

PARLIAMENTARY REFORM,

SHOULD THE COLONIES BE

REPRESENTED?

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THE representation of the British Colonies in the Imperial Parliament is a point that appears to demand some consideration, at a moment when we are about to give the question of domestic Reform a practical solution. The subject is by no means new. The United States, previous to the war of Independence, were anxious to secure it; and Lord Elgin, an Ex-Governor of Canada, whose recent achievements in the East, has rendered his name illustrious, announces that this powerful and populous limb of the Empire is dissatisfied to remain any longer disjointed from our Imperial system, but as a full-grown daughter, impatient of governors, jealously seeks that frank and affectionate intercourse that befits her rank and relation. Would not sound policy bid us hesitate ere we thwart a feeling at once so loyal and legitimate. The Queen has not more loyal subjects than the Canadians. If, therefore, the principle of Colonial Parliamentary Representation is one that should be adopted, there could not be a more favourable conjuncture for putting it in practice.

Let us candidly examine the arguments in favour of such a measure.

If the enquiry, How many legislatures should one Empire contain? were addressed to a modern Solon, what would probably be his answer? Would he recommend one legislature or a multiplicity of legislatures? To common sense

it is obvious that the reply would be, that one Empire should be ruled by one legislature. The United Kingdom and the Colonies form but one Empire, why then have we Parliaments sitting at Westminster, at Quebec, at Sidney, at Melbourne, and at half a dozen other places? Either each of these Parliaments are entirely independent, and exercise co-ordinate powers, or all the others are subordinate to our so-called Imperial Parliament—a Parliament, by the way, only Imperial in the extent of its power, and not by virtue of its composition.

In Stephen's Blackstone, it is laid down that "every description of transmarine possession is, under all circumstances and whatever may be its political constitution, subject to the legislative control of the British Parliament."

Burke says, "the Parliament of Great Britain sits at the head of her extensive Empire in two capacities: one as the local legislature, providing for all things at home; the other, and he thinks her nobler capacity, is what he calls her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her: else they can neither preserve mutual peace nor hope for mutual justice, nor effectually afford mutual assistance."

Lord Glenelg, when Secretary for the Colonies, writes, "Parliamentary legislation on any subject of exclusively internal concern to any British Colony possessing a representative assembly is as a general rule, unconstitutional; it is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception."

From these authorities it appears that all our Colonial Parliaments are subject to the control of British Parliament. Now if this be so, the Colonies have, undoubtedly, a right to be represented in that Imperial Parliament. Possibly we may be met with the remark, "Oh, the

Imperial Parliament does not tax the Colonies, and therefore the Colonies cannot justly complain that they are unrepresented." But is this so? By the theory of the British Constitution every Englishman has a right to have some control over the power to which he is subjected. Practically we admit that the way the House of Commons has acquired for the people the control over the executive is by holding the strings of the national purse, but now its power over the whole policy of the Government is real and unquestioned. If the Colonies are subject to the authority of Parliament, they have an incontestible claim to a voice in its deliberations; for, the *exercise of power over persons to whom those armed with that power are not responsible is a despotism*: and it may be observed that an irresponsible, popular assembly is just as likely to perpetrate acts of tyranny as an individual despot.

On the other hand, suppose the Canadian Parliament were really and *de facto* independent, that it exercised authority in every respect co-ordinate with the British Parliament, that Canada was subject to the Crown and Canadian Parliament, and that the Lords and Commons of England had no right to advise the Crown in respect of any matter whatever that related to Canada: from this point of view how stands the case? Why, it follows that the Canadian Parliament would be clearly entitled by virtue of their independence to advise the Crown on all the great questions of peace and war—of leagues and alliances. If so, is it altogether impossible that the time might not come, when different advice might be tendered to the Crown by the two Parliaments? Nay, is it not more likely than not, whenever the interests of the two countries appear to clash; for it is of the nature of things that local legislatures should be swayed by local prejudices, and by magnifying the importance of local interests, fail to apprehend the due proportion and relative gravity of matters as they affect the general good. Whereas in a Parliament representing all parts of the Empire, each member, although elected by a

local constituency, is bound to prefer the general good of the Empire to the particular advantage of his constituents. Whatever may be the practice, that is clearly the duty of members, and conscientious statesmen will ever do their duty, even though the penalty may be temporary local unpopularity.

