

❖ PREFACE. ❖

THE question of Confederation is coming to the front. The Statesmen of Victoria, New South Wales, and South Australia, have met and deliberated, and adjourned, not without something achieved, and yet more predicted. At the Conference recently held in Melbourne, not a few of the matters referred to in the following Lecture have been discussed with courtesy and candour, and with fair promise of mutual agreement.

I have no overweening conception of the value of any of my own bantlings of the brain, but I honestly think the Lecture is worth reading. For many years I have addicted myself to literature bearing on the Constitution of the Empire—thereby following up certain legal studies during my University career. What I have said touching the union of the Australian Colonies may be said far better, I doubt not, by many of my Australian fellow-citizens who have given themselves to practical politics; but if they will not come forward to show the feasibility of what by nearly all of us is so eagerly desired, and what by many of us is deemed so vastly important, they will at least forgive the attempt of a “layman” to expound the advantages and methods of Confederation.

It was my intention to have delivered the Lecture in Sydney and Melbourne, as well as in Adelaide, but the “incessant talk” inseparable from my vocation has produced such great weakness of the chest that my doctor has imposed upon me twelve months of silence. I hope to use my enforced leisure in studying some of the weightier problems of life as they are presented in the social and political institutions of Europe and America.

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AUSTRALIA CONFEDERATED

(By the Rev. JAMES JEFFERIS, LL.B.)

I AM to discuss with you, the possible Confederation of the Australian Colonies. My theme is one of singular interest and importance; but I confess that I enter upon it with some degree of trepidation. Politics in our day have become almost completely secularized. The Church and the State have parted company. In England, the presence of Bishops in the House of Lords is regarded as an anachronism, tolerated only as we tolerate things that are venerable for age. In the Colonies, the severance is complete. Victoria especially has solemnly decreed that "Clergymen of any religious denomination and persons convicted of felony, are excluded both from the Legislative Council and the Assembly." What has a Minister of Religion to do with politics? "Ne sutor ultra crepidam." Let the parson stick to his pulpit! But I for one refuse to be shunted off the main line of our social life. I decline the questionable dignity of holy orders. In becoming a Minister of Religion I have not sacrificed one privilege, nor would I evade one duty of our common citizenship. And so I claim my right, this evening, as at all other fitting times, to utter my opinions about the body politic. You must take my views for what they are worth, only do not begin by treating them with prejudice or contempt, because I am neither a lawyer nor a legislator.

The political union of the Colonies is not a subject that ought to be discussed only within the walls of Parliament. Nay, I will go yet further and say that it ought not to be taken into serious consideration there, until it has been well discussed outside. Legislation that deals with the organic life of society, ought in every case to be preceded by an expression of the wish or a declaration of the will, of the people generally. The British Constitution was not created by Act of Parliament. It was forged in the heart and fashioned by the brain of the British people. I hold that nothing will exercise greater

influence for good on the fortunes of Australia than a genuine interest taken by the citizens generally in the work of Government. It was a source of profound pleasure to me, and an augury of good I thought for the future of South Australia, when I heard twelve months ago, that the society of young men of which I was president for seventeen years, had formed classes for the mutual study of political economy. This is as it should be. It is only by the cultivation of public spirit, by a willingness to bear social responsibilities, by a lawful ambition for social honours, that liberty and a well ordered government can be secured. De Tocqueville, in his great work on the Democracy of America, has a noble passage bearing on this, which I will venture to commend to the attention of the young men of my audience :—"The native of New England is attached to his township, because it is independent and free; his co-operation in its affairs insures his attachment to its interest; the well-being it affords him secures his affection; and its welfare is the aim of his ambition, and of his future exertions; he takes a part in every occurrence of the place; he practises the art of Government in the small sphere within his reach; he accustoms himself to those forms which alone can secure the steady progress of liberty; he imbibes their spirit; he acquires a taste for order; comprehends the union of the balance of powers and collects clear practical notions on the nature of his duties and the extent of his rights." Now that is the kind of spirit we want to evoke and cherish. I shall count myself happy if I can do aught to further it to-night.

My subject is great enough and even romantic enough to rouse your utmost enthusiasm. I shall discuss with you the possibility or the feasibility of uniting into one great nation the various colonies that have been founded on the shores of Australia. The history of these Colonies may well justify us in entertaining the grandest hopes of our future. It is but about 90 years ago that the first European vessel arrived in Botany Bay for the purpose of settlement, and already we have a population of more than two millions and a quarter. Compare this with the early progress of England. The national history of the English race commenced in 449 with the landing of Hengist. The Saxons were followed by Danes and Normans. And yet 750 years after, in the reign of John, it was computed that the population of England was only two millions. It took seven centuries to effect,

in the British Isles, what Australia has accomplished in less than one.

