

The True Colonist,

Van Diemen's Land Political Despatch, and Agricultural and Commercial Advertiser.

FOR TRUTH, THE KING, AND THE PEOPLE.

Vol. I. HOBART TOWN, TUESDAY, AUGUST 5, 1834. No. 1.

To the People OF VAN DIEMEN'S LAND.

We consider it due to our best and only Patrons, the People; to offer them some explanation of the causes that have occasioned the change which they will this day observe in the title of their Journal. It will be remembered, that when in conjunction with several other Gentlemen, we first established the "COLONIST," as the "JOURNAL OF THE PEOPLE"—we made a very full declaration of the principles on which that Journal would be conducted, and we promised that it would never appear a second time from the pen of any Editor, who would, in his writings, depart from those principles. Circumstances, to which it is not now necessary to refer, (but which had no reference to the principles of the Paper, as all our original readers can attest) caused a temporary suspension of our connection with the Colonist; and we then announced our intention of publishing a Journal, under our present title, considering that the REVIVABLE title to the Copyright of the original Colonist, vested in us by the contract under which it was first established; but seeing that the Journal maintained its principles, and its character in the hands of the gentlemen, who immediately succeeded us as Editors (two of whom were of first-rate talent and respectability), we abandoned our intention. The Colonist afterwards passed under other management, and did not maintain the character which it once held in public estimation, though its principles continued unchanged. The prosecution and imprisonment of Mr. GELLARD, who was for a time the REGISTERED Editor, induced another change in the management, and Mr. LASCELLES was vested with the Copyright, so as to enable him to take the necessary affidavit as Proprietor, Editor, and Printer; still guarding the principles of the Journal from perversion, either by the hope of reward, or the dread of persecution. The agreement, by which the Copyright was vested in Mr. LASCELLES, contained a clause by which he was bound to recover the Copyright, in the event of the Journal being certified by a certain number of impartial persons, to have altered its principles, or lost its character in his hands. It is true, that it did not change its principles; but Mr. LASCELLES himself resolved to retire! By an arrangement with some of the original projectors of the Colonist, the Proprietor of this Journal, who had abandoned his farming occupations, and had resolved to quit the Colony, to avoid a persecution similar to that which drove Mr. BRYAN out of the Island, was induced to alter his plans, and to return to the management of the Colonist, as sole Proprietor; and, with the consent of Mr. LASCELLES, he undertook the whole expenses and management of the Colonist from the first of July, being the end of the second year of its publication, Mr. LASCELLES's name remaining in the imprint until the paper should be released from every claim on the Copyright. After this had been completed by every other party, Mr. LASCELLES refused to withdraw his name, as Proprietor, assigning reasons, to which the Proprietor of this Journal had always positively refused his concurrence; and, on Tuesday last, after the greater part of the impression was struck off, Mr. LASCELLES sent notice to a person connected with our printing establishment, that he had suspended the publication, claiming fifty pounds for his permission to publish. Under those circumstances, and with the threat of further proceedings on the part of Mr. LASCELLES, if we retained our original title, which belongs of right to the PEOPLE of the Colony, we are most unwillingly compelled to alter the title of our Journal, rather than incur the risk of a law suit with Mr. LASCELLES. And that Gentleman can boast of doing what the Government could not by persecution effect; he has put down the ORIGINAL JOURNAL OF THE PEOPLE, which he was entrusted to conduct and protect.—And the PECULIAR CRISIS at which he has effected this, will give him a strong claim to the favour of those, for whom he has performed, what will, no doubt, be considered good service.