Suppose, for instance, that England declares war against the United States which the British Parliament considers just and necessary, but which the Canadian Parliament declares unjust, impolitic and hostile to the interests of humanity and freedom; or *vice versa*, suppose the Parliament of Canada demanded that the Executive should declare war against the United States contrary to the advice of the British Parliament, which is to give way? The power of the Empire might thus be paralyzed at the very moment when the whole might of its unimpaired vigour were essentially necessary for national salvation.

"When we consider," says Mr. Pitt, speaking of the Irish Parliament, "the distinct powers possessed by the two legislatures on all the great questions of peace and war, of alliances and confederacies, is it not possible that on some of those important questions the opinions and decisions of the two Parliaments may be at variance? Are we talking of an indissoluble connection when we see it thus perpetually liable to be endangered? Can we really think that the interest of the Empire, or its different branches, rest upon a safe or solid basis at present. If one Parliament is not bound by the decision of the other, will any man, looking at human nature as it is, contend that there is sufficient certainty that the decision on that important subject will always be the same in both countries."

But here the experience of by-gone ages may warn us. In 1788-9, on the occasion of the temporary illness of Geo. III., while the British Parliament were appointing a Regency, the Irish Parliament nominated one with different and superior authority. This, says an able writer, produces two independent Executives for one Empire; it risked

entrusting the Executive to different hands; and set different limits in each island to its power." Did this act, the immediate effect of legislative independence, tend to dismember the parts of the Empire? I will not argue such a question, but leave the sober and impartial reader to answer it for himself.

Gradual alienation and final separation are the inevitable results of our present impolitic practice of unjustly excluding the Colonies from their inalienable right to representation in the Imperial Parliament. For if the Colonial Parliaments are subject to the control of the Imperial Parliament, the growing self-respect of the Colonies will never continue to brook their unjustifiable exclusion from a voice in its deliberations; on the other hand, if the Colonial Parliaments are independent of, and of co-ordinate authority with, the Imperial Parliament, there is not the slightest guarantee for the maintenance of the integrity of the Empire.

Perhaps some crazy economist, who can do nothing but growl over the three or four millions, which it is alleged our Colonies annually cost us, may rejoice in the prospect of such a consummation. But even were our Colonies not absolutely essential for the permanent maintenance of our naval supremacy, are we going to abdicate our birthright purchased by the best and bravest blood of our heroic ancestors, because it costs us a little of the pelf we inherited from them? Are we to accept the devise of their wealth, and renounce that more inestimable legacy of their imperishable renown.

It is a great law of our being, that glory, power, or influence, like everything good, great, or permanent, cannot be acquired or retained without some sacrifice. The grounds relied upon by that school of politicians that advocate the abandonment of our Colonies is, first, that we derive no exclusive or peculiar advantage over other nations from their commerce, and secondly, they neither pay for their own defence nor furnish any military contingents to the forces of the empire, but

are similarity of laws and fiscal regulations, identity of monies, weights, and measures, and facility of enforcing commercial contracts and redressing commercial wrongs, no commercial advantages? But again, is it a fact that the Colonies have never contributed to their own and our defence? Why Burke, in 1775, moved the following resolution in the House of Commons; "That their general assemblies have at sundry times, freely granted several large subsidies and public aids for His Majesty's service, according to their abilities, when required thereto by letter from one of His Majesty's principal secretaries of state, and that their right to grant the same, and their cheerfulness and sufficiency in the said grants have been at sundry times acknowledged by Parliament." He afterwards went on to say the nation had formally acknowledged two things. 1st. That the Colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them. And 2nd. That they had acted loyally and lawfully in their grants of money, and their maintenance of troops, since the compensation was expressly given as reward and encouragement.