In my remarks to-night I shall take no account of Western Australia, nor of New Zealand. The one is still in effect a penal settlement, and the other is separated from the mainland by a wide belt of storm-tost seas. The remaining five colonies are within easy reach of one another. In a few years there will be railway communication between the metropolitan cities of all of them, save of Tasmania, and even Hobart Town will be as near to Melbourne, so far as time of transit is concerned, as Melbourne will be to Sydney. Sir Henry Parkes, indeed, has expressed the opinion in a recent number of the *Melbourne Review*, that Queensland and Tasmania should be left out in the cold, and that the Australian nation should be made up of the three greatest Colonies. He gives no reason why Tasmania should be excluded, but says that the soil and climate of Queensland "clearly mark her out for a colonizing career, dissimilar to that of her elder sisters, while her noble extent of territory affords more than ample scope for the growth of a mighty nation." But I fail myself to see why either should be omitted. Queensland has marvellous resources, and her productions are not all of a tropical or semi-tropical character. If she grows sugar she can also grow wheat. On the vast upland downs which stretch eastward and northward from Brisbane, they say they have one of the finest climates in the world. I have met people from Brisbane who could scarcely endure Sydney in February, and who shrugged their shoulders at the very mention of the summers of Adelaide. Besides, if South Australia is invited to join her two wealthier sisters, it surely must be on the condition that she carries with her the magnificent, but much abused and slowly developing Northern Territory. Possibly, indeed, in the coming years, the whole vast extent of inter-tropical Australia may form a second group of Confederated Colonies, with Palmerston for their leading capital and great commercial centre. But whatever may be done in the future, I take it that any immediate scheme for a Nation or a Dominion of Australia must embrace Queensland, New South Wales, Victoria, South Australia, and Tasmania.

And now glance with me for a moment at these. From the line of the tropics a little to the south of Rockhampton, we have a coast line of some 2500 miles, omitting Tasmania, extending southward and westward to the Great Australian Bight. At

intervals all along this coast there are ports of trade as noble and commodious as the best ports of the Old World—those of Brisbane, Sydney, Melbourne, and Adelaide being the chief. Settlement has taken place as yet chiefly on the fertile plains near the sea, or on the broad uplands that flank a noble range of mountains, running more or less parallel with the coast, from the Darling Downs of Queensland to the Gawler ranges beyond Port Augusta. But we are beginning to understand that the interior of Australia differs greatly from the conceptions formed of it by the early pioneers, and the savants of the Royal Geographical Society. Recent discoveries have shown that over a great part of the central districts there is good soil, and a fair amount of water. The successes of late, in well-sinking, are beyond all precedent; and what shall we say of the bunch of wheat brought this last season from the neighbourhood of Cooper's Creek, where Burke and Wills, only nineteen years ago, met their untimely fate? Everything points to the settlement of untold millions on the lands stretching far beyond the dividing range. The farmer is following hard upon the squatter, and the miner is a companion of both. We are not, as a race, very susceptible to the influence of mere ideas, but it would be possible for imagination to kindle into poetry when dealing with the marvellous resources of Australia. There is no poetry, indeed, like the poetry of facts, and it would be easy enough so to arrange and present these, as to inspire every true-hearted son of Britain with a just and generous pride. The records of Australian progress read like a chapter of romance to that large section of our countrymen who judge of the greatness of a people by the extent of its revenue and the magnitude of its commerce. Neither the Imperial Parliament, nor the great guild of merchant princes, can look without something of wonder at a group of Colonies deficient only in population, which has an aggregate trade of nearly one hundred millions sterling per annum, an aggregate revenue of thirteen millions, and resources in land and minerals that may well be spoken of as boundless. We have inexhaustible mines of coal and iron, and copper and tin. We have well nigh every one of the metals and minerals needed for the manufactures and uses and appliances of civilized life. We have immense deposits of gold and silver, diamonds and other of the rarer gems have been discovered, and pearls and pearl-shell are found in abundance on our northern coasts. We are plentifully supplied with stone,

granite, marble, freestone, and slate. If our indigenous timber is somewhat deficient in variety, we have sound and serviceable wood for buildings and furniture, for piles, and bridges, and jetties. Our soil is exceptionally good, if not exceptionally rich. Our wheat is of better quality than that of Kent or California. Our wine, recently judged by representatives from every wine-producing country in the world, is declared able to compete successfully with that of France, or Spain, or Hungary. No country in the world can beat us for fruits or vegetables. The grapes of Eschcol were not richer than those of South Australia, and the oranges of Portugal or the Western Islands could not surpass those of Sydney. Spanish olives may be larger than ours, but the olive oil from the Adelaide plains is fully equal to that of Lucca and Leghorn. And what shall I say of our sheep and cattle, of our wool and leather, of our mutton and beef? New South Wales alone has 30,000,000 sheep, and 3,000,000 head of cattle. For a century or two to come our production of wool and meat will be limited only by the capacity of the markets of the globe to absorb them. Practically, our pastures are inexhaustible. As yet, but little attention has been paid to our fisheries; but our seas teem with fish of excellent quality, and oysters, equal to the British natives, are cheap enough in many towns for common food.

And let who will decry the climate of Australia, it stands favorable comparison, at least outside the tropics, with that of any part of the world! Canada is our great rival among the Colonies of the Empire. Its very name is suggestive of coolness; and it ought to be, for in winter the moisture of your breath hangs in icicles from moustache and beard. But in Montreal, they tell me, and doubtless it is the same in other Canadian towns, butter in the summer is sold by the pint. We too have cold and heat, each of them as much as can be pleasantly borne, but we may well thank Heaven that our thermometer has not so wide a range as this. If we have occasional spells of excessive heat they are not much worse than those of London in August, and hardly as bad as those of New York in July. During the greater part of the year it is a joy to exist. The heavens are blue, and the clouds are white, and the air is clear and dry.

