 2759  
O. Brown vol. 1 2997





*Harold P. ...*

RESPONSIBLE GOVERNMENT

FOR

COLONIES.

*by C. Butler M.P. &c*  
*First published in the*  
*London & Westminster Review.*

LONDON:

JAMES RIDGWAY, PICCADILLY.

1840.

RESPONSIBLE GOVERNMENT

LONDON

BLATCH AND LAMPERT, PRINTERS, GROVE PLACE, BROMPTON.



## ADVERTISEMENT.

---

EXCEPT a portion of the Introductory Chapter and the Conclusion, which are chiefly new, the following pages are reprinted from a series of papers written week by week for the *Colonial Gazette*, and published in that newspaper in the months of December, January, and February last. Though originally intended to elucidate and apply a doctrine of Lord Durham's Report, that had been often misunderstood and misrepresented in the strife of party politics, the papers were based on principles of the widest range: and while their appearance has been welcomed in the Provinces of British America,

for their bearing on questions of the highest interest to those countries, they have been received with equal favour in the West Indies, as a contribution to the cause of good government in all the Colonies. To aid in this object, and preserve them for reference, they are now collected, revised, and published in a compact form.

*London,*

*April 16th, 1840.*

## CHAPTER I.

### INTRODUCTORY.

WHILE the public are every day becoming more and more alive to the advantages of Colonies, the Government and Legislature seem more and more disposed to regard them as mere subjects of difficulty and annoyance. Every year they occupy an increasing portion of the attention of Parliament: but it is only to present harassing and insoluble perplexities to its notice. With every addition to their population, and its intelligence, with every improvement of our communication with them, and with every enlargement of our general knowledge of them, we only get more ample evidence of their grievances and their discontent. A large portion of these communities are ruled in the silence and obscurity of an essentially arbitrary form of



government: and their policy is determined, without reference to public opinion, in the secret deliberations either of the Colonial Office at home, or of close councils in the Colonies composed of the nominees of the Governor. Yet even in these Colonies the discussions carried on through the press reveal to us the existence of constant dissatisfaction at the policy of the Government: and the intense excitement occasioned by grievances of more than usual magnitude, every now and then gives rise to motions in Parliament, that inform us of little but the fact that dissatisfaction exists. But where, apparently, the freest institutions have been accorded to a Colony, the content and harmony, which are the usual results of freedom, are still less to be found: the representative bodies appear to be only more efficient organs of at least equal discontent: and the popular voice is heard in one wearisome monotony of complaint. Theirs at least is no tranquil and patient suffering: and when they find remonstrance and impeachment unavailing, they compel the attention and interposition of Parliament by stopping the supplies, and obstructing the whole course of government and legislation.

It is not at all difficult for Englishmen to be persuaded of the misgovernment and dissatisfaction that must exist in any country in which the people have no voice at all in the making of the laws. But we have got into a habit of considering the privation of free institutions as a necessary incident of the infancy of colonies: we yield a lazy acquiescence in this period of mismanagement and disorder, in some vague anticipation of a period in which Colonies become what is called "ripe" for Representative Government: and we are still more reconciled to the existence of a form of government in our Colonies which is the most repugnant to all the feelings of Englishmen, from observing that Representative institutions only seem to *increase* disorder and misrule. There are not wanting wise saws and vague theories, to account for this anomaly in the way best calculated to save us the trouble of investigation and reform. We are told that Colonies ought not to have Representative Governments: and a large number of our official wiseacres have admitted it as one of the axioms of their new political philosophy, that no Colony should enjoy any share of self-government until it becomes strong and discontented enough to achieve its entire independence.

It is not at present our purpose to enquire into the general principles of Colonial government; to examine at what period of its existence a colony becomes fit for representative institutions; or to determine whether now, any more than in former times, any colony of Englishmen should be for any period deprived of those free institutions which they regard as their birthright. Our object at present, is to inquire into the anomalies that present themselves in the working of *representative* institutions, and to discover the cause that renders them sources of additional disorder rather than guarantees of good government in our Colonies. It is not at all difficult to discover this. The complaints of the represented Colonies all point to the same evil: their struggles are all for the same object. The Assemblies every where complain that they have no influence on the Executive: that the laws which they make are administered—the supplies, which they vote, applied—and, in fine, the whole internal policy of their community directed, by persons in whom they have no confidence, and over whom they have no control. They complain, further, that the government, not thus subjected to a due responsibility to them, is under an undue control



on the part of a distant authority, equally irresponsible to the public opinion of the Colony. All their discontent really originates in these two evils: all their struggles are to obtain what they call Responsible Government in the Colony, and to prevent undue interference on the part of the Colonial Office in Downing Street. They want to have in their own hands the control over their own Executive; and what they ask is certainly nothing more than what experience has taught us to be a necessary incident of representative institutions everywhere.

When Sir Robert Peel said—"The battle must be fought in the Registration Courts," he expressed the principle of Responsible Government. He warned the Conservative party, whom he was addressing, against overstraining the power of the Crown or the House of Lords; assuring them that it was impossible for any administration permanently to retain power in this country, without enjoying the confidence of a majority of the Representatives of the People. Until then the more eager and thoughtless of his party were disposed to rely on the favour of the Crown and Lords, as a means of governing in spite of the Commons; since then, the aim of

the whole party has been to obtain a majority in the Representative body. The leader's doctrine and the party's consequent course have been both eminently constitutional. Ever since this celebrated warning, they have abandoned all thought of an Executive not supported by the House of Commons. They are perfectly assured that whenever they obtain a majority in the Commons, men of their party will fill the executive offices, and govern the country according to the views of their party; but that whatever may be the disposition of the Lords or Court, they will do so no sooner. This is the main principle, or rather, the most important usage of the British Constitution—the Executive cannot for a long time differ from the majority of the Representative body.

This doctrine holds good wherever the principle of representation is admitted; and that principle only works well where this practice is strictly observed. Wherever the principle of representation is admitted, but the practice not observed, there the principle of representation works all manner of mischief. A volume might be filled with examples of both sorts—of the smooth working of the representative principle, where the executive policy has been agreeable

to the constituent body ; and of the derangement of every representative machine which has wanted the wheel that produces agreement between the constituency and the executive. Herein lies the whole secret of the smooth working of the British constitution since 1688 : here is the true explanation of the failure of almost every attempt in any part of the world to imitate that constitution. In France and Spain, the sovereigns of those countries have, since the adoption of representative institutions, gone on in their old way of taking out of their household, or from among the clerks of the public offices, the members of a ministry whenever necessity or caprice has induced them to make a change. A new French ministry used to consist of men whose name and existence the Gazette that announced them as members of a cabinet first notified to the world. By degrees experience has occasioned some approximation to the British practice. But a rude experience was necessary. For the deposition of Charles X. was the result of his obstinate determination to carry on the government with a ministry which he could get no Chamber to support.

The principle of a responsible executive is indeed more familiarly tested by a reference to



numerous constitutions which have no concern with matters of state ; such as municipal bodies and commercial companies, in which the burgesses and shareholders have a voice in the management of their affairs. No man of common sense could suppose such bodies to go on well except by means of the constant responsibility of the executive to the body of electors. Nor is there one of them that has not been in a state of hot water as long as an attempt has been made to conduct its affairs in a way not approved by the burgesses or shareholders. Many governments have worked tolerably well without representation, and many institutions have worked tolerably well without shareholders or voters. For power without representation is not so great an evil as representation without executive responsibility. It is better to be without a fire, than to have a fire without a chimney.

*For what purpose* is representation given? What is its object? It has no other object, it can have no other, than to give the people a control over that alone which ultimately affects them—their executive government. Popular representatives do not meet for the purpose of merely talking and passing resolutions or bills: they are elected as the organs of the people for

the purpose of rendering the whole of government constantly agreeable to the people. This is the use of an Assembly. Now the Colonial system is to create the power, but forbid its use. The certain consequence is an abuse of the power. The Assembly, prevented from performing the function for which it was created—deprived of control over the ultimate results of government—becomes a revolutionary body, and does little or nothing but violently assail the Executive, which it would have found wholesome occupation in directing. The Executive returns blow for blow, until thoroughly beaten, and then calls out for help from the Mother-country. Such is the history, past, present, and future, of every Colonial Government in which the principles of Representation and Executive Irresponsibility are placed in permanent opposition to each other.

In the Old Colonies of England the principle of a Responsible Executive was fully adopted, and was in some of them carried practically to the extent of allowing those who elected the Assembly to elect the Governor also. The Local Executive was thus kept in perpetual harmony with the Popular Representatives; and it may be remarked of those Colonies, that the

Crown of England had no more loyal subjects than the people who lived there, until the attempt was made to tax them without their consent. In all the present British Colonies of North America we have pursued a different system, giving Representation but withholding Executive Responsibility. We thereby, as it were, provided for the unceasing contests which have more or less prevailed in all these dependencies between the representative body and the holders of office. We have made the fire but stopped the chimney. We have produced just such a state of things as Sir ROBERT PEEL supposed would result here from attempting to administer government as if there were no House of Commons: it may be termed a state always verging on revolution. We say nothing here of the miserable inefficiency of the irresponsible Executives of the North American Colonies—of the way in which they have mismanaged and wasted the resources of the fine countries submitted to their rule; for that subject scarcely belongs to the present question. The present question is, whether the verging-on-revolution state is to continue, or is to make way for a peaceful and stable order of things.



## CHAPTER II.

### WHAT "RESPONSIBLE GOVERNMENT" IS, AND WHAT IT IS NOT.

GREAT pains have been taken by those active and influential persons whose emoluments or importance would be lessened by the adoption of a good system of government in the Colonies, to misrepresent the meaning of the demand for Responsible Government. The term "Responsible Government" is certainly general and vague. It may mean various kinds and degrees of responsibility; it may denote a responsibility carried to precisely the same extent and guarded by the same guarantees as that of the Executive of this country; it may mean a responsi-

bility carried to an extent and enforced by means repugnant to the spirit of our constitution. The opponents of the principle take advantage of the vagueness of the term in order to give it the latter of these two characters. Sometimes they content themselves with effecting this purpose by mere vague insinuations. They give a wise shake of the head, and mutter something about the "Republican" nature of the doctrine; or, if they delight in what is called "strong" language, they turn to and rail in good set terms about rebels, and MACKENZIE, and JOSEPH HUME. Sometimes they condescend to give a reason for their faith as to the character and tendency of the principle; and that reason is generally an utter and gross misrepresentation of facts. They assert that a "responsible" means an "elective" executive; and that the responsibility proposed is that kind which prevails in the various States of the American Union, where every officer of government is appointed either by the direct vote of the people, or by that of the representative bodies of the State.

It is no wonder that misrepresentations such as these, made with the utmost confidence and repeated with the utmost assiduity, should mis-

lead a great number of persons, on a subject about which so few in this country take the necessary pains to get correct information. Those who make these assertions rely on the indolence of those to whom they address them, and count on their adopting them without examination; for the slightest examination would dispel all misapprehension and even doubt on the subject. Among those who in this country or in the Colonies have made "Responsible Government" their political watchword, there has never been the least difference of opinion as to the object in view: all have confined themselves to demanding that the Crown, while retaining the present unlimited choice of its servants, should nevertheless make a practice of selecting them from among those who possess the confidence of the Legislature. No one has ever proposed a legislative enactment with a view to enforce the principle. It has been seen that the practice of governing by means of those who command the confidence and cooperation of the Legislature, must be established, not by acts of Parliament, but by the good sense of the Crown, impelling it not to make a particular concession at this or any other particular moment, but to adopt a general rule of action as essential to the efficient administra-



tion of the government as to the contentment of the people.

