

PREDOMINANT. Perpetually thankful should the British race in all successive generations be, to that hardy band of philosophers and statesmen who laid the eternal foundations of so vast a truth. Around the memory of these "fathers of their country," Harrington and Sidney, Milton and Locke, Pym and Hampden, Eliot and Vane, an undying glory smiles. They are those who warred with time and grappled with prejudice, who gained the mastery over custom and rolled the stone from off the tomb of buried liberty; who framed and enunciated opinions which it has been beyond the reach of superstition to destroy, or of power to recal.

It is trite to express, but necessary to bear in mind, the mode in which in more modern days the people of England exercise this inherent privilege purchased for them by the struggles of departed patriots. It has not been thought necessary during the last century to keep in full force all the provisions of the Act of Settlement of William III., and more particularly that clause whereby it is enacted, that "no person who has an office, or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons," or even the clause which asserted the responsibility of the Privy Council, by requiring that every resolution of that Council should be recorded and signed by the Councillors present. It has been thought sufficient to adhere to the practice which has now acquired the fixity of custom, and which, perhaps most conveniently asserts the paramount power of the Representatives of the people. We of course allude to the custom of the Ministry resigning office, whenever, upon any matter of public interest, they fail to obtain a majority of votes. Such being the custom, the real power may directly be said to vest in the people themselves, as they choose the members who permit that minority only, to be near the Royal person, which is agreeable to the Commons. And this control would doubtless be more immediate and efficient if the Triennial Act of William III. had (which it ought to have) the force of law.

2. Such then being the undoubted right of every British subject having the elective franchise, and resident in the United Kingdom, a right of personal control over the Government, it is next to be shown that this right is inherent in himself and his issue in any and every portion of the British dominions. Now we cannot conceive the possibility of any rational person seriously disputing this. To assert that the rights of civil liberty, or any of them are connected with questions of locality or geographical limit is to transgress one of the fundamental laws of human reason; for it is to confound in the same category, things physical and metaphysical, to make a mental privilege subservient to a bodily residence. To attempt to bind by rock, and to circumscribe by seas, the virtue and efficacy of a British subject's political immunities, is a thought worthy only of the darkest days of capricious tyranny. And accordingly the law, in this instance if in no other the "perfection of reason," has explicitly declared, that a Briton, no matter in what part of the Empire he may reside, carries with him in his own person, the constitutional rights which lawfully appertain to him. As in ancient times a man might reside a thousand miles from the imperial city and still enjoy all the prerogatives of a Roman citizen, so does an Englishman, though migrating to India, Canada, or Australia, bear with him individually the results of birthright.

Caelum non leges mutat, qui trans mare currit.

3. But is there anything in the peculiar constitution of this Colony, that should bar the recognition of these rights of Self-Government which we inherit from our British ancestors, and which we have carried with us in our persons to this extremity of the globe, or which, as the children of immigrants to this soil we receive from our fathers? Is it because we reside, or because our parents have chosen to reside in New South Wales, that our liberties are to be abridged, and that we are to be forever denied any voice in the administration of our internal affairs? We emphatically assert that such an abrogation of rights is equally illegal and impolitic, and that there is not a shadow of reason whereon such a wholesale edict of deprivation can be based. For how stands the case which thousands of our fellow-colonists do most earnestly and rightfully complain of? Here is a Colony, purely of British origin, and which has never ceased to be an integral part of the Empire of Great Britain. For a long period of time past, emigration from England to these shores has been expressly encouraged by the Home Government, and, in consequence, a very large majority of the colonists consists of free British subjects who have, with the knowledge and consent of the Crown, transferred their residence from some part of the United Kingdom to some part of the territory of New South Wales. Shall it be said that these persons lose their rights of Self-Government by the circumstance of passing over the sea? Are they to be governed irresponsibly and despotically because they choose to reside in a part of the British dominions which is not England? *Minimè gentium!*

