

The STATISTICS of CRIME in AUSTRALIA. By WILLIAM WESTGARTH, ESQ., Author of "Victoria and the Australian Gold Mines, 1857;" "Colony of Victoria, 1864," &c., &c., &c.

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I.—*Australia and Australasia.*

THE term Australia, used strictly, would limit my subject to the five colonies of our antipodal group that are situated upon the great southern mainland—New South Wales, Victoria, South Australia, Queensland, West Australia. But I shall find occasion, in the course of my remarks, to embrace also the two outside colonies of Tasmania and New Zealand, which belong to the wider circuit distinguished by the name of Australasia. These seven colonies comprise amongst them an area of very nearly three millions of square miles, of which more than two-thirds are still unoccupied. The occupants of the remaining area consist, at the present day, of about 1,300,000 colonists of English blood, in the wider national meaning of the word, besides a small proportion of European foreigners, chiefly Germans; about 40,000 Chinese, who are mostly upon the goldfields in Victoria and New South Wales; and the aboriginal natives. The latter affect, only in a slight way, the criminal statistics of the colonies, as, with one notable exception, that of the New Zealand natives, they are nowhere important in any sense. In the northern island of that colony, however, to which the

unfortunate native war is limited, the natives are still in numbers about equal to the colonists, and they have been very impressively teaching the latter for several years past to respect some at least of the qualities of savage life.

II.—*Local Circumstances affecting Ratio of Crime.*

In a view of the state of crime in Australia, the most important circumstance is the system of the transportation of criminals from this country—a system familiar to us by seventy-five years of uninterrupted duration, and that still survives, although in a diminished degree, in the colony of West Australia

A variety of other circumstances, although in their effects of minor consequence to that just alluded to, tend to produce diversities in the ratio of crime in these different colonies. In South Australia, for instance, there is, comparatively with the other colonies, a settled population, extensively grouped into the family relationship, with the sexes nearly equalised—census 8th April, 1861, 126,830, viz., males, 65,048, females, 61,782—and where agricultural operations on a large scale have reproduced much of our English country life. New South Wales and Victoria, on the other hand, have been checked in their ameliorative progress by the gold discoveries, and the rude experiences of gold mining life for the last thirteen years.—In Victoria about 90,000, or one-sixth of the whole population, are “actual miners.”—Queensland and New Zealand are still in a socially unsettled state from an almost daily immigration of large numbers of new colonists, and the disproportion of females usual in the first peopling of remote colonies.* New Zealand is being further affected prejudicially, in a social sense, by the extensive gold mining in the southern districts during the last three years.

III.—*Crime in Australia as compared with England.*

We are curious to inquire, with regard to these colonies, what is the ratio of crime as compared with this country. We see that they are peopled mainly by the same race, but under happier circumstances as to the means of subsistence and general well being. Remembering how intimately crime is proportioned to destitution in this country,† we naturally anticipate that in the colonies, with diminished destitution, there will be diminished crime. If we do not find this to be the case—for on the contrary the average of crime is much greater—we must bear in mind that the effects of the transportation system have confused all the proper elements of our case. The inquiry can be fairly conducted only at some future day, when these effects have passed away. Meanwhile, however, we may reason—

* See Appendix B.

† See Appendix C for illustration of this point.

ably infer, from the favourable condition presented to us even now by some of the colonies that have happened to be the least exposed to the convict stream—South Australia, New Zealand, and particularly Queensland—that the entire group would, but for this cause, have compared to decided advantage with the mother country.