Lord DURHAM'S report has come in for its full share of the misrepresentations directed against all the advocates of Responsible Government : yet it would be impossible for any candid man to misapprehend what the High Commissioner means by Responsible Government ; and indeed the most uncandid have never ventured to quote any passages from that Report to justify their interpretation of its purport. The inherent vagueness of the term can throw no doubt on Lord DURHAM'S meaning, because he does not use the phrase of Responsible Government until he has fully explained his meaning without it. He reports his observations, draws his inferences, and suggests the alteration which he advises in the present system of administering the government. It is only after thus explaining himself, that he remarks that the conclusion at which he arrives, is the same as that which the Reformers of Upper Canada had in view in their demand for Responsible Government.

The Report states that a great part of the disorders and discontents of the British North American Colonies resulted from the state of variance in which the Executive and the Repre-

sentative bodies constantly were. It asserts and proves by a reference to the past history of all these Colonies, that the usual state of government in them seems to be that of collision between the Executive and the Representative body. "In all of them," it says, "the administration of affairs is habitually confided to those who do not cooperate harmoniously with the popular branch of the Legislature; and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed." The report traces the bad consequences of this state of things—the constant struggle which takes the place of cooperation, the weakening of the Executive, and suspension of all the legislative functions, and the consequent misgovernment and irritation of the community. Such consequences, it infers, must always result where you attempt to administer a government which requires the cooperation of a representative body, by agents who do not possess the confidence of that body. It concludes, therefore, that in the colony which has a representative form of government, you must adopt the same principle of government as that on which affairs are conducted in the Mother-

country; that you must "facilitate the management of public affairs by intrusting it to the persons who have the confidence of the Representative body." This it asserts to have been what the Reformers of Upper Canada desired, when they asked for a Responsible Executive. The Report admits that there were some who, under the name of *responsible*, demanded an *elective* executive: but adds—"an elective Executive Council would not only be utterly incompatible with Monarchical government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the cöoperation of the Assembly to his policy by intrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly that should not directly involve the relations between the Mother-country and the Colony. This change might be effected by a single despatch containing such instructions."



Nor has Lord DURHAM, in order to secure this responsibility, which he designates as "a change which would simply amount to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants," proposed any provisions calculated to give the popular body a more direct voice in the nomination of the officers of the Executive. "The responsibility to the United Legislature," he says, in his final recommendations, "of all the officers of the Government, except the Governor or his Secretary, should be secured by every means known to the British constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature except on points involving strictly Imperial interests."

In this last sentence is contained the whole principle of a free Colonial Executive. The Mother-country should never interfere in the administration of affairs in the colony, either in the legislation on which the Assembly is bent, or in its preference of one Colonial party to the other, but should let the Governor and Assem-

bly get on as they best may, passing such laws, and administering affairs by such parties as they may agree on between themselves. The only exception is, where the course of legislation adopted in the Colony conflicts with the interests of the Mother-country. In these cases, which might be defined, it must oppose itself to the wishes of the Assembly: in all others it should let the business of the Colony be carried on by the powers in which the constitution has vested the government of the Colony; allowing the Governor to use his constitutional powers to influence the legislation of the Assembly, and allowing the Assembly to make use of its constitutional powers to influence the course of the Executive. The Governor would, in fact, stand in the position of the Crown at home; and it is difficult to make out why the prerogative which suffices to maintain the balance of power at home, should not be equally competent to uphold it in a Colony.

This is a division of power of which the maintenance depends upon circumstances and the prudence of the parties. Sometimes the Executive must take the first hint on the part of the representative body, and dismiss its advisers on the first indication of the hostility of a majority.

Sometimes, again, it may with perfect safety make a long resistance to the majority, wait for repeated declarations of their will, and not submit even then, unless it finds on trial that they are backed by the people. The late King did not dismiss Sir ROBERT PEEL in 1835, until after several hostile votes of the House of Commons. In 1784, GEORGE the Third maintained Mr. PITT for some months in despite of a hostile majority of the Commons, and then dissolved that Parliament, appealed to the people, and obtained a House of Commons disposed to support his Ministers. But at the commencement of Lord LIVERPOOL's Administration, a still more remarkable exercise of the authority of the Crown was witnessed. A majority of the House of Commons, on the motion of Lord WHARNCLIFFE, then Mr STUART WORTLEY, addressed the Prince Regent to form a strong and efficient Administration in place of the Ministry then existing. This vote was carried by a bare majority, composed of the most heterogenous materials. It appeared quite clear that no Ministry which might be formed would be likely to possess greater or even equal chances of stability; and a prospect offered of rallying round Lord LIVERPOOL's Government some of those



who had on this occasion condemned it. The Prince Regent, therefore, did not act on the vote: the Ministry continued in office, and gradually acquired strength; and the result was, that the Ministry of the longest duration and most stable authority ever known in this country since Sir ROBERT WALPOLE'S, was the one which received this rude blow at the outset. It is impossible to define the contingency on which the Crown or its representative should be bound to remove a Minister in compliance with the wishes of the Representative body. No law, no precedent, can exactly fix it: it must be settled in Colonies, as in the Mother-country, by the mutual strength, determination, and prudence of the two parties. If left to themselves, their necessities must bring about an arrangement of which harmony will be the result. All that is wanted is, that the authority of the Mother-country should not be interposed in order to retain in office persons who can get *no* Assembly to adopt their course of policy.

Such is the whole aim and object of the Colonial Reformers who seek "Responsible Government." No one will venture to deny its perfect accordance with the spirit and practice of the British constitution. Nor is it pos-

sible to show how representative government can harmoniously be carried on without adopting it. If you want the assent of a representative body to the policy of government, there is no other way of insuring harmony between that policy and the feelings of that body, than that of always intrusting the administration of affairs to those who can obtain the concurrence of the majority. This is one of the necessary consequences of representative institutions: it is just as necessary a consequence of representative institutions as the predominance of the majority is. And if, as we hear loudly and confidently asserted, Responsible Government is incompatible with colonial connexion, the only inference is, that representative institutions must be utterly incompatible with colonial connexion.

But before we discuss this latter question, it will be proper to examine what there is in the nature of colonial connexion, that should prevent the administration of affairs in colonies being intrusted to responsible heads of departments, or should render it unwise to select these heads of departments from the party that has the majority in the representative body. This is a question which affects not merely the Canadas, but every colony in which represen-

tative institutions are established. All suffer alike from the dissensions, from the corruption, from the absolute stoppage of the machine of government, which are the inevitable results of maintaining an executive utterly irresponsible and obnoxious to the people of the colony. To these incidents of a colonial connexion we advert in a separate chapter.



### CHAPTER III.

#### COLONIAL DEPENDENCE CONSISTENT WITH RESPONSIBLE ADMINISTRATION.

THERE seems to be something in the term "Colonial dependence" peculiarly gratifying to national vanity. We assert for ourselves the utmost degree of self-government: we maintain that the rights of Englishmen are so inalienable that we carry them to the remotest regions of the earth, and that in India and Australia the British settler cannot rightfully be even fined or imprisoned, except in conformity with the law of England, and under the sanction of the verdict of a jury: but when we come to speak of the communities formed by these Englishmen, of whose individual rights we are so tender, we are apt to be far less liberal. When

the question is, whether these, like the great community from which they are offsets, shall be allowed to manage their own affairs, and to point out in what spirit and by what kind of persons they wish them to be administered, we are constantly met by this vague term, and these indefinite notions of colonial dependence, and told that in order to preserve the due relations between the empire and its dependencies, Englishmen who settle in the Colonies must be content to be governed in a manner the most repugnant to every notion that education and custom have implanted in their breasts.

Now it is not to be denied, that to a certain extent there is truth in the doctrine that a colony must in some respects be entirely subordinate to the legislature of the mother-country; that there are certain affairs on which the people of the United Kingdom have a voice, but on which those of the colony can have none. There are some questions of frequent occurrence which must be settled for the whole empire by one will; and the will must needs be that of the Imperial Government. A colony of England cannot be at war with a foreign state with which England herself is in peace, or at peace with one which is at war with England. The foreign.

relations of all parts of the empire must be the same, and must therefore be determined by the same mind. Hence we allow our Colonies no voice, no legislative power, with respect to foreign affairs. The relations of each colony with the rest, must, in the same way, be settled by one common authority. We cannot allow Jamaica to prohibit imports from Canada or Australia. Nor can we allow a colony to have a voice contrary to our own on any question connected with the great interests for the promotion of which Great Britain maintains her Colonies. We cannot allow a colony to interfere with the immigration of British subjects and the disposal of its unoccupied lands, or the trade with Britain. None will dispute the propriety of colonial dependence in these matters. In respect to them all admit the necessity of rendering the colony entirely subject to the will of the mother-country. These are matters on which the Imperial Legislature has parted with none of its legislative authority: and the persons by whom its laws for the regulation of these matters are to be administered, must of course be responsible to the Imperial authority for their administration.

But again, on the other hand, it must be



admitted that there is a large department of Colonial affairs on which the interests of the colony are so entirely distinct from those of the empire at large, that the Imperial Government has very wisely left to the Colonies the sole legislative authority with respect to them. Of course we have an interest in all these matters: it is our interest that every colony in connection with us should be governed by laws which shall secure its prosperity. But it has been held, and wisely held, that in all matters affecting immediately the relations of the colonists with one another—affecting their own internal condition—their stake is so much greater, their attention so much more constantly excited, their means of accurate information so much more complete, and their interest in avoiding error so far more immediate, that the best plan is to leave these matters entirely to the Legislatures which we have established in the colonies themselves. We leave to them the entire regulation of their civil and criminal code, of their expenditure, and of the taxation by which it is to be defrayed. The division between the two provinces of Imperial and Colonial legislation has been made on a very sound and very simple principle. On all points which immediately affect the

empire at large, the Imperial Government retains its legislative authority; on all those which immediately affect the colony alone, it allows the colony to legislate for itself. Such are the limited legislative powers which the state of colonial dependence admits of our allowing to a colony. The question is, whether the maintenance of that dependence requires any greater limitation of the administrative than of the legislative powers of the colony—whether it is necessary that those who administer these very laws, the making of which we leave to the people of the colony, should be in nowise responsible to that people for the mode in which they administer them, and should not be liable to be displaced if the spirit of the administration be distasteful to that people. And we must say, that it is hardly possible to frame arguments for those who are unable at once to see the identity of the arguments by which the same amount of administrative as of legislative self-government is recommended for a colony. If it is right that the colonists should determine their own expenditure and assess their own taxes—if these are compatible with colonial dependence—it is difficult to conceive how colonial dependence can require that the financial minister of the colony

should be appointed without any reference to the wish of the colonists. If colonial dependence is not impaired by allowing the colonial legislature to make what civil or criminal code it chooses, how can it be affected by requiring that in the colony, as in England, the attorney-general shall be taken from the party which has the majority in the representative body? It seems to stand to reason, that on whatever points the mother-country allows the people of the colony to make whatever laws they choose, it can have no interest in preventing these laws from being administered by those persons in whom the people of the colony feel the greatest confidence. We admit the necessity of some limitations on the self-government of a colony. We admit that there are some departments of the ordinary business of government in which a colony must be subservient to the empire. But that subordination must be complete as far as it goes: it must be both legislative and administrative: and in so far as any degree of legislative independence is allowed, so far, it seems clear, the administration of affairs must be carried on in independence of the mother-country, in the fullest responsibility to the people of the colony.



