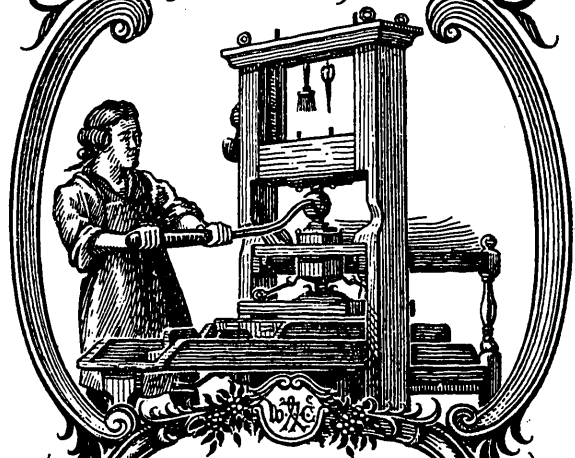


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ARDEN'S SYDNEY MAGAZINE

OF

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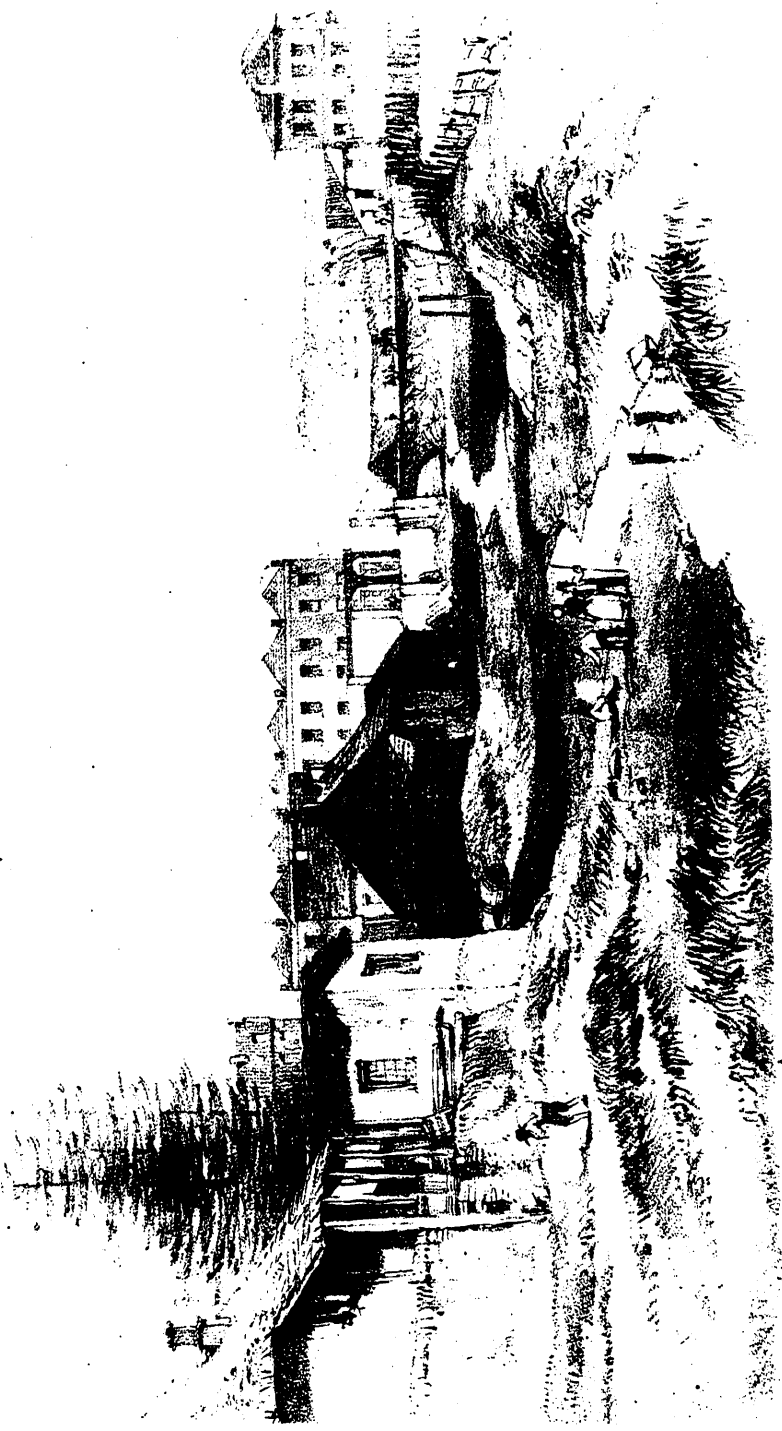
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THE TANK STREAM, SYDNEY 1843.

ARDEN'S SYDNEY MAGAZINE.