IV.—*Crime and Climate.*

Another point challenges our curiosity. These colonies pervade a wide diversity of climate, from the winter snows of southern New Zealand, and from the genial Tasmania onwards continuously to tropical Queensland. Does the difference of climate seem to make any difference in the ratio of crime amongst the same people? We know that our physical system is affected, and mostly for the worse, as we go towards the equator. Is it so with the moral system? and do our tropical colonies of the British people indicate more crime than those of temperate climes? This question cannot be answered any more than the previous one, and for the same reason. The data are all at cross purposes on the subject, for the chief determining cause as yet has been the incidence of the convict system. The colonies that indicate at present the highest crime ratio are, besides West Australia, which is still a convict colony, Tasmania and New South Wales, originally penal settlements, although now no longer such, and Victoria which is situated between them. Tasmania enjoys a mean yearly temperature of 53° or about 4° more than London; Victoria of 58° ; and New South Wales of 66° . South Australia, on the other hand, under a mean of 64° , is considerably better than any of the preceding. But the smallest ratio of crime is due to Queensland, whose ample area lies upon either side of the tropical line.

V.—*Crime in Australia Greater than in England.*

Australia, then, does not present us with the pleasant spectacle of an unusually small ratio of crime. On the contrary, in the chief colonies it is much, nay even enormously, greater than in this country. In the case of Victoria, as stated in a protest addressed last year to the home public by the Anti-transportation League of the colony, the cost of police and prisons for the year 1860 amounted to no less than 15s. per head of the whole population. We shall better apprehend the meaning of this statement when I add that the cost of police and prisons in England and Wales for the year 1863, according to the parliamentary papers on the subject lately published, is only 2s. $1\frac{1}{2}d.$ per head,—police 1,658,265*l.*, prisons 547,415*l.*; population about 20,440,000. No doubt these costs must be greater, in similar circumstances, to the thin population of a colony, than to the dense masses of a longer-settled country, and the cost of police service is greater in the colonies; but the difference in question far

exceeds any reasonable allowance to these causes, and thus supports the argument of the colonists, that the transportation system is to them a very costly heritage, to say nothing of its other evils.

But as to these other evils, of course this greater ratio of expense for the detection and repression of crime, means a greater ratio of crime itself. Thus the commitments, for felonies and misdemeanors, to the supreme court and sessions in England and Wales, taking the five years 1851-55, averaged yearly 1 in 668 of population, while in New South Wales the yearly average of the five years 1858-62, gives 1 in 433; and in Victoria (1859-61), the still worse result of 1 in 375.* Indeed, with respect to England and Wales, taking a subsequent period, namely, the six years 1856-61, the yearly average is so comparatively small as 1 in 1,093; but the comparison is to some extent unreliable, through the operation of the Criminal Justice Act of 1855, which extended to magistrates the power, with consent of the prisoner, of dealing summarily with certain cases of offence, instead of sending them to juries.

VI.—*Large Ratio in Victoria; the Cause.*

Let us here observe, that Victoria appears in this comparison more unfavourably as to crime than even New South Wales, notwithstanding that the latter was originally a convict settlement, and for a long time the head quarters of the system in the southern hemisphere, and that Victoria was free from the outset. The seeming anomaly requires explanation. Victoria is situated, as before stated, just between the two great seats of the convict system of past days—New South Wales and Van Dieman's Land—and was thus always exposed, upon either frontier, to the influx of the convict population, whether "runaways" or "expirees," as the bond and the freed of this unwelcome class of immigrants were respectively termed. Under these circumstances, a terrible experience awaited Victoria upon the discovery of the goldfields. The convict class streamed over in thousands from Van Dieman's Land, as from an open gaol; and crimes of the most shocking and alarming atrocity became of almost daily occurrence. During the year 1853, when this state of things was at its height, there were no less than 554 persons of this class convicted for fresh offences in the colony; the whole population at the time averaging about 200,000. We have thus 1 in every 361 of population, or nearly three times the proportion of the convictions in England and Wales; and we must further bear in mind, that, in addition to all this extraneously derived crime, as we may in some sense call it, the colony had still the crime proper to its own society to endure and dispose of.

* Mr. Rolleston, Registrar-General, New South Wales, for year 1862. The superior condition of South Australia is exemplified (year 1862) by 1 in 628.