The munificence of the Canadian Parliament transcends the loyal liberality of their ancestors, for they, without being moved thereto by a secretary of state's letter, a short time since, volunteered grants of men and money for the defence of the empire, which, to the eternal disgrace of official redtapeism, was at first most ungraciously rejected, and subsequently partially accepted.

Besides, a Parliament containing representatives from all parts, would be much more likely to adopt measures truly consonant with the real interests of the empire; as Franklin remarked, "If it wishes to be *omnipotent* it should seek to be *omniscient*. It must be admitted that, apart from party, English statesmen have a sincere and honest desire to advance the general welfare of the whole empire; their policy and sympathies are of a range of the widest character—but they want information as to the wishes and

temper of our Colonial fellow subjects, which can only be adequately expressed and represented by those who actually enter Parliament from the Colony, and are at once the legitimate organ of its wishes, and liable to be displaced at its pleasure.

And it may be remarked that the Reform Bill has thrown difficulties in the way of a Colonist obtaining a seat in Parliament. Prior to that measure a seat might have been procured either by purchase or personal favour. Though such a state of things might rouse the indignation of an honest radical, it was not wholly an unmixed evil, for under it Colonial interests were better represented than they are at present. A wealthy Colonist who comes to England without connexion, and ignorant of the temper and feelings of English Constituencies, would now find it a very difficult task to effect an entrance into the House of Commons; under the old system he had his passport in his pocket, and took his seat while his Colonial experience was still fresh. For example, Sir Allen M'Nab, an ex-Prime Minister of Canada, has just been rejected at Brighton, although incomparably the ablest and fittest of the candidates.

Again, distinct legislatures impedes the commercial prosperity of the empire, by increasing the diversity of commercial law in the different Colonies, and thereby enhancing the difficulty of enforcing commercial remedies.

The laws of all parts of the empire would be improved; we should have congregated in Parliament the ability, the wisdom, the genius, the rank, and the wealth of an empire, greater than that of ancient Rome. What supernal wisdom—what enlarged experience—what practical sagacity would not such an assembly possess? How world wide its sympathies—how great its knowledge—how tremendous its power!

Canada seems inclined to adopt our exploded doctrine on protection. This will excite commercial jealousy, which will be aggravated by independent legislatures, and without

an united interest in trade, in a commercial empire, political confederation will suffer severe shocks, and separation of interest must menace separation of connection.

This measure would augment the power, by increasing the available resources of the empire. It would, in fact, eradicate a source of present weakness, and the seeds of future estrangement. In the event of a long, arduous and bloody war how much stronger England would be? how much more powerful her parliament? how much greater her resources were all her Colonies represented in Parliament? Then every heart in the empire would thrill with enthusiasm for its glory; men would flock to the standard of the Queen from every Colony under heaven, and her resources, instead of being measured by those of the united kingdom, would be meted by those of an empire on whose territory the sun never sets.

Should Colonial Parliaments follow the example of the Irish Parliament in 1782, and assert their complete legislative independence. It is not going too far to affirm, that such a circumstance would tend to endanger the liberties of the whole empire.

The right of granting subsidies to the crown, possessed by the people of England, is the safeguard of all their other liberties, and if the crown could attain to be independent of the people in regard to its supplies, such is the extent of its prerogative, that from that moment, all the means the people possess to vindicate their liberty, would be annihilated, except what they enjoy in common with the most enslaved nations, viz., an appeal to the sword.

De Lolme writes : it may be laid down as a maxim, that when a sovereign is made to depend in regard to his supplies on more assemblies than one, he in fact depends on none. The kings of France were not independent of their people for their necessary supplies, any other wise, than by drawing the same from several different assemblies of their representatives; who had in appearance a right to refuse.

The real difference between France and England, though the rights of the people outwardly appeared the same, lay in this, that in England there never was more than one assembly that could supply the wants of the sovereign. This has ever kept him in a state, not of seeming, but of real dependence on the representatives of the people. Many other nations of Europe exhibit equally sad instances of provincial assemblies proving utterly unable to curb the power of the crown. The Colonial Parliaments are clearly entitled, at the request of a minister, to grant subsidies to the crown. The spirit of competition may seize the different colonial legislatures. Indeed Franklin when agent for the American provinces in his examination in 1766, before the House of Commons, said: "The granting aids to the Crown is the only means the Americans have of recommending themselves to their Sovereign."