But though we have been compelled to change our title, our PRINCIPLES remain unaltered. The TRUE COLONIST will remain the Journal of the People of this Colony; and we trust, that we must confess that we are now very differently circumstanced from what we were in respect to the rest of the press, when our labours first commenced; for, if we have valuable co-adjutors, we have powerful competitors for the public support. But we will strive to merit that support by every exertion, to serve the Public Cause, encouraged by a remembrance of the more than merited share of Public Patronage, which countenanced our first outset on the Colonist. The principles which we then professed, will continue to regulate our conduct. We solicit the contributions of all those friends who formerly rendered us such valuable assistance. We are happy to say, that we are assured of a respectable number of subscribers to start with, having 533 on our paying list in the Colony, besides the copies which we send to England and the other Colonies; but we will send the present number to all our ORIGINAL subscribers to the Colonist, who will be pleased to signify by the next Post, if they wish to become subscribers. We will, next week, make some arrangement, which will ensure a return of that patronage, which we were wont to enjoy from our ADVERTISING FRIENDS, and which our successors have lost. It was our intention to publish the True Colonist twice-a-week, as soon as our Establishment will enable us to print so often—until then, we will imitate the example of our Brother Journalist, and publish on the second Post-day a Sheet of Advertisements, to be called "THE PEOPLE'S HORN BOY," on the TRUMPETER plan.

We must particularly request that all orders and communications be addressed to the Editor of the TRUE COLONIST, as Mr. LASCELLES has seized at the Post-office all papers and letters, addressed to "THE COLONIST," which has ceased to exist, though it must be evident that such communications are intended for, and belong to us.

HOUSE OF ASSEMBLY.

VAN DIEMEN'S LAND. PUBLIC MEETING OF THE COLONISTS, TO PETITION THE KING AND COMMONS HOUSE OF PARLIAMENT, FOR A HOUSE OF ASSEMBLY, DULY ELECTED BY THE COLONISTS.

On Saturday last, a Public Meeting of the Inhabitants of the Colony took place at the Court House, Hobart Town, agreeably to a requisition, published by the Sheriff to that effect. At 12 o'clock, the Sheriff took the Chair. There were a greater number of country Gentlemen and native youths present, than at either of the two recent Public Meetings, respecting Trial by Jury.

The Sheriff opened the business of the Meeting by reading the Requisition, and then made the following remarks:—

Gentlemen,—You are to understand, that you are convened to consider the first question, proposed in the Requisition—namely, the propriety of petitioning His Majesty and the Parliament, for a House of Assembly. The latter part of the Requisition was added to the original a day or two back, and Monday next is fixed for the consideration of that portion of the Requisition. I trust that all who have the honor to address the Meeting will confine themselves to the first part; and I have to beg that you will give every person an impartial hearing. You will now elect your Chairmen.

Mr. W. GELLIBRAND.—I have the honor to move that the Sheriff retains the Chair. I am satisfied that you will concur with me, that that Gentleman has always done strict justice on that post, as I am satisfied he always will.

The motion was seconded by Mr. GREGSON, and was acquiesced in most heartily by the Meeting. The proceedings then commenced as follows:—

Mr. GREGSON.—Mr. Sheriff and Gentlemen—It has fallen to me, on this occasion, to move the first resolution. I am aware that many individuals might have been selected far more competent, for the arduous task, than myself.

In calling your attention to the objects named in the Requisition, particular care has been taken to limit the discussion to the great end we have in view—Taxation by Representation. You are called here to consider the propriety of addressing the King, praying the extension to this Colony of this great constitutional privilege, to obtain which we are bound, in the present situation of the Colony, to unite as one heart and one soul;—to reiterate our prayer for the concession of this inestimable blessing, which is of the highest importance to the future happiness of the Colony, and involves her prosperity, peace, and security. It is by the deprivation of this right, that the many grievances under which the various classes of the community have suffered, and still continue to suffer, have been occasioned; and it is by the possession of this one right, that every evil that is complained of will be removed. This single prayer comprehends all that is required for the salvation of the Colony. By a House of Assembly, we shall secure to ourselves a mediator between the Government and the People—a public guardian of our rights. We shall then be taxed by our own Representatives, and have a participation in making those laws and enactments necessary for the future Government of the Colony, and for the protection and appropriation of its revenue to local purposes. Adam Smith says—"Abuses exist in all Governments, and it is clear that in a Government, where power is vested in a single individual, errors will creep in, abuses prevail, oppression will predominate, and discontent will be the result, especially where the governed are Englishmen, who know what liberty really is, and who can never submit to an uncontrolled oligarchy. How much more must this be the case in a Colony where the means of the Chief Magistrate to oppress and annoy are confessedly greater than those possessed by any Prince in Christendom, who has at his disposal and commands the crown lands, the public purse, and the convict labour—who can make or may whomsoever he pleases. Free discussion is, therefore, in the highest degree useful, as it holds a check upon the actions of those in whom the supreme power is vested, as well as upon every subordinate officer of a Government. It is, in short, quite impossible for any one man, however great his talent, to perform the complicated duties of governing a state, so as to make the people prosperous and contented, without a Representative Government. Without this safeguard of every Briton, it is in vain for a people to look for lasting happiness, or a Governor of a Territory, such as this, to look for much popularity. At the period of our first settlement on these shores, these privileges may have been deemed incompatible as well with the scanty numbers of the free population at that time, as with the penal objects which were then exclusively in contemplation. As such were then a little intrigue could exist; but as it extends and becomes populous, Englishmen and their offspring will naturally look for their birthrights and inheritance, when there no longer exists either a moral or physical incompetency to exercise them. They are not to be put off with the shadow of liberty, after having once experienced the fullness of its enjoyment. The power increases as the Colony increases—it grows with its growth, and no man, however highly gifted, could, in the present peculiar state of the Colony, give universal satisfaction, without being aided by the salutary influence of a House of Assembly. Until we have a representation of the people, who will be enabled to speak their sentiments freely, and when writers may ex-

