

high now in Toorkistan generally, and especially in Bokhara.

It is added, that Mahomed Akbar, son of Dost Mahomed, who had also been in durance, has made his escape from Bokhara to Sheri-Subz.

These must be something very invigorating in the air of Bombay, or the gentry, European and Native, never could get up so many public Meetings and present so many addresses.

Heathen, however, who do not acknowledge the indissoluble nature of the marriage tie, the Legislature clearly has no right to interfere; but the Christians demand the protection of a declarative Statute, as the Common Law (or general custom) interferes in a manner so repugnant to their principles.

Finally, we have been asked how Simon Appoo (the man whose name the Rev. Mr. Oakley, and since, we understand, the Rev. Mr. Gaitan also refused to publish) can get honourably married. Our reply is very simple, but not the less cogent: Let Simon Appoo go with his friends to his intended wife's house, or rather come with her friends to his house; let the betrothal then take place, and he is honourably married.

BURMAH.

MAULMAIN CHRONICLE, APRIL 21. The new Rules prescribed for the future working of the Teak Forests in this province, are intended to secure two highly important objects, viz. prevention of the renewal of the forests in time to come.

CEYLON.

MARRIAGE IN THE KANDIAN PROVINCES.

It has been stated by some that our observations made upon this subject on the 22d inst. cannot be correct, where we said that according to the Ordinance No. 9 of 1822 baptism is not necessary to marriage, as it is said, repeated instances have occurred of refusal to marry for want of this ceremony, and natives have been set to learn a creed with a view to baptism prior to marriage.

For our own part, from whatever source it has arisen, nothing appears to us more natural or moral than the simple custom whereby marriage is proclaimed amongst the natives.

We think that considerable difficulty will be found in enforcing the Rule relative to five young trees being planted for each tree felled and removed.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail for Suez, on Saturday the 22d May.

It is also intended to despatch a Steam Frigate with the Overland-mail, via Suez, on Saturday, the 19th June, and again on Monday the 19th July; but Passengers cannot be accommodated in the usual manner, on these occasions.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail for Suez, on Saturday the 22nd May next.

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Shipping in the Harbour.

Table with columns: Names, For, To Sail, Agents. Lists various ships and their destinations.

H. M.'s Sloop of War Larne. H. C. Vessels.—Receiving Ship Hastings; Steamers Victoria, Medina, Hugh Lindsay, Zenobia, Indus, Cleopatra, &c.

Vessels Expected.

Table with columns: Names, From, To Sail, Agents. Lists expected vessels and their origins.

little by the march of intellect that they still think that innovation and destruction do not always produce amelioration and improvement? The Special Committee, however, will, if he not mistaken, find it impossible to suggest any mode by which the utility of the library may be increased and its expenses diminished.

I remain, Sir, Your most obedient Servant.

18th May 1841



THE GAZETTE.

Wednesday, May 19, 1841.

We have received a letter from above the Bolan Pass, dated 28th April—but it contains nothing but what we knew before. Nusser Khan is hovering about the Hills to the S. W. of Khelat and about Khazan, Colonel Stacey is at Khelat, and frequent messengers pass between him and Mr. Ross Bell.

The formation of the 4th Regiment of Native Infantry into a Rifle Corps and the 5th and 23rd into Light Infantry is a measure which will give great satisfaction to every well wisher of the Army.

CORRESPONDENCE.

BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY.

TO THE EDITOR OF THE BOMBAY GAZETTE. SIR,—From the report of the proceedings of the Meeting of this Society held on the 12th Instant, contained in yesterday's Gazette—it appears that on that occasion the Meeting acted contrary to the 19th Rule and Regulation of the Society, which is as follows:—Should any question arise, which is not provided for by the rules of the Society, it shall be determined in the affirmative at a Meeting of the Society by a majority of two thirds of the Members present.

MARINE DEPARTMENT.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail for Suez, on Saturday the 22d May.

Military Arrivals and Departures.

ARRIVAL. May 16th Captain Walker, 15th Regt. N. I. from Bassem.

Shipping Arrivals and Departures.

DEPARTURES. May 15th The E. I. C. Cutter Nutcracker, Husson Cooley, Surgeon, on a Cruise.