Nor have we yet found that the English type of the Anglo-Saxon race has degenerated with us. Doubtless there is some change. It might have been expected. There may be a little less breadth in the physique of our men, and a little less colour

in the cheeks of our women, but there is no lessening of the strength of the one, or the beauty of the other. Probably the typical British Australian will be somewhat taller and somewhat thinner than his fellows in England; but more of brawn does not mean more of muscle. The lithe, wiry form, showing the bony framework well covered without an ounce of superfluous flesh, is that which wins the palm, both for strength and activity. Trickett has beaten the best scullers of the Empire, and Spofforth found not his match among the aristocratic bowlers at Lord's. And let us not forget (remembering the difference in population) that the chances were fifteen to one against Australia furnishing such victorious athletes. As to mental power, our greatest enemies cannot say that we have shown signs, as yet, of waning intelligence. Not long ago the London *Times* remarked (possibly after tasting one of our Australian vintages) that if the Englishman of the present day desired to know what England would be fifty years hence, he had better study what Australia is now! No doubt we are a little too democratic for Lord Salisbury, or Mr. Lowe, but we are not now regarded by Englishmen generally as experimenting in legislation. Imitation is the sincerest form of flattery, and we may be proud of the adoption by the British Parliament of certain reforms borrowed from the Colonial Statute Books. Vote by ballot, household suffrage, the transfer of land by registration, these, as Sir George Bowen once said, "are as much an importation from Australia as wool and gold." And now think of this Australian people with these advantages of blood, and gifts of fortune, increasing and multiplying like the Jews in the land of Goshen. A good many of the seniors present could testify, from a pleasant but an anxious experience, that Australia is a wonderful country for "weans." How well I remember a father and mother in my congregation at North Adelaide, in the old days—he lusty as an oak, she stately as a palm tree, the happy parents of nineteen children. Sir Hercules Robinson, some time ago, in a speech delivered at Albury, showed the probabilities of our future in the way of population. Arguing from the rate of increase in New South Wales, which for some years had been four per cent. per annum, he said that at the end of the present century we shall number five millions, and by the middle of the next century (which some of our boys and girls will live to reach) the population of Australia will be no less than thirty-one millions,

which was that of Great Britain ten years ago. What a vision is that of noble cities and busy towns, and quiet hamlets, of world-wide commerce, and extending manufacture, of fleets and armies, of legislators and public teachers, of science and philosophy, of architecture and painting and poetry, and of Churches, let us hope still differing in creeds and methods of worship, but holding fast to those things which are most surely believed among us.

I have felt it needful to the object I have in view, to give you a picture of what Australia is, and what we trust it will be. But I have spoken as if we were all united in one great people. You know it is not thus. Within the limits I have drawn, we are five separate provinces, five separate political states, and we are beginning to develop five distinct types of national life. We are joined, it is true, by a mutual bond to the mother country, but we have among ourselves no national nor legislative union. There are custom house officers guarding the Murray, lest smugglers from Adelaide or Sydney should surreptitiously cross. Victoria, in the way of protection, levies large duty on South Australian wheat, and New South Wales, under cover of free trade, imposes an unconscionable tax on South Australian wine. In spite of conferences there are serious quarrels over tariffs, and postal and telegraphic matters. Railways are being constructed of different gauges, and for the purpose of securing as much trade as possible for the rival capitals, with no thought of their common advantage. Immigration has hitherto been fostered and paid for chiefly by the smaller colonies to the benefit of the larger. Our land laws present to the eye of a stranger a medley of empirical systems. Instead of a uniform method of dealing with the public estate or methods upon uniform principles easily to be comprehended and smoothly to be worked, we have laws so different, and so frequently changed, that the shrewd speculator and the astute lawyer have benefitted more largely than the simple hard working yeoman. Colossal fortunes are being built up in all the colonies by those who know how to take advantage both of the excellencies and defects of our land laws, while the poor man is vexed and hindered, and in one colony at least settlement is scandalously delayed. It is time, too, to undertake the definite exploration and general survey of the interior; but it is too great a work to be attempted save by the Colonies acting together. Then there is the Chinese question, one of the greatest and

gravest now before the public mind. Men of an alien race belonging to the most numerous and prolific people that have ever lived on the earth have become enamoured of the land. They have multiplied until they have filled up to overflow the great east of Asia, between India and Japan, and now they are swarming southwards into the Pacific. We are bound in the interests of humanity, in the interests of Englishmen, aye! in the interests of the Chinese themselves, who will hereafter be incorporated with our Empire, to limit and regulate their coming. An unrestricted immigration of Chinese, with their illimitable out-populating power, would change the character of Australian life from European to Asiatic. But how can we deal with this most important question before the different colonies are united? The policy to be pursued is not provincial but continental. The same may be said of our national defences, the state of which calls for serious and urgent thought. Now that the Australian Colonies are beginning to loom largely upon the eyes of the world, because of the vast wealth they are creating, they will be regarded as a tempting prize by unscrupulous statesmen in the event of any great European war in which England is involved. It is not without reference to Melbourne, and Sydney, and Adelaide, that the French have constructed a great naval arsenal in New Caledonia, and the Germans have secured a harbour in the Navigator Group, and the Russians are forming vast depôts and gathering great fleets at Saghalien, and at the Mouth of the Amoor. That which has happened before in human history may happen again. Our great empire—God long preserve it in its integrity—may have to contend against fearful odds in some war involving East and West. All her ironclads may be needed in the Hooghly and the Thames, for the safety of her very life. It is absolutely necessary for the security of our coasts that naval and land forces should be called into existence, and that our leading ports should be well fortified against a sudden attack of an enemy. But all this cannot be done while five separate governments are tinkering at five separate modes of defence. No doubt His Excellency Sir William Jervois and Colonel Scratchley have given us the soundest possible advice, but we shall never fully act upon it until we are one.