This, it will be said, renders the colony in a great measure practically independent of the mother-country. It seems to us very desirable that it should be so. It cannot be alleged that we are inclined to depreciate the importance of colonies, or to recommend the severance of colonial connexions. But nothing seems to us so calculated to weaken the solidity of such connexions as that constant interference with the self-government of our Colonies, which is recommended by some of those who pretend to be warm advocates of our Colonial system. It is in order that our Colonies may long continue connected with the empire, and be the source to us of those advantages which we believe to be the fruit of wise colonization, that we think that their dependence should be held by a very loose rein. It is in order to keep colonies, and to profit by them, that we would insist on their being allowed to manage their own internal affairs, and that the interference of the Imperial Government should be confined to the very few points on which Imperial interests are affected by what passes in the Colonies.

What these points are we have previously stated. But though it is necessary that the general doctrine with respect to the different

interests of the empire and of particular colonies should be laid down in the general terms which we have used, it will be found on examination that the Imperial interests practically involved in the ordinary course of events in the Colonies, are few in number though great in magnitude, and very little liable to give rise to collision between the Colonies and the Mother-country. We are not speaking now of our Indian empire, or of such possessions as Gibraltar, Malta, and the Ionian Isles, which we retain for political purposes, not for the ordinary objects of colonization. But looking at our Colonies properly so called—at the Colonies in most part inhabited by British settlers or their descendants, and retained for pacific purposes alone—it seems that the British interests which require to be protected by the Imperial Legislature are very simple, and likely to be productive of little necessity for collision. We want colonies in order to have customers for our trade and a field for our surplus capital and labour. These are the sole objects for which we maintain colonies, and for securing which we are obliged to keep up our dominion over them. We are under the necessity of governing them, and of protecting them by our fleets and armies, solely in order

that we may be sure of trading with them, and sending our emigrants to them. We need interfere with them solely in order to secure an advantageous trade, a ready access to our emigrants, and such a disposal of the lands of the colony as shall promote emigration into it. Practically there is little reason to apprehend collision on these points. Our ancient views of colonial trade are now so completely abandoned, that instead of our maintaining monopolies injurious to the Colonies, we sin against the freedom of trade almost entirely for the purpose of giving our Colonies an injurious monopoly of our own market. The Colonies are not likely therefore to come into collision with us on account of our legislation with respect to their trade. Nor are they likely to quarrel with us for sending emigrants to them, while labour is the great want of a colony, and our authority is exercised with a view of supplying that want. They will hardly object to our quartering our troops in them, as long as we pay the whole military force so quartered, and purchase from them our military supplies. And if on these points they will submit to a degree of dependence which is chiefly for their own interest, we cannot make out on what other points it is at all necessary for us to inter-



fere with the complete self-government of the Colonies.

If we are right in regarding the points in which Imperial interests can be affected by the management of affairs in the Colonies as so few and so simple, we need not be afraid of granting that executive responsibility which is a necessary part of representative government, on the ground of its being a concession incompatible with colonial dependence. The chances of collision between the Imperial authorities and a colony governed on right principles are really so few, that it would be absurd to expose a colony to the certain disturbance of the march of government, which must result from the present system, in order to avoid the remote contingency of a collision on the few points on which the interests of the two parties may be at variance. We do not pretend that the system of colonial government which we think advisable, is free from all liability to be disturbed by the violence and folly of either of the parties. It is doubtless very possible for any one who will reason after Lord JOHN RUSSELL'S fashion, to fancy extreme cases, in which a colonial legislature, by extraordinary usurpation, may render any rational system of government impracticable.

But it would be difficult for Lord JOHN RUSSELL to point out any form of government which would work well, if we were to suppose all persons who had any thing to do with it so utterly destitute of common sense and common fairness as he is pleased to suppose that colonial legislatures will always be. Nor, of course, are we proposing a form of government, for ordinary times, which would not be liable to great mismanagement in any colony in which the majority of the people should be desirous of severing their connexion with the mother-country. If a colony were bent on severing that connexion, we care not whether the responsibility of the executive might somewhat facilitate the accomplishment of that purpose, since we are quite sure that the continuance of the present system would not prevent the same result. We look to the working of the proposed responsibility of the executive in ordinary times, under the influence of ordinary common sense, and supposing that the feelings of the colony are those of satisfaction with the continuance of its connexion with Great Britain. And in such a state of things we feel assured, that while the responsibility of the executive would render the colony practically independent of the mother-

country in the management of its internal affairs, that increase of its independence would not in any way remove the necessary dependence of the colony in those matters in which it is requisite that the interests of the mother-country should be constantly had in view. The increased independence of the colony would rivet its connexion with Great Britain, by removing those numerous causes of collision that constantly arise in the practical working of the present system.



## CHAPTER IV.

### CHRONIC ANARCHY OF IRRESPONSIBLE COLONIAL GOVERNMENT.

FROM the arguments which we have used to prove that the concession of a Responsible Executive would be a concession neither incompatible with the practice of our own constitution, nor subversive of the authority of the Mother-country, it must not be inferred that it would not be one of great practical importance to the people of the Colonies. It would, in fact, determine which of the local parties in a colony should enjoy the management of affairs and dispense the patronage of the Government. How this is settled is a matter of not the slightest importance to the Imperial State. It can be of no consequence to any one in this country,

which of the local parties, in the ordinary course of affairs in a colony, possesses power and gives the tone to its policy. It is merely a question between local parties. It is a mistake to suppose that in the Colonies possessing representative institutions, the higher offices of government are filled by persons from the Mother-country. The Assemblies of these Colonies have possessed a very sufficient control over their expenditure; and they have used this power in a spirit of such rigid economy as to leave hardly any offices which can be objects of desire to the British aristocracy or their connexions. It is quite an error, therefore, to imagine that, except as far as regards the Army and Navy, these Colonies are nests of aristocratical jobbing, or that their government is administered by persons sent out to them from the Mother-country. Such is not the case. In all of them, or at least of those which possess a body of permanent resident proprietors, the government is almost entirely in the hands of colonists, who are either natives of the province, or have permanently domiciled themselves and their families in it. The question, then, is not by what race or by what kind of men the government of the colony is to be carried on: we are infringing on no systematic

habit of managing affairs in these distant possessions by means of functionaries sent out from Great Britain. The whole direction of affairs and the whole patronage of the Executive practically, are at present in the hands of a Colonial party. Now where this is the case, it can be of no importance to the Mother-country, in the ordinary course of things, which of these local parties possesses the powers and emoluments of office. It is a question between the Smiths and the Johnsons of every little Colonial community; and the present system merely gives the Home Government the power of retaining the Smiths in office though the Johnsons happen to possess most influence in the colony and its Assembly. This is a power which can hardly ever be of any value to us, because it can hardly ever be of the slightest consequence to the Home Government whether the one or the other of the Colonial parties is in office. But it is of the greatest importance to the parties themselves. To the Smiths and the Johnsons of the colony, the question which of them is to be in office and which out, is one of the greatest importance. And by the people of the colony in general it is regarded with no less interest. There, as elsewhere, the names of the leaders of parties are



connected with the conflicting principles involved—the various subjects of dispute between the two parties. Each judges of the tendency of the measures of the Government by the names of the leading men who support or oppose them. And whatever may be the real merits of the policy of Government, it will be idle to expect that it can be regarded with anything but suspicion and dissatisfaction, if it is seen to be directed by men who are regarded with general distrust, and to be opposed by those who give the tone to the public opinion of the colony.

The peculiarities of the social state of a colony, instead of rendering these causes productive of less evil in it than in the Mother-country, aggravate the irritation which must in any place arise from them. In these communities, social distinction is so rarely acquired in any other of the numerous roads to eminence which exist in an old and thickly-peopled society, that employment under Government is almost the sole means of elevating a man above his fellows. Hence office is sought by almost every colonist with an avidity which surprises an Englishman. In small communities, too, in which there are few distinct circles, and in which every man's history, person, and character are well known to almost

every one of his neighbours, party disputes always run very high; and in colonies, it may be very generally said, there is always a greater acrimony of party feeling than any that we are in the habit of witnessing in England. Such a monopoly of power as we have described is therefore much more irritating in colonies even than it would be in this country. And for the same reasons, it is used with more entire subservience to the interests of party, and in a more exclusive spirit even than here. So permanent is the tenure of power by parties in these colonies, that a man who is once in opposition can never hope to obtain power except by a disgraceful abandonment of his party and his previous professions. Thus, representative government exists in these colonies without the only safety-valve for the ambitious, and for the animosities of parties, which such a form of government necessarily calls into being. We place every person and every principle in the full light of representative government. No doubt is left as to the capacities of the individuals engaged in political strife, or the favour which they and their opinions find with the majority. We call into the most active operation all the warmth of personal ambitions and rivalries,

which the strife of free discussion generates. And thus we persist in retaining the whole power of government in the hands of persons whose weakness, whose incompetence, or at any rate whose unpopularity, is no matter of mere supposition and surmise, but of every-day glaring and repeated proof.

We can understand how a government, impatient of having its will counteracted, and its power limited, may feel very repugnant to all those popular privileges which are apt constantly to thwart it, and may maintain, where it can, a system that, though it gives rise to general discontent, nevertheless renders authority independent of the popular will, and gives to the executive, at any rate, a temporary vigour. But this system of combining an unpopular Executive with popular Representation, is a device of which the obvious tendency, instead of enabling a government to do whatever it chooses, renders it, on the contrary, unable to do any thing that it may desire. Whatever justice or the policy of the government requires a legislature to sanction, can only be carried into effect by the concurrence of the representative body: and this is pretty sure to be refused, wherever



refusal is possible, to any measures proposed by those whom a majority of the legislature dislikes. As most men judge of measures, not by the nature of the thing proposed, but by the estimation in which they hold the person proposing it, we may be pretty sure that the mere fact of the counsels of the Crown being directed by the leaders of a minority, will be considered a very good reason for their being constantly frustrated by the majority. When the Crown chooses to conduct its business by the agency of men who are always found voting, like the Executive Councillors in Nova Scotia, in minorities of the ratio of 1 in 6, it must make up its mind to do very little of its business. The whole history of the North American Colonies is an exemplification of this. For the last twenty years, throughout the whole of them, it has been but by rare intervals that the Crown has ever been able to get either its money voted, or its bills passed as it wished. Throughout that period, its policy has been thwarted by a refusal of the one, and a rejection of the other; and its only means of asserting its power and gratifying its revenge, has been by completing the general stoppage of public business by a re-

fusal of its assent to whatever bill or suggestion of any kind has emanated from the Assemblies.