* We believe Sir J. R. Carnac to be an honest man, of mediocre abilities, but considerable perseverance. We do not know that he has ever displayed any high capacity for Government.

them, have come down towards Lahore, setting Shere Singh at defiance—the latter has sent Troops against them, but though "Seikh may meet Seikh" there is little hope that "then will come the tug of war" or that the soldiery will not unite. The fact is the whole Country is a prey to anarchy and military license. Like the Prætorian Bands of the Roman Empire, the Sikh soldiery are ready to invest him with the Purple who promises the largest donative. From the inference drawn by the *Englishman* it would appear that Lord Auckland will support Shere Singh. If this be determined on we should think there is no time to lose, and although this is an awkward time to commence hostilities, yet if much evil is desired to be avoided and such massacre and bloodshed hindered, the British Troops cannot be too soon in the Field.

In the Bengal *Hurkaru* of the 7th Instant, we perceive that the circumstance of a letter having been received at Jullahabad from Colonel Stoddart of the date of the 4th of March is confirmed. The treatment of this Officer by the Potentate of Bokhara has been from all accounts vile, while we cannot understand why more efforts have not been made for his liberation. It would appear that Russian influence has been tried but failed to relieve him. The Colonel says "he is now in high favor with the King—and also that the English name is great in Toorkistan and Bokhara," and if so, surely an urgent application for his freedom would be attended to. Colonel Stoddart's Case has already attracted the attention of Parliament and Lord Palmerston's explanations were as usual anything but satisfactory. If Colonel Stoddart's sufferings have been half what has been represented, his case calls not only for sympathy but vengeance. It is true that at present nothing but remonstrances can reach the Tyrant of Bokhara but it appears the fame of our Arms in Afghanistan has startled him, and we may perhaps be able with a vigorous effort to rescue our ill-fated countryman from his cruel situation. His present condition is a stain to the British name, we are bearded and set at defiance by a savage Tyrant, while our unfortunate representative is suffering tortures and severities which make the blood curdle only to hear of. Surely the noble earl at the head of the Government of India could do some thing. Native Agency might be employed if an European Embassy could not be sent. Something at all events should be attempted and the public made acquainted that such efforts are in progress, or Government will be under the grievous imputation of deserting their servant in the hour of difficulty. We should imagine that Sir Alexander Burnes would be just the man to conduct negotiations for his rescue. He of all men must be best acquainted with the policy of the Bokhara Court, and to him we should look for success in such an undertaking. Our national honor as well as our humanity call loudly for some steps to be taken in this matter and we are glad to see our contemporaries of the Bengal Press and Delhi Gazette stirring it up, we hope their remonstrances will be listened to, and that we may soon have the satisfaction of hearing that our gallant and ill-used countryman has once more been brought within the pale of civilized life.

In an article in the *Courier* of yesterday, we find a proposition for the consolidation of the Afghan Empire, which ends oddly enough by a scheme for its dismemberment, and a proposal to form two independent Afghan Kingdoms in stead of one, a sort of two Kings of Brentford! Our Contemporary says this "would be advantageous to British interests, there cannot be the slightest doubt." We suppose on the maxim, "Divide et impera." He goes on to say "the defensive Power of each would be increased from the good understanding which would exist between the monarchs and their respective subjects." Now we much doubt about the good understanding of the monarchs. Kings of neighbouring states are almost always at variance. Look at the histories of Spain and Portugal, France and the Netherlands, the good understanding of the monarchs of the Continent, and the good understanding of the monarchs of the East. If we had two Kings to deal with, we must have two subsidiary Forces, two Courts, and a whole train of fresh expenses. The country will not pay for one King, and if there were two, they would pick the bones of it between them. As for speaking of the withdrawal of the British Troops from the country in our opinion, if we set up 20 Kings they would be bowled down like nine pins the moment the English Drum was out of hearing. Afghanistan has for years been the scene of Political anarchy, no settled or powerful monarchy has ever existed. The state of the country resembles Europe in the feudal ages, the Chief ruled the country and paid a sort of nominal obedience to the Kingly power; and even not to him unless he evinced great Military talent. We have already outraged the feelings of these Chiefs in forcing Shah Shoojah on them, whom they had rejected; and