Here is a very grave danger, which obviously arises from the right of Colonial Parliaments to grant supplies to the sovereign; and, although its imminence may not be regarded as very threatening, still when we consider the precarious nature of liberty, and the many dangers that beset it, and the many nations that once possessed but now have lost it, we cannot too jealously watch the growth of any principle that might possibly result in its destruction.

It is to be observed that the difference in the constitution of the Colonial and Imperial legislatures is a certain and alarming source of future complications; the prerogative of the crown may become more limited in some than in others.

As to what would be an adequate share of Imperial representation, it may be observed, that it should be in some degree commensurate with the power, resources, and contribution of the respective Colonies. At the same time it must be remembered that England has a marked, but just predominance of representation as compared with Ireland, Scotland, and Wales.

However, this predominance is not politically of much

moment, as it is the duty of each representative to prefer the general good of the empire to that of any part—what we want is, men who are intimately acquainted with the requirements, wishes, and temper of the Colonies, and whose whole interests and connection is bound up with them. If there were a great many Colonial representatives, possibly a sufficient number of Colonists would not be found who could afford to reside in London, we should then have Colonial merchants resident here returned—but this we don't want—what we need is genuine colonists.

The same observation applies to India, although that is a subject that must be discussed on other principles, and on which an opinion is here ventured with the utmost diffidence; still it is perhaps open to consideration, if half a dozen of the largest towns in India should not be allowed to return one member each—natives, who could speak the English language, only being eligible as candidates.

Lord Stanley, in his most lucid statement, observed, “above all you have not in India the same means as you have here, of ascertaining what the public feeling really is on any measure.” We venture to think that such representatives would tell his lordship pretty freely what the native sentiment really was. There is another course, but possibly not to be recommended, that is, creating four or five of the great Indian princes peers of Parliament—hereditary assistants of the House of Lords, with seats and a voice, but no votes; this, by inducing their residence in London, would tend to Anglicise the Indian aristocracy, and through them the people, as in society influence ever descends.

The *principle, not the terms* of Colonial representation is here discussed. The proportion of members and of contribution may be readily settled, if the consideration of it be approached in an equitable spirit, as it was on the occasion of the Irish Union.

It may perhaps be interesting to the Colonies to know that the Imperial Parliament never taxed Ireland to the extent to which they were entitled to tax her under the act

of Union. So if the Colonies were represented, they may rest assured that Parliament, actuated by maternal solicitude, would never tax them beyond their strength, or as if they were old established countries. However, the act admitting the Colonies to representation might provide that the imperial taxes should not exceed in amount those at present levied in the respective Colonies, save with such augmentation as should be proportioned to their growth in wealth and population. It is also worthy of remark, that the Reform Act gave to Ireland and Scotland, five and seven members respectively, over and above the number of members to which they were entitled under their respective Acts of Union, which, as against England, was tantamount to twenty-four votes, a signal instance of English justice and liberality.

In giving the Colonies representatives, the number of the House of Commons may be increased, or the seats taken from disfranchised boroughs may be given to the Colonies. In regard to the former course, it may be observed, that by increasing the number the relative value of each vote is diminished, and the inducement to corruption lessened *pro tanto*. But this is a question of detail, which does not touch the question of Colonial representation, and must be discussed on its own merits.