It is not, however, merely its unpopularity that renders the irresponsible executive of a colony an inefficient instrument of government. The tendency of such a system is to render the tenure of all administrative offices permanent. When the Crown will not remove its officers, for the simple purpose of bringing its policy into accordance with that of the representative body, it cannot remove them, except on some ostensible ground of absolute incompetence or misconduct. Accordingly, an Attorney-General or Executive Councillor is rarely or never displaced, except in case of a promotion of the former. Those who are acquainted with the language of these officials, know that they regard the tenure of their offices as permanent, and that such in fact it practically is. And though the possible number of the Executive Councillors is unlimited, or at any rate large, the very circumstance of their irremovability renders it necessary for a Governor to be so cautious about making any appointments, that the number is generally kept very low. The majority consists therefore of persons who have been in office a long time, who have been appointed under cir-

cumstances quite different from the present, who belong to a past generation of politicians, and who possess the confidence and guide the conduct of no party in the state. The tendency of such a system is to vest ostensible authority in the hands of men who are supposed unlikely to use their permanent power in a spirit either of independence or of ambition; and men are generally selected for their unimportance and pliancy rather than for their abilities. Sometimes they are selected on account of the very qualities which deprive them of all influence over the representative body. A government whose supporters are in a constant minority in the Assembly, requires that its business should be conducted by a man whose assurance the adverse opinion of a majority cannot daunt. Audacity and invincibility are the first essentials of its functionaries. We see, accordingly, that the public officers, to whom the civil administration of affairs in the Canadas has been usually intrusted, have been second-rate lawyers, possessing no weight with the Assemblies, or even with the minorities in them, and peculiarly odious to the majority. The greater part of the Executive Councillors in both of these provinces are persons literally almost unknown in the



politics of the day. Some represent the opinions and parties of fifty years ago; some are submissive and obscure puppets of the official party; and perhaps one or two are members of an exactly opposite party, placed in office during some temporary adoption of a policy different from that of the government of the day, and retained there with the result only of perplexing, and perhaps even betraying, the counsels of their colleagues. If England were governed at the present moment not merely by Tories, but by Tories of the old and obsolete school of Lord SIDMOUTH—if not merely all Liberals, but all the real leaders of the Tory party were excluded from office, and the management of affairs vested in a Cabinet composed of the relics of Mr. PERCEVAL'S Ministry, with some second-rate Tory lawyer to manage their business in the House of Commons—this would be something like the state of things that has existed in the Canadas for the last twenty years.

Nor can we see how, while the principle of irresponsible government is adhered to, the occurrence of such a state of things can be avoided. Last session, Lord JOHN RUSSELL was pleased to say, in answer to a statement made by Mr. BULLER as to the mode of managing

matters in Nova Scotia, that he did not think it desirable that the government should be intrusted to persons who could get only such very small minorities to follow them. He even admitted that some regard should be paid to the wishes of the Assembly in the selection of the principal public officers. But we must adopt one principle or the other; and if you will not agree that the party which has the confidence of the representative body shall always be intrusted with power, the tendency is that power should always be placed in the hands of persons most at enmity with that body. Lord DURHAM has described the tendency of the present system to build up a kind of permanent influence on the part of a particular knot of officials—the undue influence which such a body must always acquire over ill-informed and inexperienced Governors, and the habitual collision in which they will generally be with the representative body. That tendency to collision must in the nature of things aggravate itself by continuance. When a Government knows that its officers will be unpopular with the Assembly for the simple reason that they are appointed without any reference to the Assembly's wishes and estimation of them, it will find it necessary to select

those men who will show the boldest front in opposition to the majority. Offices will be given as the rewards of a thoroughgoing support of the Government in its contests with the Assembly; and while the minority is in office, the most active of its members will generally be the most frequently in collision with the majority. Circumstances may sometimes in a colony, as elsewhere, throw this power into the hands of men whose character may be moderate and conciliatory; but the tendency, aggravated greatly by the violence of Colonial politics, and the small amount of practical statesmanship which public men in colonies acquire, must be to render the quarrel between the dominant party and the Assembly every day more irreconcilable—to make hostility to the Assembly a passport to office, and embitter that hostility during every moment of the tenure of office. The result is to generate the worst feelings on both sides. On the side of those in power, there is naturally engendered a spirit of exclusion and intolerance, and a disposition to abuse to the utmost the powers of government. The other party see themselves hopelessly excluded from office, while they feel themselves at the same time possessed of a power in the representative body



which is quite sufficient to embarrass the policy of their opponents. Inclination and means tempt each party to an habitual abuse of its authority. And the result is the chronic anarchy which has during the last twenty years pervaded all those of our Colonies in which representative government is established.

## CHAPTER V.

### ORDINARY OBJECTIONS TO RESPONSIBLE GOVERNMENT.

THE more reasonable among the opponents of Responsible Government do not pretend to deny that the existing system is productive of certain difficulties : but when these difficulties are found to impede the action of government at every turn, our demand of a remedy is met by a reference to some formidable consequences, which we are told will result from attempting to keep a Colonial Executive in harmony with the Legislature. These evils, it is true, are generally referred to in words of very vague though rather terrific import ; and we rarely get anything but some jargon about " Republican tendencies " and " Monarchical institutions," which can have

but very little effect on those who are merely desiring to introduce into British Colonies the constitutional practice of the Mother-country. It is difficult to get at any more precise explanation of the dangers apprehended: and, indeed, the phrases to which we have alluded are the common-place phrases, by the like of which the few, who understand the bearing of any proposed reform on the abuses in which they happen to be interested, can generally inlist on their side the prejudices of the timid many, who dread every change without comprehending its tendency. When we get beyond these general phrases, and can manage to compel our opponents to express their ideas in anything like definite terms, their alarms appear to arise from some misconception either of the proper extent of Imperial interference, or of the machinery by which the authority of the Imperial Government is enforced in the Colonies; or from some misdirection of their sympathies with the officers of the Colonial Executive, who will, as it is erroneously imagined, be exposed under the proposed system to attacks, from which it is still more erroneously imagined that they are at present protected.

If we are right in the view which we have



taken of the proper terms of connexion between Britain and those Colonies in which Representative Institutions have been established, there is little ground for any dread of the Colonial Executive being brought into collision with the Colonial Legislature in consequence of the latter insisting on a course inconsistent with positive instructions transmitted to the Governor from Downing Street. For, if our views are right, no such instructions ought to be sent on any subject except those which are expressly reserved from the jurisdiction of the Colonial Legislature. The course of a Governor may undoubtedly be generally directed from home to the extent of advising the proposal of particular measures, the rejection of others, or the employment of particular individuals. The Governor, instead of acting on his own opinion as the Sovereign does, may have his course suggested to him by the Secretary of State; but then, he must act on those suggestions as the Sovereign here acts on those of her own conscience—that is, within the limits of constitutional possibility. Queen VICTORIA probably has her own opinions on men and measures; yet she has but a modified power of acting on those opinions. She possibly approves of the

policy of the present Ministry with regard to Ireland, thinks that the Appropriation Bill ought to be passed, and that the Catholic Emancipation ought not to be repealed. She may think the maintenance of these opinions a matter of duty as well as of policy, and may make use of all her influence and customary authority to carry her views into effect. But there is a point at which it would become her duty to sacrifice not only her wishes, but her conscientious convictions on these matters, to the paramount interests of order and tranquillity. We may conceive the feeling of the House of Commons to be such that she might be compelled to give up all hopes of applying the revenues of the Irish Church to any but their present purpose; to dismiss Ministers on the maintenance of whose policy she may happen to believe the best interests of her empire to depend; and even (though this, we must confess, is a very extreme case) to give her assent to the repeal of Catholic Emancipation. These are the consequences of representative institutions and limited monarchy. So in a colony, a Governor might be compelled to give his assent to bad laws, to refrain from adopting good measures, to dismiss those whom he considers the fittest, and to appoint those

whom he may regard as the most unfit for office. It is better that he should do this than that he should have the power of doing otherwise ; because, in the first place, it is about ten chances to one that the Assembly of the colony knows its interests as to men and measures better than than the Governor or his adviser in Downing Street can, and is in the right on the matters in dispute ; and secondly, because, even if the contrary be the case, the colony will be the sole or far the greatest sufferer by bad officers and bad policy, and it is better that it should suffer from either for a while than that it should be subjected to arbitrary authority. Without saying, therefore, that the Colonial Office should give no instructions to Governors—though certainly the less that it takes upon itself to instruct those who generally know more of the matter in hand than itself, the better—yet we do say that its instructions should never be *positive*, but always *conditional*. The Secretary of State may advise as to men and measures, but he should always limit his advice to what can be done. He should say, “Pursue such a course, *if you can*; do not do such a thing, *if you can help it*; employ such persons, exclude others, *as far as the Assembly will let you* : in short, manage to get



along with the Assembly as you best may : get it to adopt your policy, or do you adopt its policy. If you don't get it to go as I wish, from any fault of your own, and I have reason to think that another Governor would succeed better, I may have to recall you ; but if you get into collision with the Assembly, and cannot get one better disposed towards you, then I certainly must and shall immediately recall you."

It will be perhaps admitted that this would be the right course to pursue on all those points on which it is desirable that the colony should in fact be left to manage its own affairs. But then we shall be told, that there are points on which even we do not desire such practical independence ; that we think that a colony cannot be allowed to treat with foreign powers—to regulate its external trade—to interfere with a military force entirely supported by the Mother-country—or to dispose of its waste lands, and impede immigration from Great Britain. Supposing the Colonial Assembly to attempt encroachment on these points, which is imagined to be very probable, it is not desirable that it should by its control over the Executive be able to assume an authority which the law has expressly reserved to the Imperial Legislature.

But if the Assembly can force its policy on the Governor, by outvoting those advisers who agree with such of its views as may be contrary to its own, on questions within its jurisdiction, it may equally force him to adopt its views on questions beyond its jurisdiction. It may force him to remove every adviser who will not give in to its unreasonable pretensions, and will not abuse his official authority to favour the usurpation of the Assembly.

Now those who hold this language, must think very little of the true principle on which the authority of the Imperial Legislature should be upheld in those matters in which it has exclusive authority; and must indeed know very little of the machinery by which it actually is exercised. If indeed it is to be supposed that the Assembly will carry out its usurpation by an utter defiance of all law, and will stop the whole course of government, and throw the whole colony into permanent confusion, in order to exercise an authority utterly beyond its jurisdiction, and that in this course it is backed by the people of the colony, this is supposing a state of feeling of which independence must be the object, and against which we can suggest no provision except separation or military force. We must

suppose the people and legislature of a colony to have some common sense, some regard for their own welfare, and some general desire for continuing a part of the British empire. We must suppose that palpable deviations from the fundamental constitutional law of the colony will not be attempted every day; and that the courts of justice will not be shut up, the gaols thrown open, the police disorganized, the militia disbanded, and all public works stopped, in order to enable the Assembly to attain some point palpably beyond its legal authority. We can understand that all this should be done, where, as at present, the whole powers of government in every matter that came nearest to men's bosoms and business, are wielded by persons in whose use of those powers the Legislature has no confidence: but we cannot make out how the giving it control over the persons invested with executive authority in all these matters can increase its disposition to meddle with those excepted from its jurisdiction, and call into use, for the purpose of usurping a fraction of power, those formidable last resources of legislative warfare which it has only occasionally brought itself to employ even when all legislative influence was denied it. The Assembly may still have a desire to usurp



power; but when the object to be gained is small in amount, of little moment to the Colonial public, and palpably inconsistent with the authority of a Mother-country which interferes but little with the Colonial self-government, we think we may calculate on a general aversion on the part of the people of the colony to stop the whole course of government in such a cause.