we rather fancy our attempts at King making have been found too unfortunate and expensive to the Indian Government to tempt a repetition of the experiment. Our Contemporary concludes by saying "moreover, instead of having one helpless dependent nominally ruling a divided people, we should gain two firm allies at the head of as many happy and well organized states." Now we believe that nothing will make the Afghans tolerate Shah Shoojah—and that if we are to gain two firm allies, he will not be one of them, but always be the helpless dependent; and as for the happy organization of the states, we fancy the rule of Thumb will be in vogue for some years to come. Could we introduce a desire for the peaceful arts of life into the Country, and an increase of the "Commercial intercourse" which our Contemporary speaks of, we should be more apt to anticipate a more settled form of Government, as the hopes of increased means might turn the warrior into the peaceful trader,—but an additional King would require an additional Army to support his dignity, and when he got such a pretty plaything, he would probably be trying its use on his neighbour; and instead of keeping one royal personage in good order, we might have two troublesome fellows to keep quiet. We confess after all, that though we find fault with the idea of a new puppet King as a succedaneum for all the evils of Afghanistan, we have no proposition of our own out and dried to offer in its stead. To add another King, would we think be adding another plague to the Country; and as far as consolidating the empire of Afghanistan goes, about as profitable as making a rope of sand, or trying to secure a hungry bullock to a post by tying him up with a hay-bund.

SYDNEY.

DEATH FROM PUGILISM.—Francis Sylvester, Richard Lamb, James Cullen, James Hunter, and John Huxley.—You are to receive the sentence of the Court, having been found guilty of feloniously killing and slaying James Biffin in a prize fight. If it had been made manifest that the practice of prize-fighting were gaining ground in this colony, it would be imperative on this Court to interpose by a very severe example, the authority of the law, in order to dispel any delusion which may prevail as to its legality. The occasional exposition of the law upon this subject from this Bench has happily checked the frequency of this offence, and has perhaps rendered severity in the present instance unnecessary. It cannot, however, be too deeply impressed upon the minds of all, that this practice is highly criminal, from its tendency to encourage a spirit of violence, disorder, and debauchery, and to brutalize the human beast. The practice has been denounced in ancient as well as modern times, by the most eminent Judges, as unlawful. Its illegality is not founded in a spirit of false delicacy and feminine refinement, hostile to manly sports, and the vigorous exercise of the general faculties of our common nature; but it is based on a just regard for the interests of humanity, decency and public decorum. The plea on which it has so frequently been attempted to be justified is based on a gross fallacy. It would be a reflection on our national character, to imagine that money is a legitimate incentive to personal bravery. If it be necessary to cherish the bull-dog spirit of an Englishman by manly diversions of strength, skill, and activity, all would deplore that that spirit should be tinged with the ferocity of the bloodhound. Such exhibitions as this case illustrates, inevitably tend to such a consequence. The idea of two civilized men meeting to batter each other to death for a few pounds, is revolting to every right feeling of the heart, and alike opposed to all law, human and divine; this is carrying the vice of gambling to an awful height; not merely money, but life, is at stake. Without any just cause of offence two young men agree, on a Saturday, to fight on the Monday for a wager of £5. Next day, standing the intervention of the Sabbath, a day for reflection and for composing the angry passions of the heart, they meet, and after a bloody contest of an hour, one falls, and is suddenly ushered into the awful presence of his Maker, with all his sins upon his head. Whatever may have been the demerits of the deceased, you, Sylvester, have much to answer for. You appear, in this instance, to have been the aggressor, although the younger of the two; for you, and the other young men engaged in this unlawful transaction, some allowance may be made; but you, James Cullen and James Hunter, have not the plea of youthful passions and impetuosity, of temper to extenuate your offence; old enough to be the fathers of your fellow-prisoners, you were not merely lookers on, but active abettors in the sanguinary conflict. Had you a just sense of your duty befitting your age, you might have prevented the fatal consequences which have ensued. In every point of view you have been more criminal than the younger offenders, and the Court is bound to draw a distinction between your case and theirs. The Court awarding its sentence has taken all the circumstances of the case into anxious consideration. You, Sylvester, Lamb, and Huxley, have been recommended to mercy by some of your neighbours, on account of your youth, and you have already endured some imprisonment. These topics of mitigation are borne in mind by the Court, but it is necessary by some example to assert the authority of the law, and convince others by your sufferings, that the offence of which you have been found guilty is regarded as most dangerous to the peace and welfare of society. The sentence of this Court is, and this Court doth order and adjudge, that you, Francis Sylvester, Michael Lamb, and John Huxley, be severally imprisoned in Her Majesty's Goal, at Windsor, for two calendar months, and that during that period you and each of you be kept in solitary confinement for one week continuously; and the sentence of the Court upon you, James Cullen and James Hunter, is, that each of you be set to work on the public roads of this Colony in irons for four calendar months.—*Sydney Herald, Feb. 16.*

AUSTRALIA.