Victoria, however, has improved since that date. Van Dieman's Land, called Tasmania since the cessation of transportation, presents us with the heavier category of crime. The convictions for felonies and misdemeanors, are 1 in 486 of the population. We graduate in the equatorial direction through the somewhat happier ratios of Victoria and New South Wales, and only reach the smallest proportions of crime, as already stated, in semi-tropic and tropical Queensland. There the proportion does not exceed, or is even more favourable than that of England. Queensland lies out of the way of the main convict stream. The "old hands," as the earlier assigned convicts were called, and who, in the penal days of New South Wales, were often the only servants procurable for the remote pastoral stations of the northern district that is now Queensland, have mostly long since died out; and the young colony, for its erection into a separate Government dates only from the year 1859, furnishes, approximately at least, an idea of the picture our southern colonies might have presented but for the convict system. New Zealand also has been in great measure exempted from the convict influence. The committals to the supreme court and sessions, and the convictions, are respectively in about the same proportion as those of England and Wales. This condition, however, refers to times preceding the mining of the great goldfields of Otago, which began in 1861. Already, indeed, there are symptoms of declension, for the year 1862 has shown a considerable increase in the proportion of convictions. There are 145 in that year, namely, 10 felonies and 135 misdemeanors, or about 1 in 690. There are above 20,000 miners now at work upon these fields; and if some of Victoria's gold mining experiences are to be reproduced in New Zealand, an unbroken continuance of the happy immunity of the latter colony from any marked excess of crime is hardly to be looked for of the future. But the future will also have its improvement, as Victoria herself exemplifies, whose chief goldfields are even now the seats of considerable municipal towns, communicating with each other by roads or railways and telegraphs, and drawing with facility from their seaports, in exchange for the all-negotiable gold, the choice of the world's market for their social amenity and progress.

VII.—*Great Crime Ratio the Effect chiefly of Transportation.*

I have thus shown that these colonies present considerable diversities in regard to crime; but that these diversities are quite intelligibly accounted for by a variety of local circumstances, chiefly according as they have been severally exposed to the effects of the convict system. On the average they present a ratio of crime very considerably higher than that of this country.

VIII.—*Improving Condition.*

But if this unfavourable view must still be taken, the condition is at all events an improving one, and by no slight gradations. Indeed there is no feature of these colonies more satisfactory than their progressive social improvement, as illustrated by the almost methodical yearly diminution of crime. I am to be understood as speaking of the whole group collectively, for, besides exceptional circumstances pointing in an opposite way, in some of the members, the case of West Australia is already presenting some of the worst features of the earlier convict settlements to the eastward, although happily on a scale less noticeable to the world and less hurtful to its neighbours.

I shall now examine some salient points of this comparative well-doing. If these colonies cannot yet take a high rank in the social scale in respect to their crime ratio, let us console ourselves in regarding the much lower position from which they have risen, and thus take reasonable assurance that the future will exceed the present, somewhat as the present has exceeded the past. The old convict leaven gradually dies out, and its diminishing influence is more and more overwhelmed by the tide of healthy immigration of the free colonists. One chief guide in our comparisons will be the proportion of convictions for the graver offences—the felonies and misdemeanors—at the supreme court and sessions.

1. *Retrospect of New South Wales.*

New South Wales ceased to be a convict colony in the year 1840. After that year transportation was concentrated upon Van Dieman's Land; but the former colony was left to digest, as it best could, the accumulations of more than half a century of convict immigration. The process was by no means easy, even in the superficial view of its mere pecuniary cost. The Imperial Government affected to bear its share of the burden bequeathed to the free colonists by continuing to defray the expense of convict establishments in the colony. But so inadequately did this arrangement meet the merits of the case, that one of the earliest acts of the first representative legislature, instituted at Sydney in the year 1843, was to draw up a bill of costs on the subject against the Home Treasury—a bill of such proportions that, as "no part thereof has as yet been paid or compensated," we must suppose it was too formidable to be encountered. But as to all this accumulated convict population, when and how would it be finally disposed of, for it was being continually immersed in fresh crimes? There were consignments to chain gangs, imprisonments by the thousand, lashes by the hundred to each back, executions by the half dozen of a morning. The colony has bled,

both literally and metaphorically, in the protracted warfare. But it has fought and conquered, and, after a quarter of a century, it emerges in comparative peace and security.