For nothing but a recourse to what Lord DURHAM calls the *ultima ratio* of Representative bodies, could enable an Assembly to succeed in any such usurpations. And for this plain reason, which seems to have been entirely forgotten by all our opponents—that on all those points in which exclusive authority is reserved to the Imperial Government, the law is or ought to be executed as well as made by the central authority. The Governor, the officers of the Army, and the officers of the Customs, are (and the functionaries of the Land Department ought to be) servants not of the *Colonial* but of the *Imperial* Government. Lord DURHAM's scheme would not put these functionaries a whit more under the control of the Colonial Assemblies. On the contrary, it would in the case of the Governor, shift the undue responsibility to which he is now subjected, on

his subordinates in the colony. With a civil list which would render him personally independent of the colony, he would in fact be as irresponsible to the Colonial Parliament as the Queen is to that of Great Britain. A strong repugnance to him on the part of the colony, would of course, as now, operate with a prudent Secretary of State as a reason, if there were no countervailing reason, for removing him. But the effect of the system of Executive Responsibility would be to render attacks on the Governor himself unnecessary for securing a change of policy in the Government. This end would be best and easiest attained by effecting the removal of his cabinet; and the result would be, that the Assembly would then have no temptation to attack the principal, when it could attain its ends by a change of his agents.

Nor is it proposed by Lord DURHAM, or any other advocate of the adoption in the Colonies of the system pursued in the Mother-country, to give the Colonial Assemblies any voice in the appointment of those who have to administer in the colony the functions which are exclusively reserved to the Imperial Government. It was never contemplated that the Assemblies should

get any power over the officers of the British Army serving in the Colonies. That Army is paid by Britain ; its officers, from the highest to the lowest, are appointed by the Horse Guards in London. The Governor and his advisers cannot remove the Commander-in-Chief, or a single Colonel or officer of a regiment serving in the colony. The Assembly cannot stop their pay. What hold has it then on military appointments ? or what fresh hold would the proposed system give it ?

But the collection of the Customs affords the best practical illustration of the independence of the functionaries of the Imperial Executive. The collection of the Customs-duties has been reserved to the Imperial Government ; and accordingly, the Commissioners of Customs in London sent out a Collector to the Colony to receive the duties payable in its ports. Though living at Quebec or Kingston, he is the servant of a Board in London. He pays himself out of the revenues which he collects. The Assembly of Canada no more can stop the salary of a collector in Canada than of one in Jamaica : if it orders him to deviate from his instructions, he must still obey them : if the Assembly were in consequence to pray the Governor to remove him,



the Governor's answer would be, that he had no more authority to remove a Collector in Canada than to remove a Collector in Jamaica or in England. The Assembly might stop the Supplies in order to compel the Home Government to do this. So it might to compel it to remove the Collector at Liverpool. And we very much doubt whether the people of the colony would sanction a stoppage of the Supplies in order to enable the Assembly to effect the removal of the one, a whit more than that of the other.

The same rule holds good with regard to the Post-office, as conducted at present; though we agree with Lord DURHAM in thinking that this is a department which ought more properly to be left entirely under the control of the colony. But the independence of that department at present is as great as can be desired: and by the same system the Land Department might be rendered independent of the Colonial Legislature. Nor has the Assembly of a colony any more authority over the diplomatic agents of the Mother-country in neighbouring foreign states. Neither the Governor nor the Assembly of Canada can issue any instructions to the British Minister at Washington, or any British Consul in any State of the Union; and if either of them did so,

the Minister or Consul would mind such instructions no more than those given by the Vestry of Marylebone. But Lord JOHN RUSSELL feared that the Assembly might set up a Foreign Secretary of its own; and perhaps he apprehends its accrediting Ambassadors to Foreign Powers. If the Assembly were in that mood, it might shorten the process of separation by setting up its own King, or Queen, or President, at once. Who would treat with the illegally-appointed minister of a colony? Whom could he bind by any stipulations into which he might enter? Every act done by the volunteer agents of this illegal diplomacy would be a treason or a misdemeanor. Their public reception by a Foreign Power would be tantamount to a declaration of war against Great Britain. Foreign Powers might treat with them secretly; but so they may with any discontented British subject. LOUIS PHILIPPE may be now intriguing with Mr. PAPINEAU in Paris; and Mr. VAN BUREN may be treating with MACKENZIE in Auburn gaol.

We not mean to contend that a general control over the Colonial Executive may not facilitate and quicken the process of separation, when a colony is bent on it. And in this we

see no harm. But in speculating on questions of Colonial government, we must be allowed to assume that the colony does not desire the severance of its connexion with Great Britain. Of course, it can be of no use to devise a means of trusting it with a limited portion of power if we suppose its desire to be to use that power for the purpose of destroying whatever institutions may be framed for it. Assuming, therefore, that the people of the colony desire to be connected with Britain, on what may fairly be considered the necessary terms of Colonial dependence, we can see no reason for apprehending that giving an Assembly control over one portion of the policy and composition of the Executive, would enable it to encroach on that which is expressly reserved from it. The general control proposed would in no wise, as we have shown, extend to the excepted departments. And though the Assembly might still, as it now does, be inclined to usurp authority by having recourse to extreme measures, we feel very confident that the Colonial public would be far less inclined to subject itself to the evils incidental to such a contest, when the object in dispute was thus narrowed by general and liberal concessions on the part of the



Mother-country. It must always be recollected that the power of stopping supplies, and impeding the whole administrative and legislative business of the colony, is one which the Colonial Assemblies now possess to the fullest extent; and that the present system of irresponsible government gives the Assemblies the desire and the habit of constantly using that power. The power will be the same; but we contend that the inclination to use it will be far less, when the Assembly can gain every legitimate object in view by a much simpler and perfectly unobjectionable process.

The abuse of power towards individuals, which is habitual in the present order of things, would in the same way, instead of being increased be lessened, if not entirely prevented, by the general responsibility of the Executive. Impeachment, with all its fearful legal consequences, and all its necessary machinery of legal inquisition and defamation, is now the only and habitual mode of effecting the removal of an unpalatable functionary in the Colonies. The journals of the British North American Legislatures show what fearfully prodigal and cruel use has been made of this cumbrous but deadly weapon. The only mode by which the

majority of the day could remove a functionary hostile to it, has been by blasting his character, and rendering it impossible for the Government to employ him, not only at the present, but any future time. Thus the noblest Colonial reputations have been tarnished, and the greatest talents in the communities have, to serve some party purpose of the hour, been rendered too long if not permanently unavailable for the public service. Give the Colonial Assembly the simple weapon of a vote of confidence, and it will never need and never use these deadly arms again. The history of our own country is full of instruction on this head. Up to the period of the Revolution of 1688, the great business of the House of Commons was impeachment. Since the adoption, at that period, of the principle for which we contend, there has never been an impeachment except for absolute treason, or pretty clear malversation in respect of pecuniary matters. It may be that hardship will sometimes be inflicted on worthy public servants by removal from office simply on account of political opinions; but this is an incident of the tenure of office in every free country, which we habitually regard as a necessary and slight counterpoise to the advantages of free government.

Of only one other of the common topics of objection need we here take notice ; and it will be only to remark, that neither Lord DURHAM nor the advocates of Responsible Government propose that this removability on account of political opinions should extend to judicial offices. To secure the independence of the Judges is one of Lord DURHAM's main recommendations : and though we agree with an opinion frequently expressed by Sir ROBERT PEEL, that in this country we have perhaps rendered it too difficult to remove an incompetent Judge, yet as no better plan has ever yet been devised, we think that the same tenure of judicial office and salary should be adopted in the Colonies as in the Mother-country, with the object of rendering the Judges independent of the caprices and influence as well of Parliament as of the Crown.



## CHAPTER VI.

✕

MR. MOTHERCOUNTRY, OF THE COLONIAL  
OFFICE.

IN preceding chapters we have endeavoured to show, that that constant reference to the authorities in England, which some persons call "responsibility to the Mother Country," is by no means necessary to insure the maintenance of a beneficial Colonial connexion. It is not necessary for this purpose that the people or government of England should be constantly interfering in the details of Colonial business. It is not desirable that we should regulate these matters according to notions which cannot be half so correct as those of the colonists themselves. But even if it were desirable, and if we

✕  
W. Stephen

were convinced that a colony could never be well governed except by the enlightened public opinion, or the responsible Ministers of the Mother Country, we should still be unconvinced of the possibility of securing an effectual appeal to either. If the public opinion of the British community, and of the attention of its Legislature and Ministry, could indeed be brought to bear on each Colonial question as it arises, and to give it the same earnest consideration that it gives to any English question of the same importance, the reference to this country would be productive of no ill, but much good. But the theory of responsibility errs in this, that the Mother Country, to which the reference is supposed to be made, never exercises any judgment on the matter; and the decision, which is pronounced in its name, is given by the few individuals that think it worth while to usurp its functions for the purpose.

It is not, indeed, in the nature of men to feel any very lively interest in the affairs of those of whom they know so little as the people of this country do of their fellow-subjects in the Colonies: and the bitter experience of colonists has taught them how little their condition, and the circumstances which influence it, are appreciated

by the people of this country. The social state, and the form of government in the Colonies, are both utterly foreign to the notions of Englishmen. We comprehend neither : we know little of the events that have passed in them : and the consequence is, that we understand very nearly as little of what passes in the present day. The newspaper of the morning announces in some out-of-the-way corner, that some ship, which left some unknown spot, in some distant corner of the world, some weeks or months before, has brought perhaps a couple of months' files of colonial papers. We are told that the Governor had issued some order, upon a matter of which the nature is utterly incomprehensible to us ; or that the Assembly is "still" occupied with some dispute with him, of the commencement of which we had never heard. If perchance there be any thing in this news which interests us enough to make us read through the column of the paper, hunt up the geographical and other points which at first puzzle us, and look with impatience for the sequel of the news, the odds are that we get nothing more on the subject for the next month ; and the first time our paper finds room for another set of extracts from the colonial papers, the matter about which



we were interested has slipped out of our memory, or some event of importance in Home politics absorbs all our attention. This is the normal state of our ignorance on the subject, varied in the case of the most active-minded by the half-information thus picked up, and the prejudices consequently formed. When some event of great importance suddenly rivets public attention on colonial affairs, we come to the consideration of them with this general ignorance and these misconceptions. Nothing but the news of invasion or revolt gives the people at large a real interest in the colonial news of the day. The events that prepare such calamities have been either unheeded or fostered by the rash decisions which we have given in our inattentive mood.