ILLAWARRA.—The country surrounding the districts of Wollongong, Dapto, Farrow, Meadow, &c., &c., is at the present moment looking most propitious, and the settlers are actively employed in storing up their crops preparatory to their commencing their second. The harvest in these and the immediate localities has been superabundant, and the agriculturist is sure to reap a reward for his labour. Vegetation and fruit are abundant in these parts—so plentiful that it is wondered why our Sydney markets are not partly supplied from them. Potatoes are selling at low prices, and in better condition than could be expected. Maize is ripening rapidly, and the late refreshing rains have swelled it out wonderfully; although the recent storms have beaten it down, it will not be much injured. The present mode of performing the journey to Wollongong is most injurious to this rising and promising district,

in consequence of the uncertainty of the steamers, and the removal of the mail coach from Campbell town to Wollongong. The daily post which now runs from Sydney has put an end to that convenience, and the only accommodation thither is the steamer which cannot be depended on. The Maitland is now laid up to be refitted, and the William the Fourth has been sold to Peck and Co., and will run once a-week, with the Sophia Jane—nothing like competition—and we may expect better regularity. The conveyance of the post from Campbell town to Wollongong is performed on horse-back, thus prohibiting any one from visiting this healthy spot. Wollongong boasts of two splendid inns, the "Wollongong Inn," and the "Governor Bourke," and are ably conducted by Alderson and Kennedy, so that the visitant can be comfortably accommodated; in fact, these inns are not to be surpassed either in England or in these colonies, as the situation in which they are established commands an entire view of the vast expanse of sea, and the surrounding romantic mountainous scenery; renders the whole truly delightful. This picturesque district will, it is hoped, become the resort of our Sydney fashionables, as it well deserves the appellation of the Brighton of New South Wales. We were visited by a most terrific storm on the 26th instant, but have not heard of its occasioning serious damage. A meeting was appointed for the 30th instant to settle preliminaries for the ensuing races, at the Governor Bourke Inn; Mr. Elliott in the Chair: the result of which we are not yet in possession. The cases at the Police Office were merely trivial, with the exception of re-capturing of four bushrangers, who have been prowling about the mountains for several days past, but who were secured by the Mounted Police; Wollongong has had to boast of a series of dramatic representations, but the effect was not relished in consequence of all the personators being males. The newly arrived emigrant, or small capitalist, would find good quarters here, and never regret having made Wollongong the home of his adoption.—*Australian, Feb. 13.*

THE COOLIES.—Some months ago it was proposed to supply the deficiency of labour in Australia Felix by the importation of Hill Coolies from the East Indies, and for this purpose the *Marmion*, Captain Jellard, was chartered to proceed to India immediately on the discharge of such portion of her cargo from London as was consigned to Sydney. On the arrival of the *Marmion* at Sydney, it was ascertained that the Coolies could not be obtained, the project therefore was abandoned. To defray the expenses of the underfaking a considerable sum of money was paid into the hands of the treasurer, Arthur Kemmis, Esq., which, when the scheme was abandoned, was returned to the subscribers, less some small sum claimed by Captain Jellard. The Melbourne public had considered the affair settled and forgotten, when to the universal surprise there appeared in the *Herald* of Tuesday a violent trade against the Committee of Management on the Coolie question, who were called to account for the disposal of the funds and broadly accused of making away with the public money. Now, as it has been publicly announced, immediately after it was known that the scheme was impracticable, that the money would be returned to the subscribers on application to Mr. Kemmis, nobody could understand what was meant by such a furious philippic against the Coolie agitators, until, on enquiry, it was ascertained that the money paid by one of the proprietors of the *Herald*, who is now in difficulties, had been detained as part payment of another debt, and that too by request of the complainants authorised agent. This is the head and front of the Committee's offence, and this the foundation on which has been raised so stupendous a superstructure. We leave our readers to form their own estimate as to what it is worth.—*Port Phillip Patriot, February 1.*

ENGLISH IGNORANCE.—Every fresh arrival from England brings additional evidence of the gross ignorance of Colonial affairs which exists in England. Very lately we quoted from an English provincial journal the announcement of the appointment of a Private Secretary to Sir George Gipps, who was described as the Governor of South Australia, and we have now before us several additional instances of similar mistakes. *The Globe*, a leading London journal, speaking of Mr. Peck's model of Hobart Town, which is now exhibiting in London, describes it as "model of Hobart Town in New South Wales." *The Bristol Gazette* describing the melancholy accident which occurred on board the *Arabin* on her homeward voyage, says the vessel has just returned from "Launceston in New South Wales," and *The Colonial Gazette*, a paper devoted to colonial matters, and pretending to a more intimate acquaintance with the colonies, copies the paragraph without correcting the blunder. Lord John Russell acting in the name and on behalf of Her Majesty's Government, points out Goat Island, a diminutive islet in Sydney harbour, within a gunshot of the shore as a fit and proper place for a penal settlement, and the English Post-Office authorities invariably address the mails for Port Phillip, to the Post Master General, "Port Phillip, South Australia." These evidences of ignorance on the part of those who have the supreme control of our affairs shew, in our opinion, the necessity for a radical reform in the administration of the affairs of the British Colonial Empire, and we trust, the day is not far distant which will see the Australasian Colonies rendered independent of the back of an ignorant Secretary of State.—*Ibid.*