It would be easy, if time permitted, to cite many other arguments in proof of the grievous disadvantage of continued disunion. But let these suffice. It is becoming increasingly

clear to all intelligent patriots that the time is nearing for some sort of union among the Colonies, so that at least we may combine in works that are absolutely essential to our national life.

This thought about union, which I believe will swiftly advance to an imperative demand, is not one that has lately come up. It has sprung from our necessities. It has grown with our growth. It has been pleaded for in the British Parliament, has been discussed in the Colonial Office, and debated in all the Colonial Legislatures. Some of the greatest statesmen of the empire, and all the leading statesmen of Australia, have spoken in favour of it. You cannot converse with an intelligent citizen, whose patriotism rises above the low level of provincial life, who does not express a wish for it. Even where little hope is entertained because of difficulties supposed to be insuperable, the desire is still the same. For thirty years at least, the idea of a union of the colonies had been before the mind of politicians in England and Australia. Somewhere about 1850, Earl Grey propounded a scheme for federal legislation, and a committee of the Privy Council advised that a body should be called into existence "competent to act for all the colonies in matters of common concern." This scheme, however, had more relation to the binding of the Colonies to the Empire than to the welding them together into one. It endeavoured in a round-about sort of way to settle the vexed question of the representation of the Colonies in the British Parliament. The proposal was that a committee should be formed expressly to consider colonial affairs, and that the agents of the Australian Governments should be members of it. Of course this scheme failed. It could not but fail. The most imperialistic Tory is by this time convinced that any attempt to govern the colonies, or even to direct the legislation of the colonies by a London Bureau, is as impracticable as it is foolish. We are quite competent to do all the governing ourselves here upon the spot, in harmony of course with the British Constitution. Something more tangible was aimed at a little later. The year 1855 is the most important of our political history. Constitutions were then granted to the separate colonies. It was natural that New South Wales, as the parent of the rest, should be concerned in a motherly sort of way about the future of her offspring and their relation to herself. A select committee of the Legislative Council, which had been

appointed to prepare a constitution, considered also the advisability of federal union. This committee not only pronounced in favour of it but declared that a General Assembly ought to be called into being, which should be empowered to legislate for all the Australian colonies in matters of common national concern, such as tariffs, railways and postal communication, the lighting of the coast, the management of criminals, and a court of appeal. In the year 1870, the question of union was yet more seriously considered. A Royal Commission sat at Melbourne for the express purpose of examining into its advisability and feasibility. The report issued is worthy of thoughtful study. The subject inspired the Commission with eloquence, and the eloquence is not mere varnish to-day as dust facts, or common-place arguments. The question is lucidly stated and the logic is unanswerable. The conclusion arrived at is that federal union is desirable. A number of definite propositions were made with a view of showing how federation might be accomplished. In addition to this serious effort to grapple with the difficulties of the subject by the united wisdom of the colonies, various attempts have been made by several of the Parliaments. Committees have been appointed and conferences have been held. Almost all the great questions needing to be dealt with authoritatively, by a central supreme power, have been discussed at friendly meetings of politicians, and some matters, notably that of telegraphic communication with Europe, have been amicably settled on a lasting basis. Nor has the *Press* been behindhand in the endeavour to affect the public mind in favour of confederation. The leading papers in all the colonies have explained and urged it. Some, indeed, appear to be more despondent about the difficulties than enthusiastic about the advantages of union. Yet I know not of one that has not spoken of it as desirable, if only it could be accomplished. To Sir Henry Parkes, the veteran Premier of New South Wales, belongs the merit of bringing the question forward in a thoughtful article in the *Melbourne Review* of October last, an article replied to by the Honorable J. Douglas, of Queensland, in the January number of the same review. To the utterances of the Press we may add certain deliverances of our *Colonial Governors*. Hardly one who has occupied the vice-regal position during the past fifteen years has not dealt with the subject in post-prandial or other speeches. Sir Hercules

Robinson alone, so far as I remember, set himself deliberately to expound the advantages and methods of federation. The speech he delivered at Albury, a few years ago, produced a visible effect in the stirring of colonial thought. He discussed the union of the colonies, not as a philosophical politician, but as a practical statesman. His wise and weighty words will yet bear fruitage in action.

I will now, with your permission, set forth as clearly and exhaustively as the limits of a public lecture will allow me, the chief views that are held upon the union of the Colonies. As prospectively joined they are spoken of as a *Nation*, or a *Dominion*, or as *The United States of Australia*. The different terms do not, however, indicate three distinct theories. United Canada calls itself a *Dominion*, though the somewhat high-sounding word almost ignores its relation of dependence to the Mother Country. The union between the different provinces of British North America, and that which is about to be formed between the different colonies of the Cape, might as well be characterized by the word "*Nation*," or "*United States*," as by the word "*Dominion*." But "*Dominion*" is a good term, and it is getting to have a defined meaning of its own. I do not know that we can improve upon it. It indicates, so far as I understand it, a genuine nationality formed by the union of the previously separate Colonies, which are still linked by certain ties of filial subordination to the Mother land. The Hon. J. Douglas, indeed, asserts that if there is to be an Australian Nation, our present relations to the British Empire must be changed, and he seems to imply that that change must bring with it complete independence. I know not how he could form such an opinion with the case of Canada before him. In order to become, in a true real sense, an Australian Nation, I see no necessity whatever for casting off our allegiance to Britain. The Earl of Beaconsfield, in his election manifesto of March last, sneered at the liberal party as "having attempted and failed to enfeeble our colonies by a policy of decomposition." The sneer was as false and worthless as the "no popery" cry which he raised in the vain endeavour to avert the disestablishment of the Irish Church. The Marquis of Hartington, in his counter manifesto, declared that he "knew of no party who are attempting to enfeeble the colonies by a policy of decomposition." And he continued in