As the people judge, so do their representatives act in Parliament. A railway or a turnpike bill ordinarily interests more Members than any measure affecting the most vital interests of our most important colonies. Some of them, it is true, attract the notice of two or three Members, who think that local knowledge gives them the right to assume airs of great wisdom respecting them. Some ignorant and presumptuous Captain in the Navy, some still more ignorant and presump-

tuous Colonel in the Army, who have passed a year or two in some harbour or garrison of the colony—some retired Judge, whose knowledge of a community has been formed on his experience of the criminals and suitors in his court—some ex-official, mixed up with colonial jobs and cliques — some merchant, who urges in the House whatever his partners in the colony tell him is the right thing to promote the interests or importance of the firm,—these, with occasionally some gentleman, whose more than usually extended tour has carried him to some of our remote possessions, are the only persons, not compelled by the duties of office or opposition, that take what is called an interest in a colony. By some one or other of these, four or five times in a session, questions are addressed to the Ministers, or returns required, or motions made. But hardly any one else ever shares in this interest : and such a notice of motion generally insures the House being counted out whenever it comes on ! On some rare occasions the party questions of the day are mixed up in some colonial matter : the Opposition come down to fight the battle of the Church, or Education, or whatever else it may be, on colonial ground ; and the mover is favoured with the unaccus-

tomed honour of an audience and a division. Sometimes the opportunity of wounding a Ministry through the sides of one of its measures, or of a Governor of its own party, occasions similar manifestations of factious force and zeal: and to what mischiefs such conduct gives rise we have had too much experience, in the rejection of the bill for the union of the two Canadas in 1822, and still more recently in the disallowance of Lord DURHAM's celebrated Ordinances. The attention thus given to a colony in these occasional gusts of party feeling, is productive of so much ill, that it is far better for them that Parliament should preserve its usual apathy, and adopt, as it usually does, whatever legislation the Government of the day may recommend.

There are two modes in which the legislative measures, to which the Government wishes to get the sanction of Parliament, are framed. Sometimes, though rarely, Parliament passes an act after the usual fashion of acts of Parliament, settling by positive enactments every detail of the course on which it determines. Except, however, in the case of acts settling the form of government in a colony, this is a labour which is rarely imposed on Parliament: and experience shows us how unwise it is to trust the



details of such measures to the chances of Parliamentary attention. The Canada Tenures act is a remarkable instance of this. No act was ever proposed by Government with more honest and sound intentions. The purpose was good ; and had the bill been passed in the shape in which it was prepared by Mr. JAMES STUART, the present Chief Justice of Lower Canada, that purpose would have been carried into effect, probably without any concomitant evil. Unfortunately, however, Mr. STUART quitted England before the bill had passed. During its passage through Parliament, one apparently harmless amendment was suggested from one, and another from another quarter ; some words were omitted to please one, and others left out to conciliate another. The result was, that this act, which was intended merely to alter tenures, without affecting any existing interest, assailed the vested rights of every married woman and every child in the province, gave the Seigneurs the most unfair advantage over their tenants, and, in fact, shook every title to land in Lower Canada.

But Parliament in general disposes of the details of Colonial questions in a much more summary way. For some time past, the impos-

sibility of determining the details of a Colonial measure in the British Parliament has been so much impressed upon the Government, that the custom has been to propose that the Colonial Acts of Parliament should be simple *delegations of legislative powers* to some Ministerial authority in this country; and they have in consequence simply enabled the Crown to legislate for the Colonies by Order in Council. It is thus that for nearly the last twenty years a great part of the legislation of the West India Islands has been carried on; and the power of making laws has been taken equally from the Colonial and Imperial Legislature, and transferred to the Executive Government at home. Nor has Parliament taken, in Colonial cases, the precautions for retaining a vigilant supervision of the use made of this power, which it has always retained to itself whenever it has delegated similar authority with respect to the Mother Country. The Poor-law Commissioners have the most extensive powers of legislation by means of general rules: the Judges of the Courts of Common Law have very large powers of regulating the whole administration of the common law by their rules and regulations. Yet in these, as in many other cases of not

quite equal importance, the most effectual provisions are made for the utmost publicity ; and it is necessary that all rules made under the delegated authority should, to have permanent effect, be laid on the table of both Houses. But no such precautions are taken with respect to the Colonies ; and the powers thus given to Orders in Council are exercised without any publicity in this country.

Thus, from the general indifference of Parliament on Colonial questions, it exercises in fact hardly the slightest efficient control over the administration or the making of laws for the Colonies. In nine cases out of ten, it merely registers the edicts of the Colonial Office in Downing Street. It is there, then, that nearly the whole public opinion which influences the conduct of affairs in the Colonies really exists. It is there that the supremacy of the Mother Country really resides : and when we speak of that supremacy, and of the responsibility of the Colony to the Mother Country, you may to all practical intents consider as the Mother Country—the possessor of this supremacy—the centre of this responsibility—the occupants of the large house that forms the end of that *cul-de-sac* so well known by the name of



Downing Street. However colonists or others may talk of the Crown, the Parliament, and the Public—of the honour of the first, the wisdom of the second, or the enlightened opinion of the last—nor Queen, nor Lords, nor Commons, nor the great Public itself, exercise any power, or will, or thought, on the greater part of Colonial matters: and the appeal to the Mother Country is in fact an appeal to “the office.”

But even this does not sufficiently concentrate the Mother Country. It may indeed at first sight be supposed that the power of “the Office” must be wielded by its head; that in him at any rate we generally have one of the most eminent of our public men, whose views on the various matters which come under his cognizance are shared by the Cabinet of which he is a member. We may fancy, therefore, that here at last, concentrated in a somewhat despotic, but at any rate in a very responsible and dignified form, we have the real governing power of the Colonies, under the system which boasts of making their governments responsible to the Mother Country. But this is a very erroneous supposition. This great officer holds the most constantly shifting position on the shifting scene of official life. Since April 1827,

ten different Secretaries of State have held the seals of the Colonial Department.\* Each was brought into that office from business of a perfectly different nature, and probably with hardly any previous experience in Colonial affairs. The new Minister is at once called on to enter on the consideration of questions of the greatest magnitude, and at the same of some hundreds of questions of mere detail, of no public interest, of unintelligible technicality, involving local considerations with which he is wholly unacquainted, but at the same time requiring decision, and decision at which it is not possible to arrive without considerable labour. Perplexed with the vast variety of subjects thus presented to him—alike appalled by the important and unimportant matters forced on his attention—every Secretary of State is obliged at the outset to rely on the aid of some better informed member of his office. His Parliamentary Under-Secretary is generally as new to the business as himself: and even if they have not been both brought in together, the tenure of office by the Under Secretary having on the average been quite as short as that of the Secretary of State,

\* Bathurst, Huskisson, Murray, Goderich, Stanley, Spring Rice, Aberdeen, Glenelg, Normanby, John Russell.

he has also never during the period of his official career obtained sufficient information to make him independent of the aid on which he must have been thrown at the outset. Thus we find both these marked and responsible functionaries dependent on the advice and guidance of another; and that other person must of course be one of the permanent members of the office. We do not pretend to say which of these persons it is that in fact directs the Colonial policy of Britain. It may be, as a great many persons think, the permanent Under Secretary; it may be the chief, it may be some very subordinate clerk; it may be one of them that has most influence at one time, and another at another; it may be this gentleman as to one, and that as to another question or set of questions: for here we get beyond the region of real responsibility, and are involved in the clouds of official mystery. That Mother Country which has been narrowed from the British Isles into the Parliament, from the Parliament into the Executive Government, from the Executive Government into the Colonial Office, is not to be sought in the apartments of the Secretary of State, or his Parliamentary Under-Secretary. Where you are to look for it, it is impossible to say. In some back-room—whether in the attic or in what story we know



not—you will find all the Mother Country which really exercises supremacy, and really maintains connexion with the vast and widely-scattered Colonies of Britain. We know not the name, the history, or the functions of the individual, into the narrow limits of whose person we find the Mother Country shrunk. Indeed, we may call him by the name, of which we have thus shewn him to be the rightful bearer; and when we speak of Mr. MOTHERCOUNTRY, the colonist will form a much more accurate notion than heretofore of the authority by which he is in reality ruled.

Of the individual thus bodily existing, but thus dimly seen, we can of course give our readers none but the most general description. We will not flatter the pride of our Colonial readers by depicting this real arbiter of their destinies as a person of lofty rank or the first class among what we call statesmen. He is probably a person who owes his present position entirely to his own merits and long exertions. He has worked his way through a long and laborious career of official exertions; and his ambition is limited to the office that he holds, or to some higher grade of the permanent offices under Government. Probably married at an early age, he has to support and educate a large

family out of his scanty though sure income. Once or twice a year he dines with his principal—perhaps as often with some friend in Parliament or high office. But the greater part of his days are passed out of all reach of aristocratic society: he has a modest home in the outskirts of London, with an equally modest establishment: and the colonist who is on his road to “the Office,” little imagines that it is the real ruler of the Colonies that he sees walking over one of the Bridges, or driving his one-horse chay, or riding cheek by jowl with him on the top of the short coach as he goes into town of a morning. Mr. MOTHERCOUNTRY’S whole heart is in the business of his office. Not insensible to the knowledge or the charms of the power which he possesses, habit and a sense of duty are perhaps often the real motives of the unremitting exertions, by which alone he retains it. For this is the real secret of his influence. Long experience has made him thoroughly conversant with every detail of his business; and long habit has made his business the main, perhaps with the exception of his family, the sole source of his interest and enjoyment. By day and by night, at office or at home, his labour is constant. No pile of despatches, with their multifarious

enclosures, no red-taped heap of Colonial grievances or squabbles, can scare his practised eye. He handles with unfaltering hand the papers at which his superiors quail: and ere they have waded through one half of them, he suggests the course, which the previous measures dictated by himself compel the Government to adopt. He alone knows on what principles the predecessors of the noble or right honourable Secretary acted before: he alone, therefore, can point out the step which in pursuance of the previous policy it is incumbent to take: and the very advice, which it is thus rendered incumbent on the present Secretary of State to take, produces results that will give him as sure a hold on the next Secretary of State.

But with all this real power, Mr. MOTHER-COUNTRY never assumes the airs of dictation to his principal. Every change of the head of the department, though really consolidating his power, gives occasion for a kind of mutiny against it. The new Secretary enters with some purpose of independence: he has heard of Mr. MOTHERCOUNTRY'S influence; and he is determined that he will act on his own head. He goes on for a while on this plan; but it is sure



to be no long time ere something comes before him for which he is obliged to refer to Mr. MOTHERCOUNTRY: he is pleased with his ready, shrewd and unobtrusive advice: he applies to him on the next occasion with more confidence: he finds that Mr. MOTHERCOUNTRY takes a great deal of trouble off his hands—and great men are sure at last to fall under the dominion of any man that will save them trouble. By degrees, he begins to think that there are some things which it is better to leave altogether to Mr. MOTHERCOUNTRY; and as to all he soon finds it prudent to take no step until he has heard what Mr. MOTHERCOUNTRY has to say about it. If things go smooth, his confidence in Mr. MOTHERCOUNTRY rises: if they go ill, his dependence on him is only the more rivetted, because it is Mr. MOTHERCOUNTRY alone who can get him through the Colonial contest or Parliamentary scrape in which he has involved himself. The more independent he has been at first, the more of these scrapes he has probably got himself into; and the more dependent he consequently becomes in the long run. The power of Mr. MOTHERCOUNTRY goes on increasing from Secretary to Secretary, and from month to month of each Secretary's tenure of office; and the

more difficult the government of the Colonies becomes, the more entirely it falls into the hands of the only men in the public service who really know anything about Colonial affairs.

This is perhaps the best result of such a system: and our experience of the follies and presumption of the only Secretary of State that ever undertook to act for himself, is a proof that under the present system, Mr. MOTHER-COUNTRY'S management is better than that of the gentlemen whom he generally gets put over his head. But the system of intrusting absolute power (for such it is) to one wholly irresponsible, is obviously most faulty. Thus, however, are our Colonies ruled: and such is the authority to which is committed that last appeal from the Colonies themselves, which is dignified with all these vague phrases about the power, the honour, the supremacy, and the wisdom of the Mother Country.