Lord Bury thinks that the desirable *rapprochement* might be consummated by conferring life peerages upon the most distinguished of the colonial senators, who would have seats in the British Parliament, but being in the House of Lords would have no voice in voting away the public money, (while representation in the House of Commons is much more desirable; still, this sort of representation is preferable to the present system.) Waiving the objections to life peerages, there can be no doubt such men would be useful in a variety of ways—they would prove at once the most valuable advisers, and the most effectual controllers of the Colonial minister, their counsel and support would lend weight to the behests of the Secretary for the Colonies,

while their frown or protest might crush many a gross job or crude scheme before it emerged from the precincts of the Colonial office ; they would form a most formidable barrier to the exercise of unconstitutional powers, or the assumption of a despotic tone by that department ; their influence on our domestic affairs would be not less salutary, coming to this country with the ripe experience and matured wisdom acquired under kindred institutions, they would enter Parliament wholly unfettered and unpledged, thus we should have the signal benefit of having our domestic measures discussed from a Colonial point of view, by men whose minds had been trained in the transaction of public affairs, and in the habits of official life. The advantages that must obviously result from bringing together persons of such large and diverse experience can scarcely be overestimated. These personages would also perform another and very necessary function ; they would constitute a sort of colonial ambassadors, who, being resident in London, could accredit and introduce into society their countrymen that visited this country ; something of this kind, Lord Bury observes, is much required at present ; it would, no doubt, enhance the pleasure of a colonist's visit here, and it should be borne in mind, that such considerations are not to be entirely ignored, if the tendency is to keep up a good understanding between the mother country and the colonies. The influence of these peerages would not be altogether unfelt on emigration. When an Englishman now abandons England, he relinquishes at once and for ever all chance of ever occupying an eminent position at home. How many brave hearts would swell with the hope that, as the dear shores of their native land were fading from their view, an honourable career in a distant land might possibly at last be crowned with the proud honour of having their names enrolled on the illustrious roll of England's Nobles. Men do not acknowledge these motives but in youth, when hopes are high and aspirations lofty, they not unfrequently act upon them.

Then these Peerages would tend most materially to augment the influence of the crown in the colonies. This might be an advantage, or possibly a disadvantage; however, some Governors are now at times unable to carry on their governments from a lack of some legitimate means of influence. They would also act as a wholesome stimulus to colonial statesmen, forming at the same time, some incentive to loyalty. Every colonial minister would feel that when he became grey-headed in the service of the Queen in his own country, loaded with honours, he might possibly enter the British House of Peers, to benefit the empire by his counsel, thus, to adopt the language of Adam Smith, "a new method of acquiring importance—a new and more dazzling object of ambition will thus be presented to the leading men of each colony, instead of fiddling for the little prizes which are to be found in what may be called the paltry raffle of colony faction; they might then hope, from the presumption which men naturally have in their own good fortune, to draw some of the great prizes which sometimes come from the great state lottery of British politics." These prizes would form a most material guarantee for the maintenance of the integrity of the British empire. It has been observed by Mr. Pitt, that countries with separate independent legislatures are connected only with this tie, that the third estate in each is the same; that the executive government is identical. But ask any sane man is such a tie sufficient in time of war to consolidate their strength against a common enemy? Is such a bond adequate to guard against those local jealousies that must some times arise between states so connected? Is it calculated to afford them all the benefits which would inevitably result from a closer connection? There is another and grave danger that a sagacious and provident policy should anxiously guard against. Under the present system it is not altogether impossible that the time may come when a great but unprincipled colonial statesman, utterly disgusted with what he may deem the petty sphere of a colonial legis-

lature, may pant for independence, in order to secure for the exercise of his abilities a freer, wider, and more prominent position as minister of a free state. Such a man's abilities, with a peerage looming in the distance, would be arrayed on the side of the government and of the imperial connection. On the whole, the scheme of Lord Bury deserved attentive consideration as emanating from one, who has passed some years in an official position in Canada, and who is nearly related to one of her ablest statesmen.

It is not wholly impossible, although in my judgment it is most undesirable to retain Colonial Legislatures, and yet have the Colonies represented in the House of Commons. All grants of public money must originate in a committee of the whole house—could not Colonial members be excluded from the right of voting in such committees? Thus they would have the right of voting on all matters but such as related to the taxation of the people of the United Kingdom.

The advantages which England derives from her Colonies are positive and negative. If Canada was represented in the Imperial Parliament, the power and resources of the Parliament would be the power and resources of the United Kingdom, *plus* those of Canada.