press themselves without restraint on the public measures of public men—until we have a total separation between the Executive and the Judicial Functions—until the Chief Authority is unfettered from what is so anomalously called the Executive Council, no Governor can by possibility give satisfaction. It is the restoration to the King's subjects here of their British privileges, that Colonists are to look for their political happiness and their general prosperity. We are not to be told, because we came here, that therefore we are to be deprived of our rights: Such a thing, when we adventured hither, never entered our imaginations; and when the great inducements that were held out by the British Government to encourage emigration to this Colony, are recollected, when the Government tell us, after we have come here induced by these expectations—we have no right to expect the privileges—the birth-right of Englishmen—it is adding insult to gross injustice. The emigrant does not, and cannot, forfeit his natural right, by exchanging the shore of the mother country for that of her Colonies. The birth-right of every British subject, is to have a property of his own in his estate, person, and reputation, subject only to laws enacted by his own concurrence, either in person, or by his representative—and which birthright accompanies him so long as he is within the pale of British dominion, and is true to his allegiance. Why, I would ask, should a fundamental principle of the British Constitution be set aside in Van Diemen's Land, and money be both raised and expended, without the consent of those who have to pay it? So long as England paid our public expenses, the footing whereon we stood was different, because then, the money was raised upon our fellow subjects, and voted away by the voice of their representatives in Parliament; but a wide difference arose the moment this became changed, by our being in a situation to pay our own expenses.—This point renders our claim to representation indubitable. If we are to contribute some thirty thousand pounds annually, more than is required by our present profuse system of expenditure, and nearly double that sum in excess of what is really necessary for all purposes, were proper economy practised, we are, to all intents and purposes, ripe enough to have a voice—both, as to how this money is to be levied, and how spent—to assert our own competence—to manage our own affairs, and to be represented in a Colonial Legislature. In soliciting these privileges, it must be always born in mind, that they are the birth-right of every British subject, as much as the Crown is the right of the King. This and the sister Colony form a striking contrast with every other Colony under the Crown, in being entirely peopled by Britons and governed by British Laws, but without a Representative of the People. If Islands, containing so inconsiderable a population, as some of the Plantations in the West Indies some of them not exceeding 1,200 souls, have an Assembly—upon what ground can an English Colony like this, containing 31,551 inhabitants, be denied the just right of claiming a Colonial Legislature? In framing the Petition, it must not be considered sufficient merely to set forth our population, or even the Revenue of the Colony, levied as it is without our consent.