## CHAPTER VII.

### MR. MOTHERCOUNTRY'S FAULTS: THE SIGHING- ROOMS AT THE COLONIAL OFFICE.

WE have described the secret and irresponsible, but steady rule of Mr. MOTHERCOUNTRY, in whom we have personified the permanent and unknown officials of the Colonial Office in Downing Street, as very much better for our Colonies than that to which they would be subjected were the perpetually-shifting Secretaries and Under-Secretaries of State really to pretend to conduct affairs of which they understand nothing. It must not be inferred from this that we think it a really good system. It has all the faults of an essentially arbitrary government, in the hands of persons who have little personal



interest in the welfare of those over whom they rule—who reside at a distance from them—who never have ocular experience of their condition—who are obliged to trust to second-hand and one-sided information—and who are exposed to the operation of all those sinister influences, which prevail wherever publicity and freedom are not established. In intelligence, activity, and regard for the public interests, the permanent functionaries of “the Office” may be superior to the temporary head that the vicissitudes of party politics give them; but they must necessarily be inferior to those persons in the colony in whose hands the adoption of the true practice of Responsible Government would vest the management of local affairs.

A thorough knowledge of the internal economy of this vast number of different communities, situated at the most distant points of the globe, having the most diverse climates, races, productions, forms of government, and degrees of wealth and civilization, is necessarily one which the best-employed experience of the longest life can never be supposed to give. From his entrance into his office, the necessary labours of the day have occupied almost the whole of Mr. MOTHERCOUNTRY'S time and thoughts; and

though we will give him credit for having picked up such information as elementary books can give, it cannot very well be imagined that he has learnt from books, newspapers, and oral information, all that mass of particulars respecting manners, things, and persons, that is requisite for forming in the mind a complete picture of the social and political, the physical as well as the moral condition of those numerous countries. It is in the very nature of duties so laborious as his, that Mr. MOTHERCOUNTRY should be able to attend to little except to the questions presented for his decision by the parties contending in the Colonies, and should form his notion of their condition from these rather than from more extended reading and observation. Compelled to examine the complaints and answers of the various parties, he gradually imbibes the idea that the whole state of affairs is set forth in these statements and counter-statements. He fixes his eye on the grievances and squabbles that occupy the addresses of Assemblies, the despatches of Governors, and the disputes of officials; and gets to fancy, naturally enough, that these are the matters on which the mind of the colony is intent, and on which its welfare depends. Hence the result is, that since, in

Colonies as elsewhere, the real interests of the community are overlooked in such disputes, Mr. MOTHERCOUNTRY has at his fingers' ends, after a long devotion to the subject, nothing better than a very complete knowledge of very immaterial incidents; and that when he fancies he knows all about a colony, he has in fact only been diverting his attention from everything that is worth knowing respecting it. Thus, while the question of contending races was gradually breaking up the whole social system of Lower Canada, Mr. MOTHERCOUNTRY, unconscious of the mischief, thought that he was restoring order and satisfaction by well-reasoned despatches on points of prerogative and precedent. Experience may give Mr. MOTHERCOUNTRY more information respecting the whole mass of our Colonies than any other individual probably possesses. But it is after all a very incomplete information, and one which does not prevent his continually committing those gross blunders of which our Colonial history is the record.

This is the necessary consequence of the variety and distance of Mr. MOTHERCOUNTRY'S dominions. He has, in addition, the faults of that permanent and irresponsible power, combined with subordinate position, which we al-



ways perceive in a government of bureaus or offices. It is a position which engenders not a little conceit; and in whatever form Mr. MOTHERCOUNTRY appears—even in that of the humblest clerk—you always find out that he thinks that he and his associates in “the Office” are the only people in the world who understand any thing about the Colonies. He knows his power too, and is excessively jealous of any encroachment on or resistance to it. It is a power, he well knows, which has its origin in the indolence and ignorance of others: he fancies therefore that it is assailed by any one who understands any thing of the Colonies, or takes any interest in them; and to all such people therefore he has a mortal dislike.

And though Mr. MOTHERCOUNTRY has none of a fine gentleman's aversion to work, but on the contrary devotes his whole energies to his business, he likes to get over his work with as little trouble as possible. It is his tendency therefore to reduce his work as much as he can to a mere routine; to act on general rules, and to avoid every possible deviation from them; and thus to render the details of his daily task as much a matter of habit as he well can. A hatred of innovation is a distinguishing feature

of his as of the general official character. Every thing new gives trouble : to enter upon a new course with respect to distant communities is always matter of danger and doubt, unless the step is founded upon a more complete knowledge of the state of things than Mr. MOTHERCOUNTRY can afford time to acquire. He is very much afraid of being attacked in Parliament or the newspapers ; and as it is almost always a sufficient answer for the great mass of men, that you have done in any particular instance what has usually been done hitherto, he likes always to have this answer to give. Nor do the common motives to exertion act on him to induce him to labour in the work of improvement. He well knows that he shall have none of the glory of improvements in which the public take an interest. The credit of these is sure to be ascribed to the Chief Secretary. It is but human nature, then, that he should hate innovation, and discourage every project of improvement. Those who have suggested any improvement in the system existing in our Colonies, or proposed to found new colonies on a new principle, know to what a complete science the officials of the Colonial department have brought their mode of repelling all such invasions of their domain.

But the worst of all Mr. MOTHERCOUNTRY'S faults is his necessary subjection to sinister interests and cabals. Wherever the public cease to take an interest in what is going on, the reign of cliques and cabals is sure to extend : and whenever the actions of the Government are not guided by public opinion, they inevitably fall under the influence of some sinister interest. Every one of our colonies has its own jobs, its own monopolies, and its own little knots of bustling and intriguing jobbers. These spare no pains to get the ear of Mr. MOTHERCOUNTRY. Backed by some strong mercantile, or official, or Parliamentary connexion, they press their views on him ; relying partly on their better knowledge of the peculiar subject on which they have so deep an interest, partly on the fear they can inspire by the threat of an appeal to Parliament or the press. Then, again, there are persons whose past official position and party connexions enable them to bring a strong party influence to bear on him. On one or two points there has been excited a powerful interest, which has organized itself into associations, represented by constituted bodies and accredited officers, always ready to push their own views, and able to excite a strong public feeling on their par-



ticular point, if their representations should be neglected. While these narrow views and partial interests have these active organs, the Colonial public and the interests of the colony have rarely any, never equally efficient representatives. A long experience has taught Mr. MOTHERCOUNTRY, that without conciliating these various juntas he never can hope to govern quietly, but that if he manage to get their concurrence, he runs little risk of effectual opposition from either the British or Colonial public. His whole aim, therefore, necessarily is to conciliate all of these bodies, or when their interests happen to run counter, either to give each its turn, or to conciliate the most powerful. One day, accordingly, we find him conciliating the knot of merchants that enjoy the existing monopoly; another day, those who are exerting themselves for a freer trade; at one time he is holding out his hand to the West India interest; another time he seems to be entirely under the influence of the Abolitionists. These are the sectional influences under which such a government is sure to fall, owing to its freedom from responsibility to a wide public opinion.

The worst instance of the operation of these secret influences on Mr. MOTHERCOUNTRY is to

be found in the Colonial appointments. If he were left to himself, and could appoint as he chose, he might doubtless job a little, but on the whole, he would probably pay some regard to competence in some of his appointments. But the patronage of the Colonial Office is the prey of every hungry department of our Government. On it the Horse Guards quarters its worn-out General Officers as Governors; the Admiralty cribs its share; and jobs which even Parliamentary rapacity would blush to ask from the Treasury, are perpetrated with impunity in the silent realm of Mr. MOTHERCOUNTRY. O'CONNELL, we are told, after very bluntly informing Mr. RUTHVEN that he had committed a fraud which would for ever unfit him for the society of gentlemen at home, added, in perfect simplicity and kindness of heart, that if he would comply with his wishes and cease to contest Kildare, he might probably be able to get some appointment for him in the Colonies.

It is, however, not only of the cliques and interests at home that Mr. MOTHERCOUNTRY is thus placed under the influence. The same causes that render the action of small knots of men operative on him in England, place him under the same necessity of courting the good

opinion and disarming the hostility of every well-organized interest in the Colonies. Now the strongest and most active interest in a colony is always that of the little knot that governs it—the Family Compact, which Lord DURHAM has described as being the necessary result of the irresponsible government of our Colonies. Creatures of the Colonial Office, as these Compacts are, they nevertheless manage to acquire a strength which renders them very formidable to Mr. MOTHERCOUNTRY. Even when he gets on bad terms with them, he never abandons the hope of reconciliation with them, or the demeanour necessary to insure it. But you will rarely find him quarrelling with them. A despotic and irresponsible authority is always obliged to govern by a small knot of men; and these Colonial compacts are the natural agents of the Compact at home. Thus the mischiefs produced by irresponsibility in the colony are augmented and perpetuated by the responsibility to Mr. MOTHERCOUNTRY.

The working of the appeal to Mr. MOTHERCOUNTRY in fact only adds to the amount of Colonial misgovernment; and instead of obviating the mischiefs of the system pursued in the Colonies themselves, it only adds another



element of delay, obstruction, and inconsistency. Bad as is the government of Turkish Pachas, the Porte never interferes except to make matters worse ; and ill as the Colonial Compacts manage, the appeal from them to Mr. MOTHERCOUNTRY only adds fresh fuel to Colonial irritation and individual grievance. His ignorance of the real state of affairs in the colony, his habits of routine, his dependence on the secret cliques and interests at home, produce an invariable tendency on his part to stave off the decision of every question proposed to him. Every matter referred to him is sure to be referred back to the colony ; and every successive answer to every fresh reference only serves him to raise some new pretext for postponing his decision. He is engaged in a perpetual struggle with the Colonial Compacts, in which he and they have no object but that of throwing on each other the responsibility of deciding. With this view, he has perfected a complete art of irrelevant and apparently purposeless correspondence, by which he manages to spin out an affair until it either evaporates into something absolutely insignificant, or until at any rate the patience and interest of all parties concerned is completely worn out. For this purpose, he has

invented and brought to considerable perfection a style peculiar to Colonial despatches; a style in which the words of the English language are used with a very admirable grace and facility, but at the same time with an utter absence of meaning. In this singular style we hope some day to give our readers a lesson; but we need now only observe that it is of great utility in enabling Mr. MOTHERCOUNTRY to keep up hopes of a decision, while he is leading his reader further and further away from it. If any decision is got, it is generally on some point that virtually leaves the question at issue undecided. But sometimes even the semblance of decision is omitted; and the systematic postponement merges into the neglect of absolute oblivion. Thus it has been known, that even reserved acts of Colonial Parliaments have been poked away in one of Mr. MOTHERCOUNTRY'S pigeon-holes, and never brought out of it till the period in which they could receive the necessary sanction was passed: and in another instance, a colonist who inquired for a private act, on which his whole property depended, was told that instead of having received her Majesty's assent, it was nowhere to be found.

But the appeal to Mr. MOTHERCOUNTRY on

individual cases is even more mischievous to the parties concerned. It is a mere device in general for prolonging the tortures of the unhappy victim, who, bandied about from Colony to England, from Secretary to Secretary, from Under-Secretary to Under-Secretary, from clerk to clerk, wastes away hope and existence, as a subject of Mr. MOTHERCOUNTRY'S systematic procrastination.