I say "comparative," for we must not suppose that the old condition is yet ended. The very last mail from Australia arrived but a few days ago, brings accounts of bushranging and highway exploits such as would, in point of coolness, audacity, and ferocity, rival those of Turpin or Wild, or the worst of Italian banditti. The perpetrators are mostly old British convicts or their descendants. Victoria, and especially New South Wales, have been of late a prey to such atrocities, which indicate that the convict leaven is still present, and is powerful to reappear at intervals in irrepressible outbreaks of this kind, which for a season defy alike the police and the Government.

Experience of this nature enables a colony to speak authoritatively on the merits of the transportation system, and to urge energetically the natural equity that prescribes to every society the duty to retain and control its own criminals. But, returning to the colony's statistics, we shall look at those of 1840. The convictions are 1 in 155 of the population;* the present proportion in England and Wales being 1 in 997.† The previous year is still worse, for it gives 1 in only 126, or worse by nearly eight times than the ratio of this country.‡ And yet even these deplorable results do not adequately represent the full measure of colonial crime, as the summary jurisdiction of the magistrates was specially enlarged so as to embrace many of the graver offences. This was the case also in Van Dieman's Land, as it is now the practice in West Australia, and it is perhaps a custom of indispensable convenience in dealing with unusual proportions of crime. From this gloomy picture of the past, we turn with pleasure to the present, to learn that the convictions of New South Wales are now in the relatively promising proportion of 1 in 715 of population.§

2. *Retrospect of Van Dieman's Land.*

Van Dieman's Land remained, for fourteen years after her sister, the great convict receptacle, and with few results to her social advantage, as may well be supposed. Let us, for example, take the condition arrived at in 1846. Disclosures of a truly awful character were at that time being transmitted from the colony to the Home Government and public as the result of convict settlements. In a total population of 60,000 of all ages in that year, there were 20,870

* 1840, convictions 832; population 129,463.

† Average for 1862-63, 20,409; population about 20,350,000.

‡ 1839, convictions 912; population 114,386.

§ 1862, convictions 514; population 367,495.

convicts, while many of the remainder were free only by pardon or servitude. In the same year no less than 17,338 cases of offence of some kind or other were proceeded with before the magistrates. After such a description, it is pleasant to be able to record that the colony has notably improved since that date. With the cessation of transportation, the old name of Van Dieman's Land has been buried, with all its convict associations; and fair Tasmania, beautiful in scenery and genial in climate almost beyond compare, has with her new name sprung into a new existence.

3. *Retrospect of Victoria, South Australia, and Queensland.*

But I must hasten over this part of my subject. Victoria, which we found so oppressed a few years ago as to show for the one year, 1853, reconvictions of old British offenders to the number of 554 in a relatively small population of 200,000, is so much improved a few years after, as to exhibit only 24 such convictions for the year 1862, the population meanwhile having nearly trebled. The proportion of other convictions has also materially diminished. South Australia, by the same test of convictions, shows a decided diminution in the ratio of crime during the ten years 1853-62. During part of that interval, the colony remained stationary, or even retrogressive, in its crime-ratio, a circumstance attributable to the convict immigration from West Australia. But that source of crime being greatly restricted by the colony's measures of defensive legislation in 1857,* improvement is soon afterwards manifest, and the proportion in 1861-62, is nearly 50 per cent. less than it was about eight years previously. Queensland appears to have effected the same encouraging degree of progress during the shorter space of four years, 1859-62. In this last colony, however, where the increase of the population is so rapid, that about one-half consists of the new immigrants of the preceding two or three years, we can hardly as yet look for reliable data on this question.