But it will be said that we live here in a convict Colony, and that this penal peculiarity places it without the pale of English national rights. It will be averred that hence arises an argument *ex necessitate rei*, which is fatal, as far as this territory is concerned, to the recognition of British privileges. It seems sufficient, in reply to these superficial cavillers, to request them to remember that certain political rights are under no circumstances separable from free members of the body politic, and that, if this community were carefully classified, a very small minority would, with justice, come under the rule of political deprivation. Bearing this in mind, it may truly be complained, not only that a large number of free persons who have emigrated hither, are debarred from that greatest bulwark of freedom, a control over their local Government, but that this right is denied to all of the many individuals duly qualified in other ways, who have passed through the period of probation legally allotted to them as a punishment for crime; and who, that punishment having been endured, revert to their original position in the eye of the law, and have as great a claim to all British privileges of birthright as the strictly free inhabitants of the Colony. We deny that there is any force in the objection that this has been a penal settlement. For if the Imperial authorities had wished to exclude all claim for British rights, they should have strictly kept it as a large prison; they should have maintained it as a residence merely for persons actually suffering the sentence of the law; they should have refrained from throwing it open as a receptacle and a home for free emigration; they should

have avoided laying it out as one of those nursery grounds of the earth, where the British language, religion, laws, rights and immunities might take root, and flourish to the end of time. Already the penalty of New South Wales has become a tradition. Let our English Parliament cease to be frightened at the bug-bear of the past, and at once concede those liberties which, in spite of defamation, it may be said that we have too much intelligence, too much thoughtfulness, and too much morality to abuse, but which we have too much British independence and spirit ever to cease asking for, until the boon is granted.

4. For the fact is undeniable, not merely that the Colonists of New South Wales are debarred from the exercise of that control over their Government which is possessed by their countrymen elsewhere, but that they are in truth governed, as respects all their internal affairs, by authorities resident at the Antipodes, and who act, with regard to this community, through the medium of an overseer, whom the governed are compelled to pay, and who, as far at least as the present holder of that office is concerned, is the obsequious instrument of that particular clerk in the Downing-street office who has charge of the Australian Colonies, and who has the use of Lord Stanley's signature just in the same manner as a merchant in his counting-house uses a brass stamp to seal his letters with.

This part of the case is well stated in the Grievance Report (page 8).

The utter state of pupillage in which the Governors of our Colonies generally are now held, by that necessity for constant reference to Downing-street, which is imposed on them by their instructions; and the public inconveniences and mischiefs that accrue to the Colonies in general, from the distrust thus evinced on the part of the Home authorities of the ability or inclination of Governors to use that local knowledge which they possess, or acquire with due judgment and discretion, if attended with practical and serious evils in Colonies at the other side of the Atlantic, cannot but operate with aggravated injury in a community situated as we are, at the distance of half the circumference of the globe from this seat of imperial reference and power.

Nor is it the least evil of this system, that it renders the term "Governor" a practical misnomer, and constitutes him who ought, in fact, as well as in name, to be the Queen's representative, fully armed with all the powers delegated to him by the Royal Commission, a mere subordinate officer; and what is worse, as far as the moral influence of his station goes, a mere imperial officer, possessing on the one hand, in reality, little or no discretion in the wide range of administrative powers from their inability to separate those measures which are of his origination from those which are not, accountable, on the other hand, for the whole of the mischievous policy of which he is the apparent author.

To suppose then, under such circumstances as these, that the representatives of the people possess the smallest amount of real power, is manifestly to adopt a perfect fallacy. The exclusive management of the internal affairs of the Colony by an Executive irresponsible to the governed as respects its local head and officers, whose salaries are permanently secured by an exorbitant civil list, deprives the people of the smallest shadow of true freedom, robs us of our peculiar rights, stamps us as the victims of a heartless despotism, and proclaims an experimental "Constitution" to be "a delusion, a mockery, and a snare."