The reference must be as respects the real condition and circumstances of the Colony. These must be fully exhibited to show, that it is rapidly retrograding in prosperity, under the present system of close Councils; and that it would advance under that different one, which would, of necessity, follow—conceding the prayer of the petition. That, from the extreme distance of the mother country, all the interests of the Colony require a British Constitution and a Legislature of its own; that the Colony cannot support either abstraction of its funds, or taxation upon its industry; that neither the resources nor capabilities of the Island can be properly developed, without giving to the Colony that first of all impulses to exertion—the consciousness that we are exerting ourselves for the benefit of ourselves and our posterity; and this consciousness is never so satisfactorily felt, as when we possess as much political freedom, as the restraints, necessary to maintain the proper relations of society, will admit—the first step towards which, is, to be governed by laws of our own making; and as England looks to her Colonies chiefly, as how she can render them of advantage to herself—the way to ensure success to our present application is, to explain to England, that she best consults her own interests by forwarding ours, and that ours can be best promoted by her complying with our petition. To the grounds best calculated to obtain these rights, as well as to certain facts, shewing the necessity of their concession, I shall now draw your attention. Our fitness for a House of Assembly will be obvious from a reference to our population, income, and revenue. The entire population of the Colony amounts to 31,551 souls—19,000 of whom are free, and the rest prisoners, a vast portion of whom are assigned to the Colonists, and are supported by their free of all expense to the mother country. By each prisoner thus employed, the Government saves £16 per annum. Now, suppose the settlers were to throw back upon the Government the whole of their assigned servants, they would not only have to be maintained by the Government, but the revenue would at once sink to a vast extent; for it must be evident to the meanest capacity, that the indirect taxation with which we are burdened, caused in a great degree by the articles of consumption purchased by the settlers for the maintenance of these very servants, and the expense saved to Government, by our assigned servants, is so immense, that were the Colonists generally to follow Mr. Samuel Bryan's example, and, by one simultaneous movement, cast the Crown prisoners upon the hands of the Government, the effect would instantly be known and felt, and the Government be compelled to render us justice—for we demand no more. The total estimated value of articles of Colonial produce, exported from Van Diemen's Land, during the last year, was £157,967. The amount of imports, consisting chiefly of British manufactures, was computed during the same period, to be £352,894, leaving a balance of trade against us of £194,927. The revenue amounts yearly to £200,000, and this enormous sum has hitherto been levied by taxation, direct and indirect, beyond our resources, by the authority of Parliament, but otherwise contrary to Magna Charta. A taxation, 40 per cent. above that raised in the sister Colony, and infinitely greater than that borne by the People of England, being in the proportion of 25 for