IX.—*Case of West Australia.*

I now turn to a different picture—the colony of West Australia. The actual present condition of that colony, and the degree of social injury she inflicts on her eastern sisters by the continuance of the convict system, have been questions of differing and somewhat angry statement. The colony was not of convict foundation, like New South Wales and Van Dieman's Land; but it had comparatively few natural resources, and thus, poor and slow of growth, it accepted the convicts and the imperial expenditure that was to accompany them, on the business principle that all custom that pays should be made

* See Appendix A.

welcome. It is only fair towards West Australia to recall that similar views pervaded New South Wales and Tasmania in their earlier years, at a time when colonial interests were represented mainly by a handful of employers, who regarded the colonies as a field for gain rather than a home. West Australia has not yet emerged from a parallel condition. In the eastern colonies, so soon as a society was consolidated by free immigration, and a public opinion brought into action, the system was condemned. Australia had then become "home" to its increasing settlers, and even the children of the convicts were, in many instances, leagued with the other colonists against transportation.

What West Australia now actually is, and what it is likely to be at a further period, should the convict system be persisted in, is a subject of general interest—an interest not confined to Australia. The latest and most complete, and apparently the most authentic account of the colony, is from the correspondent of one of the Victoria newspapers, the Melbourne "Argus." The writer was sent specially from Victoria on this errand of inquiry, at a time when the colony was in strong agitation upon the convict question, and when its press and public condemned the system alike in Eastern and Western Australia. But while it is only proper to allude thus to a possible cause of bias on this account, the correspondent's communications, which were received and published at Melbourne so recently as June last, bear all the marks of fair and temperate representation, authenticated by ample official and other statistical data.

The result presents to us a darker picture than had been usually imagined of a settlement so remote and so little before our public, even by those opposed to the system. Indeed it might be well for the future interests of the south, if the French Government could be induced to give attention to the report in question, and thus learn some of the inevitable results of convict colonies, before proceeding further with their project of New Caledonia. Many doors are kept unlocked, but it is the security of a poor colony that presents little to tempt the thief, and no opportunity to dispose of any plunder. The official regulations are favourably alluded to. There is a strict surveillance and firm grasp of the convicts while undergoing sentence; but all this is at an end after they are freed by conditional pardon or servitude. They then instinctively turn their eyes to more prosperous and attractive spheres, and shoal off by hundreds annually to the eastern settlements.

Of this fact there was no room for doubt, and hence the fresh outbreak of crime and obstructed path of social progress in these settlements. Take, for instance, the state of the question at the date of 1st January, 1860; by that time 2,583 convicts had become free by pardon or servitude, and of these there were 1,410, or more than

half, unaccounted for. In other words the latter had, almost without exception, left for "t' other side," as the common phrase is, and the local authorities had willingly let them go. It was estimated that for every five convicts who were arriving from Britain, three were re-emigrating for the eastern settlements. Indeed the colony possessed no resources to give these persons employment; and so evidently did this appear, that, as stated by the writer I have quoted, if the other colonies could but arrest this constantly relieving efflux of the convicts, the results to West Australia would become so insufferable as to cause a speedy end of the system.

The system began in the year 1850; and up to the 31st May of the present year, there had arrived in the colony 7,781 convicts. The imperial local expenditure on their account is at present about 98,000*l.* yearly; but besides this benefit, the colony had stipulated for an immigration of free colonists, at imperial cost, in numbers equal to the convicts. This last arrangement, which has been carried out, and has doubtless mitigated the evils of the system to the colony, permitted of prisoners' families being sent out to them, besides pensioners and other persons. A number of free females were also included, to assist in equalizing the sexes in the absence of female convicts, none of whom, happily for the colony, were ever transported there.

The colony, if it did not thrive socially and morally, took at once a new life of another kind. Up to 1850, after twenty-one years' existence, there were but 5,886 colonists over its wide expanse, with the most insignificant finances and commerce, the public revenue having been but 12,440*l.*, the imports 62,351*l.*, and the exports 22,135*l.* But in 1863 the population had increased to 18,700, while the revenue was between four and five times larger, the imports nearly doubled, and the exports quintupled. Many colonists, especially traders in the towns, had realized small fortunes, such as they could not have even dreamed of amid the virtuous poverty of the earlier times.