The negative advantage is, that in case if a general war these resources cannot, while the connection subsists, be employed against us. For instance, in the late war, had the United States been still part of the empire, how much stronger would we have been relatively, had they been part of the empire, there would have been no danger of their joining Russia.

But I will go further, and say, advisedly, that if the so-called principle that would lead us to resist the representation of the Colonies in Parliament were carried legitimately out, it would lead to the rescinding of the Scotch and Irish unions—nay, it would carry us back to the good old days of the heptarchy. Why should not Yorkshire have its Parliament? If the union of the English, Scotch, and

Irish Parliaments have increased the strength of the empire, union with the Canadian and all other Colonial Parliaments would augment it incredibly more. If the power and predominance of the Anglo-Saxon race, of Anglo-Saxon institutions, and Anglo-Saxon commerce be objects worth securing, their greatest safeguard and security will be found in the consolidation of the United Kingdom and the Colonies into one empire, which can only be effectually accomplished by admitting the Colonies to their fair share of representation. By this means, and this only, will England be able permanently to maintain the proud position of a first rate power; for to use the words of Mr. Disraeli :

“ The time is coming, if it has not already arrived, when the question of the balance of power cannot be confined to Europe alone. For if the Australian Colonies are yet in their youth, it is a gigantic youth, and they have already thrown their colossal shadow over Europe. England is not a mere power of the old world—her geographical position, her language, her religion, connect her as much with the new world as with the old, and although she has occupied not only an eminent position, but, I am bold to say, the most eminent position among European nations for ages, if ever Europe, by her own shortsightedness, falls into an inferior and exhausted position, for England will yet remain an illustrious future. We are bound to the community of the new world by ties, by interests which will sustain our power, and permit us to occupy as great a position in future as it does now in the present, and has done in the past.”

Lord Grey, in his essay on a Reform of Parliament, notices that the worst of the evils incident to Parliamentary government are likely more seriously to affect the Colonial legislatures than they do the Imperial Parliament. He points out there is a stronger tendency to jobbing and corruption from the limited number of members in a Colonial Assembly. Again, from the state of society but few of the Colonists, even in proportion to their number, are well

qualified for the public service ; and that from poverty and the uncertainty of their tenure of office, Colonial statesmen may be tempted to grasp at irregular gains. But of the evils the most aggravated is party spirit, which is usually bitter in proportion as the field in which it is displayed is contracted ; and the probability of government measures being biased, as they affect the interests of individuals. He enlarges upon other topics, as the difficult and anomalous position of a Governor, and declares that the evils have not yet had time to develop themselves in a marked manner, nor have the means been found for effectually checking that development.

Representation in the Imperial Parliament would obviously cure those evils, by soothing the bitterness of party spirit—removing the temptation to jobbery and corruption, and effectually checking the development of the imminent dangers indicated by his Lordship.

Our imperial policy should aim at localizing the executive, and centralizing the legislative and imperial powers of the empire ; allowing the people every where, as much as possible, the free and unfettered power of governing themselves and managing their own affairs, subject to such general laws as may be promulgated by, and to the control and supervision of, the central legislature. For it should never be forgotten that the proper function of all government is to afford security to life and property against violence and fraud, foreign and domestic, and that its legitimate aim is not to produce good but to prevent evil.

If, in this busy, bustling age, we can spare time to attend to the opinions of the statesmen of former times, we will find that many of the most eminent of these personages advocated Colonial representation. Lord North, when he was prime minister, it is said, was on the point of proposing it to Parliament, as he held it was the constitutional right of every Englishman to be so represented.

In 1775 Burke would have advocated it, “but a great flood,” says he, “stops me, *opposuit natura*. I cannot re-

move the eternal barriers of creation." "You can not pump the ocean dry;" but now science, although it has not pumped the Atlantic dry, has bridged it over with steam boats, and cleared the eternal barriers by the greatest triumphs of human industry and skill—the steam-boat and electric cable. Canada is now practically much nearer to Westminster than the Orkney and Shetland were at the period of the union of the Parliaments of England and Scotland.