each free person—the proportion in England being a ratio of £1 12s. Our taxation far exceeds any thing ever Britain was subjected to in the hottest of her wars—and of this we complain, that Great Britain should award to us the superlative felicity of paying high taxes, without giving us the trouble of levying them ourselves. Look at the British Colonies in America, at the time they were driven to violence by unconstitutional taxation. The population, at the time I refer to, was 3,000,000 souls, and the whole amount of taxation they were called upon to pay was not equal to what this Colony, with a population of 19,000 free persons, are doing annually. Would such a system of taxation be tolerated if we had a legitimate representation amongst us? If the people were represented, would we have the enormous surplus of £40,000 of the public property lying idle in the Treasury—the very interest of which, if in circulation, would amount to £4,000 annually, and double that amount at official interest.— Surely, it is only fair that 19,000 free persons, capable of supporting the elective franchise, and of raising £200,000 revenue, should have the privilege of controlling their own expenditure, which is now wholly managed by the close Council. The Colonists feel degraded by having their money taken from them against their inclination, by having it squeezed out of their pockets, when, and in what quantities it suits the convenience of arbitrary power, when they know that it is against the common privileges of English subjects, to have money raised without their own consent, given in a House of Assembly. It is for the people to originate all taxes, and not a Governor and close Council. I come now, Gentlemen, to those specific cases to which it will be advisable to solicit the attention of the Home Government, in illustration of the evils we have suffered by withholding from us, the management and control of the Colonial funds, by means of representatives, and a detailed investigation of which points ought to be attached with the necessary documents and explanatory papers to the petition to the House of Commons. Under the present administration, the Colonial resources have been, for the greater part, dissipated upon objects, either useless or pernicious. Of these resources, a principal one, the labour of mechanics retained in the employment of Government, which, if judicially employed, would have provided many permanent public accommodations, has been for the greater part wasted, in abortive schemes for the gratification of personal vanity, or personal convenience, upon which portions of the public money have been also uselessly expended in the purchase from individuals of land and houses, and the time and labour of the Surveyor General's department misapplied, to the unspeakable inconvenience of settlers, located, in some instances, for years upon unmeasured lands, and in total ignorance of their boundaries. How many projects have been determined upon in defiance of the public opinion, (in some cases asked for and received) commenced, and severally, after some months, abandoned—such as removing the seat of Government, first to Brighton, and afterwards to New Norfolk—the extensive preparations of materials, and foundation of a projected palace near Hobart Town, since abandoned, to go on with enlargements of the old Government House. The erection of the pagoda, at a time when the debtors in gaol were in the utmost wretchedness, for want of necessary accommodation.—The formation of streets for the few, while the many are neglected. Labour expended on the New Norfolk road, when it was not required, while the great road to Launceston, by which most of the Colonial produce is conveyed to market, has been allowed to fall into decay, so much, as to be dangerous, if no bridge has been added on that line of road, to those erected under the former administration, though some lives have been annually sacrificed to the want of them, and great inconvenience experienced. The Bridgewater project, which has swallowed up so many thousands of the public money, and for which we are to be taxed at the rate of five per cent.—thus laying the foundation of a national debt, and though last not least, in this enumeration the fruitless expenditure of about £30,000 in an abortive attempt to capture the aboriginal tribes, instead of the adoption of timely measures to conciliate them. If the Colonists had the management of their own revenue, this useless—this wasteful expenditure of the public money to so immense an extent, would have been saved. In a word, every evil of which we complain, would have its remedy in a House of Assembly. The check given to enterprise and improvement, by the general feeling of insecurity of possession and distrust, in the engagements of Government—the diversion of revenue from local purposes, as mentioned by law; the unconstitutional conduct of the judicial authorities in the administration of justice. The uncertain tenure of our lands—the imposition of Quit-rents—the abuses of the Survey Department—the want of Usury Laws—and Trial by Jury—all these and many other evils which have occurred—under which we now suffer—and which will still increase, so long as a Colonial Legislature is withheld from us, would, we possessed one, shortly vanish.

Gentlemen, there are three things which, I take it, are the questions to be considered. First; the fitness of the Colony to enjoy the privileges of the British Constitution. Secondly; the injury that must accrue to the Colony by the absence of those institutions. And, third; the benefit that must result to the Colony by the introduction of those institutions. To these three points I shall confine myself.

The benefits of a House of Assembly are not confined in their operation, to the circumscribed limit of holding a check upon those, in whom the supreme power is invested. Every subordinate officer of a Government, as well as Government itself, would, under the wholesome restraints of an Assembly, be compelled to act uprightly—knowing that their places and their pay would be vested in the hands of that Assembly. In illustration of this principle, I need scarce remind you of the lesson for Judges, lately published in one of the Colonial Journals, in order to show the protection, which is afforded by a House of Assembly to a Colonial public. The Assembly at Tabago, conceiving it had a right to enquire into the conduct of one of its public officers, instituted an enquiry at the bar of the House, into the public conduct of Chief Justice Bennett,

and the result of the enquiry being to satisfy the House, that he was quite incompetent to preside over the Courts of the Colony, they prayed the Governor to suspend him from the functions of his office, but, His Excellency having refused to comply with their address, the following Resolution was moved in the House—the question put, and carried unanimously—"That it is the opinion of this House that no further salary be granted to Chief Justice Bennett, at the expiration of the present Bill of supply." Now how much, Gentlemen, is the wholesome check of a Representative Assembly wanted here, for the very purpose of preventing the Crown from having undue influence in the Courts of Justice—of preventing Judges from being biased by political affections. We all recollect the manner in which Mr. Lewis was treated—the unprecedented interruptions of his defence—the intimidation which was exercised over him—the unconstitutional and unparalleled sentence which was passed upon him, and under which he now suffers. Do not these, and other recent proceedings of the Judicial Functionaries, which threw the whole community into consternation, demand an investigation by the people, as much as the case of Chief Justice Bennett? And if such an opportunity were afforded us of publicly and constitutionally discussing their acts, would not Judges, how much sorer they may now affect to despise public opinion, shape their conduct differently—would we then have Judges, so mixed up with political affairs, as was grossly palpable in Mr. Bryan's case, where one of the Judges gave his opinion upon the merits of the case before the case came on; and the other declared, before the case was argued, that he had made up his mind to refuse the defendant Trial by Jury.