words as full of meaning as of truth, to enunciate the past and future policy of the Liberals, "If the Colonies grow more loyal to the throne, and more attached to the connection with the Mother country, and more willing to undertake the common responsibility and burdens which must be borne by all members of the Empire, than at any former time, it is due to the fact that under the guidance of Liberal statesmen they have received the institution of complete self-government, and learnt to recognise, that entire dependency on Imperial assistance is not compatible with their dignity or freedom." There may, indeed, come a time when in the full adolescence of our national life, equal in population and equal in wealth to some of the leading countries of Europe, we may aspire to the manly toga, and take our place among the principalities and powers of the world, but we must be welded into a compact and united people long before that event will be justified, save by the gravest exigencies of the empire. And I, for my part, deprecate the introduction of this question now. I am proud of being an Australian colonist; I shall be prouder yet to be a citizen of the Dominion of Australia. But my pride takes a loftier sweep when I think of myself as belonging to that great empire which is the stable centre of liberty, the fountain of constitutional freedom, the champion of the oppressed, the teacher of all high arts and noble duties, the leader of the peoples, the mother of nations. "If I forget thee, O England, may my right hand forget its cunning, and my tongue cleave to the roof of my mouth."

Setting aside then, not without pardonable scorn, the idea of separation from the Mother land, we must look at the *two chief forms of national life* to which we may aspire. They are spoken of under the terms *Legislative union* and *Federal union*. These terms need definition, but in political philosophy the only definition possible is that derived from current usage. By *Legislative Union* then, we mean that for all the colonies that are joined together, there shall be *one and only one Parliament*, and that in this Parliament shall be vested *supreme authority over all national affairs whatsoever*. By *Federal Union* we mean that each federal colony shall still have *its own Parliament* to decide on matters that belong specially to itself, while a central authority shall be created, a *supreme Parliament* to decide on all matters that are of common and universal concern. The

union of the "United Kingdom of Great Britain and Ireland" is a Legislative Union. If it were Federal, there would be a Parliament at Dublin, a Parliament at Edinburgh, a Parliament at Westminster, with a Supreme Parliament—perhaps at Berwick-upon-Tweed.

Now, which of these modes of national life shall we adopt, Federal or Legislative? The question is one of no small difficulty. It came up at the founding of the Canadian Dominion. It has come up in the attempt to found the Cape Dominion. Indeed it is impossible for a constitutional union to be formed of colonies which have already enjoyed a separate existence, and a separate government, without having it debated with some intensity. And because so much hinges upon this, and because such contradictory views are entertained respecting it, I shall to-night, with your leave, consider it somewhat closely. It will not be needful, I think, save for the affirmation of general principles, to go beyond our own national experience. A student of history will indeed seek for guidance in the constitution of the amphictyonic councils of Greece, and the colonial system of Phœnicia, and in the governments of Switzerland, and Holland, and Germany. But enough direction for all practical purposes may be gathered from the records of our own colonial empire. Two events in the history of British Colonies stand out with remarkable prominence, the one full of temporary disaster to the British name, the other full of omens for its future glory, but both of them helping forward the unparalleled advance of the Anglo-Saxon race. In the history of the British Colonies now joined in the United States, and in the history of the British Provinces of North America, we have all the materials we require for a clear understanding of the important problem of Australian Confederation. *What then is the union which we should seek to effect?* Shall we *continue the existing Parliaments* at Brisbane, Sydney, Melbourne, Adelaide, and Hobart Town, though with lessened powers, and call into existence a supreme Parliament to meet, say at Albury: or shall there be *one Parliament only*, representing in its Legislative and executive the whole of the Colonies? For myself, I decide in favour of Federal union as against Legislative union. I believe that by committing local matters to local control, and general matters to general control, we shall be much more likely to secure the peace and permanence of a united Australia. I