5. What then, and are these things so? Is the privilege of control over those who govern us a sacred and inalienable birthright? Do we carry with us this right into every Colony of the Empire wherein we choose to fix our abodes? Is the spirit of Anglo-Saxon freedom unchanged by our voyage across the Pacific and the Atlantic? Do we feel that there is nothing in the condition of New South Wales which should abridge or invalidate our customary claims? And yet are not these rights abrogated, stifled, and held up to scorn? And shall we not agitate? Shall we be restrained from knocking perseveringly at the door, by reason of the frowns of arbitrary power, the alarmed hostility of placemen, and the pulings of "men of moderate opinions," dupes of their own stupid conceit and mental imbecility? No doubt it will be said that the end we seek is distant and precarious of attainment. Truly, the task is arduous. Indeed when we recollect the tedious and multiplied difficulties which have always attended the accomplishment of a great purpose, the chaotic mixture of the social elements in this Colony, acting by opposite efficacies; when we consider the animosities of individuals in whose breast a vindictive remembrance still rankles, when we think of the pecuniary distresses of the times which tend to disunite the bands of public confidence; above all, when we contemplate the often-provoked aversion of this community to all political enterprises, the "deadly mildew" of a circumspect and qualifying despotism; when we estimate the influence of an established government, and that pernicious waywardness so epidemical in all colonies and countries among the sons of men, by which they are led to defend the very authority that oppresses them, and to become the active instruments of their own servitude; when we meditate upon all these things, we cannot but at times admit a fear lest we fail in gaining those privileges which are the proper right of every Briton, which are the vigorous growth of the better part of our nature, which are inherent and inalienable, and to the exercise of which a free man's conscience tells him that he is born no less than to the exercise of his moral and intellectual powers.

But our battle is a strong one. The cause is good, nor is it without champions to set forward positive rights by honest and powerful exertions. The men who wage this warfare on behalf of the Colony are not likely to give way before the peremptory insolence of a tyrant, nor yet to be outwitted by the insidious manoeuvres of ministerial legerdemain. Far less will they pause at the outcry of waiters upon court favour, the weak and silly fools who are entranced by the cuckoo note of "moderate opinion," a set of beings who are the ever-ready tools of arbitrary workmen, a class of persons easily duped, patient of domination, solicitous of contumely, zealous in the proportion in which they are scrutinized, and whom nature hath not condescended to qualify for the luxury of independence.

In the progress of our struggle for Responsible Government it is not to be doubted that all who in this whole community are animated by feelings of real patriotism will be brought publicly forth by the force of circumstances, and afford us the opportunity of estimating characters in whose contemplation enthusiasm will be a virtue. Although we repel the

charge of optimism, we nevertheless feel assured that it will be our lot, during the agitation for the abolition of these General Grievances, to observe no scanty band of our fellow-colonists disdaining the control of circumstance, and, in despite of every obstacle, summoning the whole force of their collected faculties to propagate and encourage the celestial spirit of freedom.

They will feel with us, that every man of true British descent should insist upon the recognition of liberties inherent in himself and his offspring. While such shall be the sentiments of the wise and good, no zealot in the cause of worse than oriental servitude, no arrogant and contumelious engrosser of delegated power, no crier of peace when there is no peace; no fool of "moderation" shall look forward to our long continuance in political thralldom. It will remain for such men only to speculate upon the glorious doctrine of passive obedience, and to feast their imaginations alone on the enrapturing tenets of non-resistance. The only passive obedience which shall then be known to us, is that which we pay to our country's laws. Wherefore? "*Legum idcirco servi sumus ut possimus esse liberi.*"

BARNEY'S ANTICS.

MOTTO AND AIR.—*The Groves of Blarney*

Oh! Colonel Barney is like Kate Kearney,
That by Killarney once did dwell;
His glance is fatal and will easily bate all
Warner's range and invisible shell;
His fortification is our ruination,
But our natural inimies like it well.