THE NEW COLONIAL CONSTITUTION.

THE grant of a new Constitution to this Colony, embracing, as it does, the fundamental British privileges of *elective representation and internal self-government*, has given to the politics of the country a novel and attractive phase: its influence is already felt in every class of society, by holding out to all, one common tie of interest in public concerns; and its result should be to raise the character of the people, by teaching them the increased importance of their position—by leading them to an application of their powers, at once morally great and substantially productive.

Sir Richard Bourke, when Governor of New South Wales, said, in a Despatch to the Minister of State for the Colonies, that he looked upon this Colony as a place only fitted for parties who *were* convicts and those who *should be*. This bitter remark had reference, we conceive, chiefly to the social state of the territory under a *penal government*. If free immigrants choose to come to a land where the administration of the State is, from necessity, degradingly coercive, they must be prepared to submit to the rigorous exaction of gaol authorities and criminal legislation. Such, we say we consider, was the meaning and opinion of the most liberal and popular Governor ever appointed to New South Wales, when corresponding with Ministers at home on the favourite topic of a Free Representative Legislature.

So deeply inherent, however, is the system and practise of elective representation in the British Constitution, that nothing but the *penal state* of the colony, could have justified the suspension of this great national privilege as regarded the government of the *free subjects* of the territory. So inalienable, indeed, appears this constitutional right, that we are inclined to agree with Lord Cottenham, when he declared, in respect to some contemplated changes in the the jury system at home, *that he doubted even the right of the Imperial Parliament to make such an Act—Law!* In all our earlier colonies the privilege from the commencement was respected, and however small the amount of population, however circumscribed the fiscal means of the dependency, its power of self government was ceded and recognised. It was, need we repeat, a departure from this principle which involved England in that disastrous war with her American colonies, which ended in their enfranchisement—a right claimed and yielded at the mouth of the cannon. Nor does the existing constitution of the free colonies of New Zealand, Western Australia, and South Australia militate in the least with our arguments. Those provinces, it must be born in mind,

were founded on the self interested representations of individuals, either separately or in society. They were aware that the British subject can never be acquit of his allegiance, and that if he occupy an hitherto uninhabited country, the land becomes *ipso facto* attached (if claimed) to the British Crown—and himself amenable to British jurisdiction. Now it was the object of the Companies, by whose influence the colonization of the provinces already named was countenanced by the Home Government, to found their associations under the protecting guardianship of their natural monarch, and to bring the administration of the executive and judicial departments into immediate and efficient use.

To effect these objects, the promoters of such schemes sought for and obtained a charter in each case; in which, if the grant of a representative government having exclusive powers of local taxation, was not included, it was *with their own consent*. It follows that, while the original charters exist, every emigrant is aware of the compact under which he is about to make one of the several populations incorporated by those deeds, and is not at liberty to seek forcibly, to set aside its provisions.

In the same manner, the inhabitants of this penal colony of New South Wales knew their political destiny before arriving on its unwelcome shores; but neither in their case, nor in those previously cited, could or can any bar be placed on the desire of the free subjects to obtain a repeal of any objectionable form of government. In the case of this country, the right of petition, as applied to this national desire, has been successful—and we can see no good reason why any sister colony, however incipient its state, should not at once bring the same privilege into agitation. Port Phillip, if separated from New South Wales, South Australia, Western Australia, and New Zealand, are each and all free from any charge of presumption in looking for that form of government which was formerly, and not we believe unwisely, given to the earliest offsprings of Great Britain in her career of universal colonization.

Indeed, when we take a retrospect of the ungracious steps by which the old American colonies grasped at and obtained their perfect independence; when we see how the Canadas have extorted the constitutional reform so lately ceded; and when we behold the way in which the *boer* population of Port Natal have been *re-warded* with an independent government cast in the most popular mould, our feelings fall little short of impatience with the inequitable delay manifested in complying with the wishes of dependencies remarkable for their loyalty and integrity.

Of the application of these great constitutional privileges, we are now taking—we wish it to be understood—an *abstract view*. We consider that the liberal line of policy delineated in the opening clauses of this article is to be adopted, under all circumstances, when nothing positively unfavourable to its adoption intervenes. On the other hand we admit, that it was only by cautious degrees, and by deliberate consultation, that New South Wales should have been included in the list of Free Colonies possessed of Representative Governments. The number of convicts and emancipists infused through the mass of society, rendered precaution necessary on the part of the British Government—Elective privileges, in the hands of an originally

ruffian constituency, might have been turned into instruments of revolution and lawlessness. It was to be anticipated that such colonists, to obtain an acknowledgment of their independence, might have placed the country under the protection of a Foreign Power, and thus the recovery of the treason-corrupted land must have been attended with a sanguinary war, or its loss accompanied with a national disgrace.