believe that a government having a similar basis to that of the United States and the Dominion of Canada to be the best kind of government for us. There is no need of slavishly copying either. They have existed long enough for us to know something of their weakness, and to be able to profit by their mistakes. Political wisdom cannot be formulated into a certain number of axioms. New light is always breaking forth from the experience and exigencies of human life. In this preference for Federal union I place myself wholly at issue with Sir Henry Parkes. He advocates Legislative union, and even dreams of the possibility of achieving it within a year, at least so far as the three greater colonies are concerned. Sir Henry is undoubtedly a great and successful politician. Hardly another can be named in Australia of equal experience. But his article on "An Australian nation" will not, I think, add to his fame as a statesman. He accuses the Federals of propounding views marked by "intangibility and want of logic." The Federals might in their turn accuse him of propounding views so visionary, with such strange forgetfulness of the means by which they could be attained, and such contemptuous disregard of the multitude of difficulties to be surmounted, that it is hardly possible to believe his article to have been written by a veteran of political science. As for Federalism, he asserts that, during the 23 years of our Parliamentary Government, "no two twigs have yet been put together towards the bundle of sticks," "no single venture has been made in the trial of federal strength." As for Legislative union he believes that "the time is come when without the creation of any complicated scheme . . . an Australian nation might start into existence with all the attributes of national greatness . . . within a year." No doubt, if he were the Jove of politics, such a Minerva, full armed, might spring from his brain into the full maturity of life. But we have to look in these days for slower and much more painful travail in the birth of nations. Who is to believe, with the simplest knowledge of human nature, that Victoria or New South Wales would be content to lay down at the bidding of theorists the power which each of them honorably won, and which each of them upon the whole has nobly used? If Sir Henry Parkes had indicated the method by which such an act of self-abnegation might be gained, he would have relieved his proposals of the utter improbability now attaching to them. Would he call a conference? But he has no faith in conferences. Would Mr.

Service and Mr. Morgan accept a scheme propounded jointly by himself and Sir John Robertson, and does he think it would be endorsed without a murmur on North Terrace, and the Carlton Hill? So fierce at this moment is the jealousy between Melbourne and Sydney, that any scheme whatsoever emanating from the one would be sure to be rejected by the other. "Within a year," indeed! Let us be thankful if the union we long for—any union that is real, is completed within the decade. This proposal for Legislative union by the creation of a single Parliament is accompanied by a remarkable statement which reveals the shifts to which its advocates are driven. "The change," says Sir Henry, "would of necessity call into existence a more competent order of municipalities, armed with larger powers for dealing with local improvements, from whose supervision in the execution of works both expedition and economy might reasonably be looked for." It seems then that not only are our existing Parliaments to be swept away, but our Municipal Institutions are to be changed as by an enchanter's wand. No longer is insolent incapacity to fume and storm in our civic chambers. Town councils of a more competent order, with authority over the adjacent country, are to be called into existence. Gravely seated, like the Burghers of New Amsterdam, they are to deal with local improvements expeditiously and economically. The cities of the future are to be built like the cities of the New Atlantis, well paved and drained, clean-swept and electric lighted, with additional three-penny rates to worry and vex the burgher-soul. Alas! it is but a dream—"He that hath, to him shall be given." That is the divine law. Our Municipal Governments have not yet proved themselves worthy of being endowed with larger powers.

I am not sanguine enough to imagine that I can set forth with convincing argument, the *advantages* to be gained from Federal union, but I take them to be chiefly these. Under a Federal Government we should avoid the dangers to freedom inseparably associated with the exercise of undivided power by a central authority. One of the most reliable teachings of history is this, that small States are more favorable to the development and preservation of liberty than large ones. Under a Federal Government we should not be so likely to be inflamed with the passions of war. Your centralizing Imperialists are those who take chief delight in "gunpowder and glory." Under a Federal

Government allowance would be made in legislation for diversities prevailing in different districts. This would be impossible in a Legislative Union. Local wants are only properly attended to by local legislators. To this it might be added that what is wanted above all things for the successful working of Republican government is a public spirit animating and rousing to exertion the whole body of citizens. This can be attained only as the Government is locally connected with the people of each State. The average citizen of Adelaide would take very little interest in public measures discussed in Albury for a united Australia. But he will take a good deal of interest in measures discussed on North Terrace for the benefit of his own colony. No amount of telegraphic messages, or of increase in railway communication, will overcome this grievous disadvantage to which a single legislative authority is always liable. Nor can it be justly said that in Confederation there is no real sovereign strength. On the contrary, for all the purposes of a genuine national life the patriotic zeal of each State would create a common fund of patriotism for the entire people.

I shall venture, then, in spite of the great authority I have quoted for the opposite view, to *defend the scheme of federal union* as the best and only practicable scheme. And now I will endeavour to set forth, as clearly and concisely as I can, the *general features of a Federal Government* such as I humbly think will avail for the peaceful and righteous administration of the great and united people of Australia, during the long centuries of their future. The sketch I am about to give is not the dream of a visionary, busied about some utopia like that of Plato or Sir Thomas More. I look to the history of my native land, and to the history of the nations already founded by our race, as furnishing all that is needed for wise prevision and judicious choice. And I am further of opinion that we should be chary of novelties and experiments, according to the famous saying of Lord Bacon, "For hoping well to deliver myself from mistaking by the order and perspicuous expressing of that I do propound, I am otherwise zealous and affectionate to recede as little from antiquity, either in terms or opinions, as may stand with truth and the proficience of knowledge." For everything I propose there is a precedent more or less tried and successful in the constitution of the United States, or of Canada, or in the fundamental principles of English jurisprudence.