There are rooms in the Colonial Office with old and meagre furniture, book-cases crammed with Colonial gazettes and newspapers, tables covered with baize, and some old and crazy chairs scattered about, in which those who have personal applications to make are doomed to wait until the interview can be obtained. Here, if perchance you should some day be forced to tarry, you will find strange, anxious-looking beings, who pace to and fro in feverish impatience, or sit dejected at the table, unable in the agitation of their thoughts to find any occupation to while away their hours, and starting every time that the door opens, in hopes that the messenger is come to announce that their turn is arrived. These are men with Colonial grievances. The very messengers know them, their business, and its hopelessness, and eye them with pity as they



bid them wait their long and habitual period of attendance. No experienced eye can mistake the faces, once expressive of health and confidence and energy, now worn by hopes deferred and the listlessness of prolonged dependence. One is a recalled Governor, boiling over with a sense of mortified pride and frustrated policy; another, a Judge, recalled for daring to resist the Compact of his colony; another, a merchant, whose property has been destroyed by some job or oversight; another, the organ of the remonstrances of some Colonial Parliament; another, a widow struggling for some pension, on which her hopes of existence hang; and perhaps another is a man whose project is under consideration. Every one of these has passed hours in that dull but anxious attendance, and knows every nook and corner of this scene of his sufferings. The grievance originated probably long years ago, and bandied about between colony and home, by letter or by interview, has dragged on its existence thus far. One comes to have an interview with the Chief Secretary; one, who has tried Chief and Under-Secretaries in their turn, is now doomed to waste his remonstrances on some clerk. One has been waiting days to have his first inter-

view ; another, weeks to have his answer to his memorial ; another, months in expectation of the result of a reference to the colony ; and some reckon the period of their suffering by years. Some are silent ; some utter aloud their hopes or fears, and pour out their tale on their fellow sufferers ; some endeavour to conciliate by their meekness ; some give vent to their rage, when, after hours of attendance, the messenger summons in their stead some sleek contented-looking visiter, who has sent up his name only the moment before, but whose importance as a Member of Parliament, or of some powerful interest or society, obtains him an instant interview. And if by chance you should see one of them at last receive the long-desired summons, you will be struck at the nervous reluctance with which he avails himself of the permission. After a short conference, you will generally see him return with disappointment stamped on his brow, and, quitting the Office, wend his lonely way home to despair, or perhaps to return to his colony and rebel. These chambers of woe are called *the Sighing Rooms* ; and those who recoil from the sight of human suffering should shun the ill-omened precincts.

## CHAPTER VIII.

### CONCLUSION.

IN describing the vices of the present mode of administering the government of the Colonies from Downing-street, we have sought to avoid singling out particular individuals to bear the burden of a blame which in fairness attaches to the system. The faults which we have attributed to our ideal Mr. MOTHERCOUNTRY, are not those of individual character, but those which must be observable in the conduct of any who administer a system such as the present. While we have attempted to shew that that system has caused great mischief both to communities and



to individuals, we think it but fair to add, that the permanent officers of the Colonial department must have been possessed of no ordinary abilities to work such a system at all, and keep it together as long as it has lasted. The evils which we have described, are those which necessarily result from the attempt to conduct the internal affairs of the Colonies in accordance with the public opinion, not of those Colonies themselves, but of the Mother Country. We have shown that in England there is really no public opinion on Colonial questions; and that what is called the opinion of the public, is in fact nothing but the opinion of the very small number who are habitually occupied with such subjects. The appeal from the Colonies to the Mother Country ends in concentrating power in the hands of a few official persons, not of those who are ostensibly responsible for the management of Colonial affairs, but of some unknown and irresponsible individuals among the permanent subordinate officials of the department. By these are, in fact, wielded the whole legislative and administrative powers of government; by them the course of Parliament is prescribed whenever it legislates for the Colonies; by them is exercised all the still larger

power of disallowing the acts of the Colonial Legislatures, and of passing laws in the form of Orders in Council. And this power is exercised in the faulty manner in which arbitrary, secret, and irresponsible power must be exercised over distant communities. It is exercised with great ignorance of the real condition and feelings of the people subjected to it; it is exercised with that presumption, and at the same time in that spirit of mere routine, which are the inherent vices of bureaucratic rule; it is exercised in a mischievous subordination to intrigues and cliques at home, and intrigues and cliques in the Colonies. And its results are, a system of constant procrastination and vacillation, which occasions heart-breaking injustice to the individuals, and continual disorder in the communities subjected to it. These are the results of the present system of Colonial government; and must be the results of every system which subjects the internal affairs of a people to the will of a distant authority not responsible to anybody.

At the root of this bad system, lies the maintenance of our present mischievous and anomalous mode of conducting the internal government of Colonies, without that responsibility to the people which we assert to be the necessary

consequence of representative institutions. We choose to hold the Executive entirely free from popular control, and consequently equally independent of popular support. It is no accidental consequence, but the necessary result of such independence, that the government which enjoys it is almost invariably found to be in a state of collision with popular feeling. The rule of cabals, and cliques, and compacts, follows with equal certainty; and as the irresponsible authority thus established in the Colony has no self-supporting power, it must constantly be leaning on the Imperial Government, and compelling its interference in the details of Colonial affairs. That interference is also invoked by the complaining Colonists whom we have invested with the power of expressing, and even of stimulating the popular discontent, but with none of allaying it by removing grievances. Thus the present system compels both parties to appeal to the Mother Country; and hence originates the injurious influence which a few unknown officials in Downing Street exercise over the fortunes of all the widespread Colonies of Great Britain. Hence, therefore, flow the practical evils which misgovernment everywhere produces. Lord DUR-



HAM has drawn a striking but by no means too highly-coloured picture of the social disorganization, the political dissensions, the barbarous administration, and the consequent stagnation of the British Colonies in North America. Through every department of government he has traced the faulty, negligent, and often corrupt working of an irresponsible Executive. He has shewn its operation in the neglect of education, the maladministration of justice, and the mismanagement of public works. He has traced to this source the political disorders of those colonies, and shewn that we can never hope for any cessation of either the present mismanagement or the consequent discontent, until we give the people of the Colonies the control over their Executive Government which they desire. He has had the opportunity in this case of contrasting the backward and stagnant condition of our own possessions with the flourishing activity of those states of the American Union, which, lying along the frontier, and inhabited by a people of the same race, possess precisely similar climate, soil, productions, and means of acquiring wealth. The result has been a fearful picture, an ignominious contrast. But we very much fear that if the state of other colonies

were investigated by an inquiry as enlightened and as laborious as that instituted by Lord DURHAM, and laid open with an honesty as unflinching as that which characterizes his Report, we should discover that other colonies have suffered from the same causes quite as much as the Canadas, and find in the condition even of the most highly favoured the germs of the same fatal disorders.

It has been our object in the foregoing pages to show the practicability of adopting the remedy proposed by Lord DURHAM, and the unsoundness of the objections urged against it, on account of some of its alleged consequences. There is no way of putting a stop to the present disorders of our Colonies, except by the adoption of the simple suggestion of "facilitating the management of Colonial affairs, by intrusting it to the persons who have the confidence of the representative body." To effect this great change no legislative enactment is required. It is only requisite that we should no longer attempt to withhold from our Colonies the practical results of the institutions which we have established in them; and that we should adopt as the principle of our government in them, that which must be the principle of government wherever represen-

tative institutions prevail. We have not pretended to lay down any precise rules for regulating the division of power between the Crown and the Representative body; this can only be determined by circumstances, and the prudence of the two parties. A long experience has suggested the course which is followed in the conduct of affairs in England: and whenever we establish in our Colonies the fundamental institutions of our own constitution, we can only hope to work them with the same success that has attended them here, by imitating the spirit in which they have been worked.

It has been our object to show that there is no ground for apprehending that the adoption in the Colonies of the practice that has prevailed at home since the Revolution, will sever the connexion with the Mother Country, or impair its rightful authority. Few are the points on which it is necessary to interfere with the management of affairs in our Colonies. In those few departments of affairs which ought to be reserved out of the jurisdiction of the Colonial Parliament, the Imperial Government is secured against the interference of the Colony, not only with its administrative, but with its legislative authority. The Imperial Country makes its own laws, and



administers them by officers of its own. The utmost responsibility of the Colonial Executive would not extend to the officers of the Army, the Customs, or the Land department, or to our Diplomatic agents. These are, or ought to be, the servants of the Imperial, not of the Colonial Government, inasmuch as they administer the laws and execute the duties of the Imperial, not of the Colonial Legislature. That the responsibility of the Colonial Executive would prevent the interference of the Home authorities in the internal affairs of the Colonies, we admit; and we are desirous that it should. Those who would prevent it would perpetuate all the maladministration of Family Compacts, all the jealousies, the collisions, and the chronic anarchy which are consequent thereon, and all the blunders, intrigues, delay, and vacillation of Mr. MOTHER-COUNTRY'S rule.

Our object in these papers will have been gained if we have familiarised the minds of our English readers to the real nature of that demand for Responsible Government in the Colonies, which has been so much misrepresented; if we shall have induced them to look on the practice which we recommend as a portion of the consti-

tutional system of Great Britain, which cannot be omitted with safety in any attempt to introduce into our Colonies the principles of that constitution; and if we shall have dispelled the vague notions that prevail respecting the necessity for constant and extensive interference with the internal affairs of the Colonies in order to maintain our connexion with them. That connexion, we may depend on it, is secured by every feeling of the Colonial mind, and every interest that binds men to the country which protects them. Nothing can really alienate the Colonies except a government which hurts their feelings and retards their prosperity: and if there is truth in any of the principles of free government, the affection of Colonies as well as of other communities can only be effectually secured, and their welfare steadily promoted, by giving the people a real control over the selection and the policy of their rulers.

A large portion of the wide field of Colonial Government we have purposely left unexplored. We have limited our inquiry into the evil consequences of the general system of our Colonial Government to those Colonies in which representative institutions are established. We have

not examined the reasons which are commonly put forward for that modern and un-English system of Colonial Government, by which many colonies inhabited by Englishmen or their descendants are deprived of those representative institutions which Englishmen regard as their birthright.

Nor have we enquired into the nature of the reforms which must be effected in the administration of the Colonial Department at home, as a necessary consequence of the general adoption of "Responsible Government" in the Colonies. The popular members of a Colonial Executive, strong in the confidence and support of the representatives of their countrymen, would not long put up with Mr. MOTHERCOUNTRY and his system. The two reforms ought, therefore, to go hand in hand; and we trust that when Responsible Government is, as we infer from the union of the two Canadas, and Lord JOHN RUSSELL's recent despatches, on the eve of being established in the Colonies, some attempt will be made to reform the constitution and practice of the Colonial Office. No fitter subject could engage the attention of Parliament; nor would any scheme of practical reform enlist in its be-



half a larger amount of public sympathy, than that which would bring the influence of public opinion really to act on the Colonial Department,

THE END.

---

LONDON:

BLATCH AND LAMPERT, PRINTERS, GROVE PLACE, BROMPTON.

I. The larger number of public enquiries, than  
 the public would have the influence of public  
 opinion itself to act on the Colonial Board.  
 and

THE END

---

LONDON: PRINTED BY RICHARD CLAY AND COMPANY, LTD., BUNGAY, SUFFOLK.  
 1931.

LANDE

2691996