But returning to the other side of the picture, we shall find it very dispassionately set forth by the authority I quote from. One of the greatest evils of such a colony early appeared, namely, that the criminal class exceeded in numbers the class of the free. Five years ago, in 1859, the whole adult males of the colony were computed thus:—

21 years and upwards	{	criminal	3,842
		free	2,708
			1,134
		Excess of criminals	1,134

and this excess must since have been greatly increased, as the free labouring class, as well as other free colonists, have been gradually

leaving the colony, elbowed out, as it were, by the competition of the freed criminal class. The hand of fellowship is not extended to the latter by the former, and we cannot wonder at such reticence; for although, as my authority remarks, "many of the ex-convicts have acquired homes and property, the condition of the mass is most unsatisfactory. They remain wanderers on the face of the land; religion unknown to them, drunkenness an universal vice."

In a society so constituted, there is of course an incessant recommitting of offences. If unlocked doors will argue for a limitation of crime in some particular direction, there must yet, by the results before us, be a full compensation in many other ways. But in the first place, to show how this crime is restricted almost solely to the convict class, I may mention that out of 287 persons in actual confinement for fresh offences, as reckoned on one particular day, only 6 belonged to the non-convict class. With respect to at least the graver class of offences, a great misconception is apt to prevail outside the colony, from attention being directed merely to the records of the supreme court. Some 25 convictions yearly for the West Australian population shows proportionately no heavier criminal list than some of the eastern colonies. I have already alluded to the true explanation, which consists in the specially extended powers of the magistrates. In West Australia the summary jurisdiction of the bench seems to exclude only a sentence of death; as, for example, such sentences as seven years and 100 lashes are of common occurrence.

We shall appreciate more exactly the actual social condition of the colony in its criminal relations, by the grave fact that during the year 1863 the number of convictions, for all kinds of offences, was no less than 3,277 in a population—both sexes, and all ages included—of 18,700. This is a proportion of 1 offender to less than 6 of population. For purposes of comparison, we may, from this datum, assume about 1 in 4 for cases dealt with, as distinguished from convictions. In Victoria the proportion was lately 1 in 18; in New South Wales 1 in 19; in South Australia 1 in 36; and in England and Wales 1 in 45. We have already ascertained that the proportion in Van Dieman's Land, in its worst days, was 1 to rather less than 4. West Australia happily does not stand out the huge blot that was presented to the world by the larger scale of the senior settlement; and yet, judged by the proportions of this criminal test, the former is even now close upon the heels of her eastern prototype.

But to return for a moment to these 3,277 convictions in one year in West Australia, and their proportion of 1 to less than 6 of population. Many of these, no doubt, are cases of repeated offence on the part of the same individuals during the twelve months. But after making due allowance on this behalf, and on the other hand

deducting the young of those ages during which offence is rare, and the females, with all of whom we may hope, from the circumstance of their non-convict character, that it is equally rare, we are shut up to a most extraordinary conclusion—no other, in fact, than this, that well nigh every second man of the community is a yearly offender against society. Either of these parties—the offender and the offended—we may be sure, is an offence to the other ; but which is society ? Rarely indeed have the opposing kingdoms of the good Ormuzd and the evil Ahriman been so nicely balanced.

In conclusion, although the present condition of Australia as to crime is somewhat discouraging, yet it is a condition that is manifestly improving—a condition that in the present greatly transcends what it was in the past. We can understand from the foregoing, how much this condition depends, for good or for evil, for advance or retrogression, upon the abolition or continuance of the transportation system ; and we can thus view in its proper light the strenuous opposition that is now being made by the colonists to even the lingering remnant of the system in West Australia. They mark with satisfaction the gradual wane of the old state of things, with the dangers and disgrace that have so long beset them ; and we may readily suppose that when the dawn of a better order is fairly brightening upon them, the effect of any interruption, such as this persistent continuance of transportation to West Australia, must be intolerably vexatious.