To begin then with the apex of the social pyramid. The federal colonies will need—a *Governor*, a *Governor-General*. How shall he be appointed? We shall not in this, I hope, follow the example of the American Constitution. In America the President is chosen by a popular vote for a term of four years. And so, once in four years, there is instability in the Legislature and confusion in the Executive, and some degree of danger to the commonwealth. Let the Governor-General of Australia be appointed by the Sovereign, and thus be the representative of British Majesty. I hold with Gladstone that, "the name of the Queen is still the symbol, and her office the fountain of all lawful powers." Who will cavil at this close union between us and the British throne? The relation already existing does not hinder the development of our self-reliance. The colonial Governors of England are not like the Viceroy of Spain. They are but the constitutional heads of a constitutional government. But the conditions are altered when we come to the next stage in our graduated scale of authority. Since we are to retain Parliaments for the several colonies, we shall need, as now, a personal head in each, exerting a direct and personal influence over the whole work of local government—watching, following, canvassing the policy of each successive ministry. Shall these (let us call them as in Canada, *Lieutenant-Governors*), be appointed by the Crown, or by the Governor-General in council, or by the Ministry of each Provincial Parliament, or, as in America, shall they be elected by universal suffrage? There are special advantages as well as disadvantages attendant upon either mode, but I believe it will be found most expedient that the Lieutenant-Governors should be *appointed without election by the Governor-General in Council*.

And now consider with me the functions and duties and limitations of the General Legislature and administration,—the Parliament *par excellence* of all Australia. If we compare the constitution of Canada with that of the United States, we shall see a marked difference in the relation of the central to the provincial powers. The *American* theory was that the *sovereignty lay in each particular state*, and that only such powers should be conceded to the central Government as were absolutely necessary for general purposes. The authority of the House of Representatives was therefore rigidly defined, and all attributes of Government not distinctly specified were declared to belong to the

Senates of the States. As De Tocqueville tersely expresses it "The Government of the States remained the rule, and that of the Confederation became the exception." In *Canada* a very different plan was followed. The theory was that *the sovereignty of the entire realm was vested in the Central Legislature*, and that the powers of the several provinces were essentially local and particular. This theory leads to some important results. It diminishes the probability of conflict between the central and provincial legislatures, such a conflict as may some day bring about a disruption of the United States. The Canadian precedent I regard as the safest, and as more in harmony with the British Constitution. I shall be guided by it, therefore, in the brief sketch that I will endeavour to give of the privileges and powers of the Australian Federal Parliament on the one hand, and of those of the Provincial Parliaments on the other. There are several vexed questions relating to the qualifications for membership in the Upper and Lower Houses respectively, on which I will not enter, but I will hazard the opinion that both in the General and Provincial Parliaments, the Upper House should be *elective* and not nominated, and that all election, so far as possible, ought to be according to the principle of *representation by population*. Universal suffrage inevitably leads to this.

What, then, are the *powers to be vested in the General Australian Parliament*, the Parliament that is to represent all the colonies jointly? We shall all agree that the duty and responsibility of the defence of our dominion against foreign foes must be given to it. We are yet a long way off from the Millenium, and must make provision for our safety. The General Parliament must, in concert with Great Britain, provide our naval and military forces, and such fortifications and arsenals as may be needed for the protection of our coasts. It must determine all questions touching the direction, the opening, and maintenance of the main trunk lines of Railway between the several colonies. The Telegraphic and Postal System must also be under its control. It must settle all questions of trade and commerce, of navigation, of the lighting of the coast, of currency and coinage, of weights and measures. The chief Parliament alone must have power to impose customs and excise duties, and all other general taxes whatsoever. It will be needful also to assign to it all legislation affecting Banks and Savings Banks, bills and promissory notes, bankruptcy and insolvency, copyrights and

patents of invention, marriage and divorce, immigration and naturalization. It must take upon itself also, both in the legislative and executive, the important range of national duties connected with the criminal law, the appointment of judges, and a High Court of Appeal. In fine, I would endow the General Parliament with power and responsibility over all matters coming within the sphere of Government, that were not expressly handed over to the local Parliaments.

Now at first sight it might seem, and especially to one not familiar with the far-reaching responsibilities devolving on a civilized government, that if the Central Parliament has all this to do, there cannot be much left for the Parliaments of the several colonies or states. But indeed there are many and most important matters still left uncared for. To the *Local Parliaments* would be assigned, first of all, the *administration of the Land*. Important as it is, that the Land systems of Australia should be uniform in their leading features, it is yet more necessary that the differences in soil, and climate, and production, and the habitudes and callings of the people should be fairly considered. The difficulties that have arisen in all the colonies between the pastoral tenants of Crown Lands, and the farmer or settler, will be best met by ample discussion and cautious legislation in each. It would be better, *e.g.*, for New South Wales to suffer for awhile from the injurious system of free selection before survey rather than be compelled to adopt the more rational system that prevails in South Australia. To the Local Parliaments I would also assign everything that has to do with *Education*—primary and higher, universities, colleges, technical schools, grammar schools, common schools. If there would be differences created by this mode, no serious neglect need be anticipated in any province. Emulation would be better than uniformity. They would also have the construction and control of all *public works*, the maintenance and oversight of *hospitals, asylums, reformatories, prisons*—everything in short that has to do with *pauperism and crime* in the way of prevention and repression. The Local Parliaments would exercise such authority as is in harmony with the common law of the empire, and in accordance with the constitution expressly provided for Australia, over all *municipalities* and all sectional governments that might be called into existence outside the boundaries of municipalities, *e.g.*, the Divisional Boards, which, in 1879, were

created in Queensland. With a similar restriction the Local Legislatures would deal with all questions of taxation for local purposes, and with the important classes of subjects relating to the ownership and the duties of property, to rights of citizenship, and to the administration of justice. This list of responsibilities and obligations might easily be enlarged, but I think I have cited the most important. It will serve to show that the Provincial Parliaments will not be mere vestries or municipal councils. Without interfering with the supreme and sovereign authority of the Central Parliament, they will be endowed with real powers of legislation and genuine executive authority.