Oh! Colonel Barney's a smart Attorney,
For Joinville or Du Petit Towers,
And Commodore Bruat, if he only knew it,
Wouldn't he walk into a harbour like ours?
But Gipps's close peeling has left nothing worth stealing,
And so we are safe from the buccaneering powers.

He is so lanient, he's left couvanant
The entrance, like an open gate;
The heads make a triangle, which the foe might mangle,
But they alone are left in the natural state.
The Figs and Sows, too, can't say bow-wow to
The laste little sloop of an inimie's fleet.

The Island of Pinchgut he's inch from inch cut,
And powdered it into the say so salt,
So that without flattery it can't stand a battery,
Nor even endure a common assault;
And poor old Garden would not be worth a farden
If his friend the Governor had not made him halt.

As for poor Cockatoo, he's worked hard to knock it to
The strame, where the navigable steamers sail;
For the head of Bradley he's not done so badly—
If France would promise not to take it by the tail.
And not to seek shelter, when the batteries pelt her,
Nor make Clarke's Island for her ships give bail!

He's cut a tunnel—such an illigant funnel
For carrying dust into people's throats;
He's worked like a Milo to make a siloe
For corn, in the nasty little isle of Goats.
And Sydney Cove in he's ACTUALLY hove in
Thirteen thousand of our one pound notes!

Bad luck to old Barney, and may his present jarney
Be like the long lane where no turning we see;
He's laid a heavy tax on the rocks of Port Jackson,
But we'll levy no tax to pay such as he,
And if his Excellency's to pay his friend's expenses,
He'd better put him in schedule "G."

THE STATE OF THE PUBLIC REVENUE.

In a recent number of this journal, we briefly adverted to the returns relating to the Revenue which have been just published in the *Government Gazette*, and called the attention of the Colonists to the serious falling off, as compared with the previous year, which they exhibited. The total income for 1844, including receipts of all descriptions, amounted to £249,057, (showing a decrease of upwards of 15½ per cent. below the income of 1843); and when we remember that the estimated expenditure of the Colonial Government was calculated at no less a sum than £266,875 2s., it will be allowed that an examination and exposure of the probable expedients which must be attempted by the Government to maintain its various departments, and defray its extravagant expenditure, will afford the Colonists the best instruction in respect to the manner in which they are taxed, and the sagest lessons to those legislators who are entrusted with the charge of the people's money.

Whilst deeply lamenting the sufferings inflicted by that revolution whereby the Colony was plunged from the height of commercial prosperity and confidence to the extreme of depression, we always felt perfect reliance on the elasticity of the industry of the Colonists; and this reliance was grounded on the obvious fact, that the evils did not arise from over-production at home; for the English export markets were rather insufficiently supplied than encumbered with our staple produce. Our predictions have been fully realized, and the rapidly increasing demand for our wools has operated in producing an adjustment which must soon restore to full activity the prosperity of all our great wool-growing districts. The state of the Public Revenue can therefore be discussed without any very oppressive fears in regard to its present unfavorable aspect.

The consideration of a falling revenue is usually accompanied by calculations of consequent taxes laid on industry, restrictions imposed on commerce, and other expedients for replenishing the exhausted exchequer; but such calculations ought not to be encouraged by the Legislature of New South Wales until the principle of RETRENCHMENT has been firmly established in every department of the public service. Remembering the promises of economy so pompously set forth and vaunted on the occasion of the Governor's presentation of his first financial minute to the Council—promises glaringly violated or forgotten—the recently published Abstract of the Revenue urges the Colonists to fully consider all His Excellency has done, all he has promised, and all he has prevented or neglected—urges them to try his administration by the severe test his financial budget enables them to apply, and to inquire how far practices and professions accord; how far expectations have been realized, and the Colony improved. The abstract of the estimated expenditure for 1845 is the best proof of the economy of Sir George Gipps. It was calculated, as we have just said, at £266,875 2s., and that in spite of an absolute deficiency in the Revenue of £45,165, and with every prospect of an increased deficiency in the next