There is indeed an argument against the colonists, as well as for them, in this question. England planted her convict colonies upon the desolate shores of Australia ; and the free colonists who followed the movement, and who have since prospered and multiplied in the new scene, have now risen up against the convict system. But this argument, to the credit of the Imperial Government, is not used against the colonists. The question is argued on its substantial merits, and in this way those who are on the spot, and can see the practical effects, have totally condemned the system. The records of New South Wales, Van Dieman's Land, and Norfolk Island, stand out as an indelible stain on the fair face of the empire. But these records, and all pertaining to them, are at least receding into distance ; they are on the eve of being memories instead of realities ; and in another generation Australia may begin to rival the world in her relative freedom from crime, as she has already done in her marvellous commercial progress and general prosperity.

APPENDIX A.

Opposition to Transportation, and Defensive Legislation of the Colonies.

There was no combined movement in the colonies against the convict system until the year 1850, when the Australasian Anti-transportation League was commenced. It originated in Tasmania, and was inaugurated at Melbourne in the year following. This body was dissolved two years afterwards, under prospects that promised the full accomplishment of the object it had in view. In February, 1853, the then Secretary for the Colonies, the Duke of Newcastle, had intimated to Parliament that it was the intention of the Government to abandon the transportation system, which was to be given up at once as regarded Van Dieman's Land, and a few years later as regarded West Australia. But as these expectations have remained unfulfilled, the League has been reconstituted in Victoria; the colonists having been stimulated to this course by the Report of the late Royal Commission, which recommended, instead of the expected cessation, a greatly increased number of convicts being sent to West Australia. The League had met with general support in the colony, and has announced that it will fight out this battle with the mother country by the aid of all the weapons that English law and liberty allow it, and that the interests of the colonial societies demand.

Case of Victoria.

Already the colonies have exemplified this phraseology by their defensive legislation. Under the auspices of the earlier League, Victoria passed the Convicts' Prevention Act of 1852, an extreme measure, extemporised for the emergencies of the time with reference to the convict influx from Van Dieman's Land, that followed on the discovery of the goldfields. The Act was mainly designed to checkmate the "conditional pardon" system, by means of which the adjacent penal colony sought to relieve itself. Under that form of pardon, the convicts received permission to leave Van Dieman's Land, but not to return to England, and of course they went straight to Victoria. By the terms of the Act, the vessel bringing these persons was liable to heavy fine, and the persons themselves could be seized on board, and either imprisoned for three years or returned to the colony whence they came, notwithstanding the so-called Queen's pardon and the royal prerogative. The colony took the equitable ground that persons unfit to enter England had no right to enter Victoria.

This cauterising measure was afterwards extended so as to exclude from Victoria the convict class for three years after they had received even full and free pardons. Indeed, a recent inquiry in the colony into the present state of the law on the subject, seems to indicate that any two magistrates, on proof shown as to a felony committed elsewhere, may send the convict back to the place where his crime was committed. This law, indeed, had lately a near chance of being brought into actual exercise, as a proposition had been brought forward in the Victoria Legislature, and not without influential support, to retransport to England a number of West Australian convicts. It had been ascertained that the police of Victoria and of the adjacent colonies had their eyes upon a very considerable list; and the temptation was strong upon the colonists to refute, by so practical a demonstration, the oft-repeated assertion that West Australia and her convicts were too isolated and remote to endanger the eastern colonies.

Case of South Australia.

The preventive and extraditionary act which Victoria passed in order to secure herself against Van Dieman's Land, was passed five years afterwards, namely, in 1857, by South Australia, to protect that colony against the convict influx from West Australia. The latter colony had caused little alarm to its neighbours until towards the year 1855, by which time the convicts in considerable numbers were acquiring their freedom. In that year there were 269 arrivals of all kinds from

West Australia at Port Adelaide. In the following year the numbers rose to 438, and in 1857 to 629; making a total of 1,336, of whom probably one-half were, in colonial phrase, either "conditional pardons" or "expirees."* The check administered by the Act was decisive, for in 1858 the number was reduced to 184; in the next year to 156; and the year after to 114. In consequence of the Victorian and South Australian Acts, the captains of traders were unwilling to take passengers to either of these colonies from West Australia, and generally preferred to go to Sydney, at which port no such Act was in operation. The South Australian Act did not, like that of Victoria, extend to expirees, but only to the conditional pardons. The Home Government have intimated, within the present year, that this "conditional pardon" expedient of convict colonies, which has been so vexatious to their neighbours, is to be entirely abrogated.