Now, it is not to be expected for a moment that the Constitutional changes I have thus foreshadowed can be accomplished without overcoming considerable difficulties. It will be best to have them, and grapple with them. Only from conflict comes victory. But it is nonsense to speak of them as insuperable. Let the people generally be aroused to the belief that confederation is necessary to their true welfare, and the momentum generated will bear down every obstacle. The chief difficulty at present confronting the more thoughtful among the people, and their legislators, is undoubtedly the *protection policy of Victoria*. It has been asserted with much persistence, during the past five years, that the prosperity of that colony depends on the creation and nurturing of her manufactures by heavy protective duties. South Australia and New South Wales, and Queensland, think differently. They have made their ports free, save for such customs duties as are needed for revenue. The question is certainly a crucial one. Complete federation would be impossible between States firmly holding such antagonistic views of fiscal policy. As for myself, I am a thorough free-trader. I believe that what we want for the next half century, at least, is to devote all our strength to *developing* the great, the marvellous resources of our magnificent country. We shall be much more profitably occupied in growing wheat, and barley, and maize, and sugar, and tobacco, and cotton, in producing beef and mutton, and tallow and wool, and mohair and alpaca, and leather, in raising coal and shale, and iron and copper, and gold and silver, and the rest of the metals, than we should be in *forcing manufactures* before the natural time for them has come. But far more than I believe in free trade, do I believe in the *right of a people* to determine for themselves the principle on which they will shape their destiny.

If confederation were in danger of being indefinitely delayed because of rigid differences of opinion about Protection, I would plead for a compromise. Something surely might be agreed upon, say in the direction of intercolonial reciprocity, or of a customs' union, until Victoria came to the better mind. There would, of course, be many adjustments to be made, and it would be needful to deal with these in a spirit of generosity. Perhaps, though I submit this with great diffidence (and I beg you to observe that it forms no integral part of my scheme of confederation), we may agree to re-consider the boundaries of the several colonies. I do not mean that all the lands of Australia should come into "hotchpot" with a view to an equitable division (though I must confess that the Northern Territory is something like an estate given in Frankmarriage to one of the daughters of Britain), but with a view to some partial re-adjustment, where the original division was manifestly unfair. No one can look at a map of Australia without seeing that the territory belonging to Victoria is altogether too small, and not equal, I venture to say, to her deserts. She ought, in my judgment, to have an open pathway of her own to the northern coast.

Now, whatever view you like to take of these candidly expressed opinions of mine about the union of the colonies, you will at least confess that the subject is one that ought to be taken up, and taken up at once by the people of Australia. It is worth agitating about. A few public meetings in our leading cities, some thoughtful and earnest articles in our leading newspapers, and a public opinion would speedily be created, before which all difficulties of initiation would be swept away. In a matter of this sort the first real step would settle it, if only that step were the result of a wide spread feeling previously created. Possibly we might need to call for the intervention of the Home Government at an early stage. The Royal Commission that sat at Melbourne, in 1870, said "We are distinctly of opinion that the best means of accomplishing a union is to remove by an Imperial Act all legal impediments to it without delay, and leave the colonies to determine by negotiation among themselves, how far and how soon they will avail themselves of the power thus conferred upon them." But to me it seems that *the less the Home Government* has to do with it the better, until we ourselves have determined on its expediency. The Earl of Kimberley will not be very likely to fall into the error of Lord Carnarvon, and send

Mr. Froude, or any other philosophic historian, to instruct us in the duty and art of Government. The initiation of the union must not be effected by the colonial office, or the completion of it will be indefinitely delayed. Probably the best mode of procedure would be that adopted by Canada. Let the Parliament of each colony choose from among its ablest politicians, two or three delegates to a general conference. Let the conference, thus constituted, be empowered to appeal to the Home Government for an Enabling Act, in the event of fair unanimity of opinion in favour of confederation. We may be sure that an Enabling Bill would readily pass both Houses. The House of Lords would not venture to do what they did thirty years ago, when they threw out a clause in the Australian Government Act "which empowered the Crown to summon a general assembly of the colonies desirous of legislating on matters of common interest." The day has gone by for interferences of this sort by the nobles of Great Britain. In spite of the reactionary wave of imperialism, which of late has been sweeping over the mind of the nation, the power of the elected representatives of the people has become more firmly settled, year by year. If we desire Confederation, the House of Commons, and especially the present House with the noble Gladstone for its leader, will lend us every facility, and probably not the oldest wearer of a coronet will record his dissent.

I am not sanguine enough to think that a work of this magnitude could be completed in a year, or in two years, but I think that in seven years we ought to be able to lay the topmost stone of the edifice of Confederation with abundant rejoicing. It was in 1787 that the first colonists landed upon the shores of Australia. What could be better than that our *first centenary* in 1887 should witness the union of all those flourishing republics that have risen to the dignity of national life? Who has enthusiasm to commence the necessary agitation, and who will have mind of clearness and heart of faith to carry it on? What statesmen from among those who, by long and honourable service, have deserved well of their country, will combine for the first great act of this great political drama? The names of Washington, Madison, and Hamilton will stimulate the chivalry of America for a thousand years to come. What names in the long centuries of our glorious future will be counted worthy of highest honour as the names of those who founded the Dominion of Australia?