And here, Gentlemen, let me call your attention to a remarkable fact. A member of the bar designated the decision of the presiding Judge in Mr. Lewis's case an illegal proceeding. Gentlemen, the independent lawyer, who did so express his opinion.

This is a simple fact. I offer no remark on it. It shows how we are situated. We should not, had we a Colonial Legislature, have to view so unconstitutional a mode of proceeding as the trial by a Judge and two Assessors, appointed by the Crown; thus blurring the two characters of Judge and Jury in one individual—a mode of proceeding so unsatisfactory to the community—so repugnant to British law—and so eminently calculated to bring the Court into contempt. Neither should we witness, if we had a House of Assembly, the Chief Justice sitting as a member of the Legislative Council, by which he possesses a three-fold power—law maker, law approver, and law expounder. And as a member of the Executive, he puts those laws in force which he made, expounded, and approved. Now, I ask, can an impartial administration of justice be expected, where the Judicial and Executive power is thus united? And yet, upon its pure dispensation, depend our liberty and sense of security. Surely it is high time for us to assemble to demand the privilege of having a participation in making our laws, when so alarming a state of things exists—when we have seen the Colonists refused justice in a constitutional manner, by persons sworn to administer it to the people. Nor can we wonder at the great abuses, which, from the formation of the Colony, have existed in the administration of justice, when we reflect that all the Judicial Officers that have been thrust upon us by the Home Government—not because they would administer the laws with impartiality, and prove an example to that part of our population which is governed less by precept than example; but merely in accordance with that baneful system of British patronage, which has rendered this ill-fated and ill-governed Colony a means of increasing the patronage of the Crown, and serving as a depot for the dejected dependants of influential men, without reference to either talent or integrity. How easy it would be to illustrate these remarks—but that is not my present purpose. My object is to shew the principle, not to attack the persons. Before a man can be appointed a Judge in England, he must have undergone a long course of arduous study, and must have had a long and extensive practice in the duties of his profession. Gentlemen, I fear His Excellency's test was not applied previous to the appointment of some of our Authorities; for it is apparent to us, that many of them are incapacitated by their characters, or defective intelligence to exercise any discretion at all. If we had the protection of a House of Assembly—that guardian of the people's rights—we should then have the power of preventing Judges and others encroaching on the provisions of the Constitution. But if one consideration more than another evinces the necessity, the absolute necessity of the Colonists being constitutionally represented, it is the fact, that all confidence with the people and their Ruler is at an end!!! They can no longer indulge any reasonable hope that their wishes, upon subjects involving their dearest rights, will ever be carried into full effect by the Local Government, or that the interests of the people and their rulers will ever be amalgamated. Confidence in a Government induces to contentment in a people, but where all confidence is gone, the sooner a change of some kind takes place, the better. Secret investigations, carried on without the knowledge of the people, upon a subject involving our rights and liberties, requires the immediate transmission to Britain of a Petition, setting forth the circumstances of the Colony, and the condition of the people. Let us shew that no substitute for Representative Legislation will satisfy the Colonists—that the affairs of the Colony cannot be managed by a close Council, composed of men depending not on the suffrages of the people, but upon those of the Governor—so that the moment any member's negative comes in contact with the affirmative of the Governor, his services can be dispensed with. The Governor being the initiative in all cases, may refuse to introduce any measure proposed by any of the members, and thus by the exercise of his prerogative, upon his single opinion he may put a veto upon any thing he pleases, and defeat the united decision of all the other Members of the Council. In fact, the Legislative Council of Van Diemen's Land—its constitution—and members—and their legislative deliberations (I speak of the collective body) will not stand the test. If they are to be judged by their acts, it is most obvious they are "incapacitated by defective in-