When Franklin was thundering in the name of the revolted Colonies at the door of the House of Commons, he demanded Colonial representation. Happy for England would it have been had she listened with befitting attention to that demand.

In 1766 he writes, "My private opinion concerning a union in parliament between the two countries is, that it would be best for the whole. The Parliament here do at present think too highly of themselves to admit representatives from us, if we should ask it; and when they shall be desirous of granting it, we shall think too highly of ourselves to accept of it. It would certainly contribute to the strength of a whole, if Ireland and all the dominions were united and consolidated under one common council for general purposes. But this should have been more early provided for. In the infancy of our foreign (Colonial) establishments it was neglected, or was not thought of."

In a letter to Lord Kaimes, dated 11th April, 1767, Franklin writes, "I am fully persuaded with you, that a consolidating union, by a fair and equal representation of all parts of this Empire in Parliament, is the only firm basis on which its political grandeur and prosperity can be founded. Ireland once wished it, but now rejects it. The time has been when the Colonies might have been pleased with it. They are now *indifferent* about it; and if it is much longer delayed, they too will refuse it. But the pride of this people cannot bear the thought of it, and therefore it will be delayed. Every man in England seems to consider himself as a piece of a sovereign over America;

seems to jostle himself into the throne with the king, and talks of our subjects in the Colonies. The Parliament cannot well and wisely make laws suited to the Colonies, without being properly and truly informed of their circumstances, abilities, and temper, &c. This cannot be without representatives from thence; and yet it is fond of this power, and averse to the only means of acquiring the necessary knowledge for exercising it; which is desiring to be *omnipotent* without being *omniscient*."

In writing to his son William, on 6th October, 1773, he says, "From a long and thorough consideration of the subject, I am indeed of opinion that the Parliament has no right to make any law whatever binding on the Colonies; that the King, and not the King, Lords, and Commons collectively, is their Sovereign; and that the King, with their respective Parliaments is their only legislator."

Adam Smith remarks that the assembly which deliberates and decides concerning the affairs of every part of the Empire ought certainly to have representatives from every part of it. Then he goes on to say, that this union could be easily effectuated, or that difficulties might not occur in the execution of it, he did not pretend; he had, however, as yet heard of none which appeared insurmountable. The principal perhaps would arise not from the nature of things, but from the prejudices and opinions of the people both on this and on the other side of the Atlantic.

Dean Tucker has recommended Colonial Representation as a means of lessening the great scramble of faction and ambition.

Judge Hallyburton, who has just been returned for Launceston, another able advocate for Colonial Representation, having spent many years in Canada, he is entitled to speak on this subject with peculiar weight.

Extending imperial representation to the Colonies is entirely in accordance with the ancient precedents and the traditional policy of this great empire. It has ever been the aim of British statesmen to impart to territory unre-

presented a voice in the legislature. Take the case of Wales: this principality was reduced by Henry III., or perhaps more properly speaking by Edward I., and though it appears, from the "close rolls" referred to by the Report on the dignity of a peer, and by Sir Edward Coke in his Institutes, that Welshmen were called to the English Parliament in the reigns of Edward I. and Edward II., still it is evident from the act of 34th and 35th Henry VIII. that Wales was practically unrepresented until 1542, when it permanently acquired the right of sending representatives, having been out of the pale of legislation for nearly 300 years.

The county Palatine of Chester is another case in point. At the conquest, the earldom of Chester, the most ancient and honourable of the earldoms of England, was created "*consilio prudentum*," as Dugdale says, by the advice of the King's Council, for the purpose of better restraining the bold incursions of the Britons. It was subsequently conferred upon Ranulph de Meschines, "to hold to him and his heirs as freely by the sword as the King himself held England by the crown." The Earls of Chester had their own parliaments, in which fifteen Barons created by themselves sat. The county had law courts of its own, and all writs ran in the Earl's name, as writs in England run in the King's or Queen's name. But in 1542 the county petitioned parliament to accord them representation, to which the statesmen of that day wisely acceded. Thus this county was wholly unrepresented for several hundred years.

