

**PAPERS RELATIVE TO THE
ESTABLISHMENT OF A
REPRESENTATIVE LEGISLATURE
AT THE CAPE OF GOOD HOPE**

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Papers Relative to the Establishment of a Representative Legislature at the Cape of Good Hope
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P R E F A C E.

THE following "Papers relative to the establishment of Representative Institutions at the Cape of Good Hope," exhibit the wishes and opinions of the inhabitants of that settlement in their own words, on a subject which has been the theme of animated discussion among them for many years, and on the proper disposal of which by her Majesty's Government, they believe their existence as a civilized and Christian community, in contact and interlaced with the barbarous heathen nations of Southern Africa, wholly depends. Sensible of the many and great advantages which the Cape of Good Hope and the mother country will mutually derive from their permanent connection, in the course of the grand destinies opening up to the British people in the southern hemisphere, they are eagerly desirous of entering on that career of self-government and self-reliance, which will render them worthy members of an empire that has risen to moral and political pre-eminence by the same spirit. But up to this moment, under a despotic form of local government, and a system of management in which they had no share, the older classes of inhabitants taken over with the country from the King of Holland, have been made to feel like aliens, and the more recent settlers of British birth or origin

to feellike outcasts. Apart from each other, and dispirited by the practical contempt of their rulers, they could not act in that harmonious combination with which a free people instinctively follow, and controul the tendencies of their position. Individually equal to any other people, as a community they were feeble, slow, and backward. Their country languished though favoured by nature beyond almost any other region of the globe, and held by the sons of the most industrious and energetic nations of Europe. In the designs and works of peace, after a settlement of nearly two centuries, little was seen in the open interior beyond isolated efforts to subdue the wilderness, with the rudeness of infant art in the villages and towns; and when drawn into hostile collision with their uncivilized neighbours, they frequently saw their frontier swept almost with impunity for months by the most contemptible foes.

The cause of this national infirmity is no where to be found but in their political institutions. Every thing else in their condition and circumstances was favourable to vigorous growth; and had the mental energy and capacity for continuous exertion which distinguish the people whose blood is in their veins, found suitable employment in the noble, generous, elevating duties of freedom, instead of being chilled and almost extinguished by a sense of defeat and subjugation, and exposure to the capricious will of a distant, unknown, or delegated master, the inhabitants of the Cape would by this time have taken away the reproach from Africa of being for ever hostile to the higher forms of civilization, and presented to the world

another and not the least worthy of the many flourishing offshoots from the British stock. Even the mere hope and faint expectation that the management of the internal affairs of the Colony was about to be committed to the inhabitants, has for some years back had a sensible effect on their character as a people; and though far different from what it would have been had freedom cherished and regulated its action from the beginning, the Cape from 1830 to 1840 made as great progress as perhaps any other country ever did in the same space of time. The moral condition of the people, and the physical aspect of the country, were improving visibly every year, and at the last mentioned period everything was full of promise. Many calamities had been sustained by the inhabitants, many notorious evils existed, and many formidable dangers threatened the settlement, but the faith that redress and remedy would soon be in their own hands, according to the avowed intentions and implied promises of the British Government, disposed them to endure all with patience, and encouraged them to make the best of present circumstances in the mean time.

Repeated petitions had of late been addressed to Parliament and the Throne, praying for the speedy introduction of representative institutions. Those petitions appeared to have been well received, and were favourably noticed in both Houses with the apparent concurrence of all parties. Preliminary inquiries were instituted under directions from Lord Stanley, then Secretary for the Colonies, in 1846, and in 1848 very able reports on the subject were forwarded

to Downing Street, drawn up by the principal officers of the Local Government. It was then understood that all was on the eve of accomplishment, and though the existing local legislature had fallen into contempt, and its immediate abolition as a sham and deception loudly demanded, even should there be nothing ready to take its place, faith in the sincerity and liberal views of the present ministers remained unshaken, and the people waited with loyal and patriotic feelings for the promised boon.

But in 1849 and 1850 events occurred which changed the whole aspect of affairs. On several occasions the Local Government had been informed by the Colonial Minister that labour would be supplied to the Colony by the transmission of convicted felons from Great Britain and Ireland, "*if the Colonists wished it,*" and on every occasion the Colonists had not only declined to accept the offer, but unanimously protested against their country being made a receptacle for criminals in any form or modification that could be suggested. Juvenile delinquents had been proposed and rejected. The intention of Government to send to the Cape as a place of punishment certain political offenders from Ireland, was also firmly opposed as affording an opening for the introduction of every other sort of offenders; and when it was finally suggested that convicts might be employed under strict restraint in constructing a breakwater in Table Bay, this was only listened to for a moment under the express condition that every one of them should be removed from the Cape previous to the expiration of their term of punishment, so that not one should ever mingle with the

population, or be permitted to remain in the Colony. This opposition, in which all ranks and classes concurred, arose from no indifference to the perplexity felt in the mother country in disposing of her criminals, nor from any harsh feelings towards the unhappy victims of crime. It was founded on a knowledge of the very peculiar character of the various races which compose the labouring classes of the Colony, among whom such a leaven must have produced the most terrible consequences; of the half reclaimed natives within the Colony, and the barbarous and savage tribes on its borders, with whom daring and restless offenders would inevitably have formed connexions; and of the facilities for vicious indulgence, to which the cheapness of spirituous liquors and other circumstances hold out irresistible temptations to men of ruined character and sensual habits. In short, the Colonists saw that there was no proportion between the evils which such a measure would inflict on them and the relief it would afford to the mother country; whilst to the convicts themselves, to whose future welfare every system of punishment in this country has professedly some regard, the Cape would prove the most dangerous, the most degrading, the most fatal of any region within the British dominions. A degraded class of white men compelled to associate with the most degraded of the black population must have speedily sunk into the lowest depths of moral turpitude and physical debasement. Profoundly impressed with these truths, all classes, including the Governor, all the members of the Government, and all the clergy, joined in solemn protests against the Cape being

virtually converted into a penal settlement. And such had been their reply to the Colonial Minister's last proposal, which he had softened with certain allusions to *agrarian offences committed under the pressure of destitution in Ireland*, and guarded with expressions implying that the adoption of the measure would depend upon the *wishes of the Colonists to accept it*; when it was discovered from other sources that a cargo of convicts had actually been ordered to the Cape from Bermuda, and that military convicts were about to be sent also from Mauritius, India, Hong Kong, and Ceylon, and this startling intelligence was soon confirmed by an official despatch covering an Order in Council, in which the Cape was classed with *Norfolk Island* as a place to which convicted felons might be sent under sentence of transportation. *The Governor was at the same time instructed to procure the passing of ordinances by the Local Legislative Council, which was a mere formal and passive instrument of Government, for the due administration of this new convict system in the Colony, as the convicts were to be dispersed in a state of comparative freedom over all the country.*

This open defiance of public opinion at once roused the whole community to a sense of their political degradation, and convinced them that in none of their institutions did there exist any the slightest barrier against the most destructive inroads of despotic authority. It was not only an act of oppression of the most deadly tendencies, but a palpable violation of a promise on the part of Her Majesty's Government. Confidence vanished; their petitions and remonstrances had been despised; the Minister had broken his word;