Experience too, in the management of a factious body of colonists, had warned Colonial Ministers against any rashness in recommending the political emancipation of an Australian colony. In Canada, as in some of the West Indian Island colonies, the possession of free institutions appeared to have been taken by many of the colonists as a means of raising a constant and vexatious opposition to the Government. Bold and bad men filled with schemes of selfish aggrandisement, and replete with unprincipled feelings, perpetually worked on the weak impulses of those classes of the people who were most susceptible to their treacherous attacks, and succeeded in placing the government in a deeply embarrassed position, at the same time that they aggravated the miseries which are usually related to national discontent and trouble.

It was not so much to be wondered at, therefore, that the British Parliament should have been chary in giving to a dependency like New South Wales—so full of anomalous ingredients in its moral and social state—similar means of exciting the anxiety, and draining the resources of a country already so heavily taxed and so full of business as the Father Land.

The boon, notwithstanding all the anticipated difficulties, is at length conferred—It is conferred too, at a time when, as we shall try to explain in a few words, it is accompanied with the happiest prospects of valuable results.

The long and steady manner in which the present Constitution of the Colony has been sought for by those interested in its advancement, evinces a national mind alive to its extensive benefits, and the guarded respect which has at all times clothed their demeanor and address proves the soundness of their loyalty. Can any state of mind for free men be better capacitated to work out vigorously and sagaciously the intent of this measure?

We cannot pass on to another portion of our article without also bearing testimony to the safety with which the local administration of a free government may be left to the representatives of a constituency largely mingled with emancipists and their descendants as tested in this Colony. The general character of this portion of the community carries conviction with it as to the *lastingly improving and reforming effects of the transportation system*. Discipline of a wholesome, strict, and equable tenor has succeeded, better than might have been expected, in repressing the lust for criminal excesses which ever haunt the mind of the naturally depraved, while the numerous roads to fame and fortune laid open to the subsequent access of emancipists, have preserved them from returning to their villainies, like the dog to his vomit.

Besides these prominent features of colonial character, which speak so auspiciously for the progress of the country under the operation of its New Government,

there are traits and developments through every rank of society that display further evidence of fitness on the part of the colonists to be entrusted with the management of their own affairs. Their commercial enterprise—involved, as it has been, with much that we must deprecate—was the means of producing a physical and social improvement marvellous in the eyes of the whole world: Trade and manufactures have gone forward, hand in hand, with the arts and sciences: Mental strength of an extraordinary nature is the result, the substantial examples of which are to be found in every port, town, district, and road of the whole land.

The City of Sydney, and the district of Port Phillip are instances which we will bring forward, that cannot be over matched in the ancient or modern world, as far as regards their speedy and solid advancement.

Unlike the gigantic undertakings of the triumphant Monarch-Generals of old, whose command of wealth and slavery was lavished upon an Alexandria, or a Tigranocerta to force them into a miraculous existence; the foundation of Sydney owes its origin to a handful of prisoners and their military gaolers—its progress, to a body of comparatively poor adventurers, and its establishment to a concatenation of indifferent circumstances and characters. Before the building of this City was thought of, the continent of which it was the first settlement, was a wilderness, barely capable of affording natural sustenance to its scattered savage tribes—it was cut off from communication with any part of the world, and, in itself presented only the most scanty materials for the support of a civilized population. In short, the only known triumph of human art and perseverance that can be named in comparison with this remarkable place is the ancient City of "Palmyra, in the Desert." The residence of the ill-fated Longinus and his equally unhappy Sovereign Queen was isolated in a manner, from the intercourse of the Earth as known at that period—it reached its greatness by its commerce, and became enhanced in its renown for architectural beauties, local manufactures, and encouragement of philosophy, from its remote and singular site. The situation of Palmyra in a surrounding desert helps the parallel which we discover in its history to the Metropolis of New South Wales. Sydney—noble as it is, in its physical appearance, and commanding as it will ever be, from its beautiful and advantageous port—is *literally built on a barren rock, and encircled by a sterile sand*; yet vegetation has been made to smile at the threshold of every door, and the luxury of viands, as well as of manufactures, to fill the apartments of every house in its thronged and capacious streets!

The province of Port Phillip, discovered and populated by the roving and redundant members of the older districts, exhibits in the number of its inhabitants, the amount of their possessions, the extent of its trade, the character of its internal improvements, and the sum and substance of its revenues, the most remarkable example of the success of modern colonization that we think can be quoted. It is the only true instance, moreover, of a self-supporting settlement which the British Colonies can present. As His Excellency Sir George Gipps stated at a public dinner, when on his memorable visit to Melbourne, "Port Phillip was settled without one farthing of borrowed money, and is supported without one farthing of debt."