Then comes the case of the county palatine of Durham; this county long lay out of its constitutional rights—until 1672 it never was represented, but by the 25th Charles II., it acquired the right of sending two members to Parliament. Now here are three precedents, of a principality and two counties, being admitted to a voice in the deliberations of the English Parliament.

When thus the whole of England and Wales was repre-

sented in the English Parliament, the wisdom of Lord Somers at last succeeded, in 1707, in consolidating the strength of the kingdom, by combining the separate legislatures which ruled England and Scotland, a measure which all the great statesmen on both sides of the Tweed had looked forward to for above 200 years, as calculated to enhance the resources, power, and tranquillity of the whole island.

But it was reserved for the dawn of the nineteenth century to consolidate into one legislature the Parliaments of Great Britain and Ireland. No sooner was the Irish Parliament really free in every respect of co-ordinate authority with the British Parliament, than it was found that there was not the lightest guarantee for their ultimate agreement, thus, as was before adverted to, both Parliaments appointed George IV. Regent on different grounds and with different powers. Mr. Pitt at once saw there could not exist in the same empire two Parliaments, really independent and with equal authority, the thing is politically impossible, notwithstanding all that may be said on the matter.* If, for instance, both Parliaments are resolved to pursue antagonistic courses, and neither will give way, the only possible result is a trial of strength, as between two distinct powers, viz., a civil war.

To sum up: If we would follow the uniform tenor of precedent and the established line of practice—if we reverence the opinions of Burke, Franklin, and the great statesmen of former days—if we would provide against the manifest dangers indicated by Lord Grey—if we would avoid the multiplication of Parliaments, denounced by De Lolme, as subversive of liberty—if we would increase commercial prosperity, and check commercial jealousy—if we would enrich the Imperial legislature with the wisdom of the ablest men of an Empire, on whose territory the sun

* Blackstone says, that "absolute despotic power must, in all governments reside *somewhere*."

never sets—if we would not be guilty of maintaining an unjustifiable despotism by investing Parliament with power over countries that are unrepresented in it—if we would not tyrannically withhold from our fellow-subjects a right which is undoubtedly their due—if we would augment the power, resources, and permanent stability of the Empire, we are bound by every obligation to accord to the Colonies representation in the Imperial Parliament.

As social exclusiveness begets an aggressive democracy, so political exclusiveness generates hectoring republicanism. Woe betide the future greatness of England, if the governing classes deliberately challenge the issues of a contest on two such pestiferous principles.

When an Englishman emigrates to Canada why should he thereby loose his right of being represented in the British Parliament? Does he cease to be an Englishman? Does he leave the British Empire? Does he no longer owe allegiance to the Queen? If not, why then does he lose his right of being represented in the Imperial Parliament? Is it the part of a wise mother thus to cast off her stalwart and loyal sons?

The difficulties anticipated by Adam Smith on the other side of the Atlantic, have “melted into thin air;” the precient sagacity of the Canadians has discovered the permanent advantages resulting from closer connection. Shall we by our prejudices impede this great politic and patriotic project? Shall we insanely repel the friendly and filial feelings of that great Colony towards this country? Shall we impolitically deny her a share in our representation which is so justly her due? Shall we tell her you have neither lot nor part in the Imperial Parliament? If we should do so, well may the Canadians, conscious of their strength, proud of their wealth, and confident in their untold resources, resent the haughty and impolitic exclusiveness of the British Parliament. Let us pause ere we offend the generous sympathy of this high-spirited people; let us rather concede them a fair share of our repre-

sentation ; as brothers let us receive them with that frank cordiality which their fervent loyalty demands, with the indissoluble bonds of equal privileges, let us for ever bind the mother country and the Colonies into one united, powerful, and prosperous empire.

Lincoln's Inn,
June, 1859.

. It has been suggested that a Colonial Representation Association should forthwith be formed, for the purpose of pressing upon Parliament the natural and inalienable right of Englishmen resident in the Colonies to be represented.