APPENDIX B.

Comparative View of the Inequality of the Sexes in the Population of the Australian Colonies, and of other Countries.

Colony or Country.	Date of Origin.	Last Census.	Total Population.	Males.	Females.	Females in 100 of Population.
New South Wales	1788	1861	358,278	202,099	156,179	40·6
Tasmania	1803	"	90,211	—	—	—
West Australia	'29	"	15,691	9,852	5,839	37·2
New Zealand	'40	"	106,315	67,335	38,980	36·7
South Australia	'36	"	130,627	67,254	63,373	48·4
Victoria	'51	"	541,800	321,724	220,026	40·6
Queensland.....	'59	"	34,367	20,811	13,556	39·4
Total	—	—	1,277,289	—	—	—
New Brunswick	—	1861	252,047	129,948	122,099	—
Nova Scotia.....	—	"	330,145	165,233	164,912	—
Prince Edward's } Island	—	"	80,857	40,880	39,977	{ almost equal
Newfoundland	—	"	122,638	64,268	58,370	—
England and Wales	—	"	20,066,224	9,776,259	10,289,965	—

Note.—Several of the Australian colonies were settled more or less before they became separate Governments; as Victoria, which, as part of New South Wales, was first colonised in 1834-35, and Queensland, another part of the same colony, about 1840. New Zealand also had been partially colonised from Australia before being proclaimed a colony.

The excess of males in our younger colonies and of females in the mother country are mutually explanatory, as resulting from a continuous excess of male emigration from home to these colonies. The males born in England and Wales, as indeed in the world generally, are slightly more in number than the females, emigration in after life being the chief cause of reversing these original proportions.

* Mr. Newland to Royal Commission, "Minutes of Evidence," p. 223, &c.

APPENDIX C.

ENGLAND AND WALES—*Crime Proportioned to Destitution. Increased Ratio with Unfavourable Years, and vice versâ.—Committals for Trial.*

Year.	London Metropolitan District.	England and Wales.	Remarks.
1843.....	4·6	—	} Cheap food and abundant employment
'44.....	4·9	26·5	
'45.....	4·3	24·3	
1846.....	5·1	25·1	} Dear food Bad business " French revolution
'47.....	5·9	28·8	
'48.....	5·5	30·3	
1849.....	4·6	27·8	} Generally years of cheap food and good business
'50.....	4·5	26·8	
'51.....	4·5	28·	
'52.....	4·4	27·5	
'53.....	4·4	27·1	
1854.....	5·2	29·4	} Dear food Foreign war High interest of money Severe crisis
'55.....	3·9*	*26·	
'56.....	3·2	19·4	
'57.....	3·1	20·3	
1858.....	2·7	17·9	} Cheap food Low interest Good business
'59.....	2·9	16·7	
'60.....	2·8	16·	
1861.....	3·	18·3	} Dear money and food Scarcity of cotton, American war
'62.....	3·6	20·	
'63.....	—	20·8	

* This year the Criminal Justice Law gave increased powers of summary jurisdiction to the magistrates, which caused the reduction in the committals of that and succeeding years. The results are still useful for purposes of comparison.

Note.—In opposition to the above home results, what are termed “good times” in these colonies usually indicate a greater ratio of crime than the “bad times.” The explanation is, that the means of all classes in the colonies are generally, in all times, whether the so-called “good” or “bad,” sufficient for healthful and even comfortable subsistence; and that the “good times” are often characterised by extravagance, particularly in a large consumption of alcoholic drinks, which has the usual result of increasing crime.