IMMIGRATION.—It will be seen, from our advertising columns, that Mr. G. S. Brodie of the Melbourne Auction Company, is on the eve of starting for Britain, and intends during his stay in the mother country to act as an agent for immigration. Mr. Brodie is so universally known and respected, that it would be a waste of words were we to dwell upon his trustworthiness, or to point out his peculiar qualifications for the faithful discharge of so important a duty; but as his terms are in the highest degree liberal, we shall not expect to hear complaints in future of the difficulty of procuring servants. We would recommend the townfolks as well as the country residents to avail themselves of Mr. Brodie's services. Mr. B. will find no difficulty in procuring good household servants at the same rate of wages as housekeepers are at present under the necessity of giving to dirty trolls, who scarce know the difference between a smoothing iron and a frying pan.—*Ibid.*

A BOLTER.—A special bailiff, we understand, has arrived in town in quest of a Hobart Town government functionary, who some short time since disappeared from his post, leaving the government in the lurch to a considerable extent. The worthy has been traced to Melbourne, but it is rumored that he has since succeeded in making his escape.—*Ibid.*

European Intelligence.

RUM-DUTIES.

In the House of Lords, on Tuesday, the Marquis of LANSDOWNE moved the second reading of the East India Rum Duties Bill. He briefly stated the history and objects of the measure; which have already been explained in the debates on it in the House of Commons.

Lord ASHBURTON was favourable to the bill. The only doubt was as to the propriety of its being passed at this particular time, on account of the changes that were going on in the West Indies. Lord Ashburton asked whether it was the intention of Government to extend the reduction of duties to foreign sugar? Great apprehension existed upon the subject, in consequence of a supposition that the present measure might be connected with the Report on Import-duties by the Select Committee of the House of Commons; which Lord Ashburton freely condemned.

It was well known that the Committee sat very late in the session; that many of its members were great free-trade philosophers; and that the evidence was taken most particularly, and chiefly from persons who were known to be violent partisans on the side of unrestricted commerce. Mr. Porter, Dr. Bowring, Mr. Hume, formerly of the office of the Board of Trade, and other advocates of free trade, were the principal persons examined; and the evidence given by them consisted of the most extravagant, most exaggerated, and absurd statements that any person having a reputation of professional and personal knowledge could possibly listen to. The Committee was also guilty of hearing evidence on one side only, and that from persons who were already prepared for the purpose, and who after all were not very conversant with the subjects on which they were called upon to give their opinions. While this was the sort of testimony taken by the Committee, they refused to hear evidence on the other side. Very important evidence was offered to be given, but the gentlemen on the Committee would not receive it.

The Marquis of LANSDOWNE supposed that the late period of the session at which the Committee sat made it convenient for them to continue receiving evidence, which might have been of a different character from that already taken. At the same time, those whose evidence was received were persons who had a perfect right to be heard, especially the gentlemen connected with the Government. Lord Ashburton might be supposed to allude to Mr. J. D. Hume in whom every President of the Board of Trade had placed the greatest reliance for the last twenty years. In answer to Lord Ashburton's question, Lord Lansdowne said that the present bill was totally unconnected with any duties. But Lord Ashburton must be perfectly aware that nothing could be more inconvenient than announcing financial intentions or discussing financial questions before Government felt it their duty to introduce specific measures for the consideration of Parliament.

Lord ASHBURTON had meant to say nothing disparagingly of Mr. J. D. Hume. The answer which Lord Lansdowne had given to his question was precisely such an answer as was given to a deputation of gentlemen connected with the India interest; and that deputation had gone away with the idea that there were to be ulterior measures.

Lord MONTAGLE thought the answer the only one that could be given under the circumstances. He concurred in many of Lord Ashburton's remarks respecting the Report on Import-duties. The extravagance of some suggestions of the committee was calculated to create alarm, and impede free trade.

He objected to the circulation of so exaggerated a Report, for the reasons advanced by the noble baron opposite. Believing that it was upon the principle of free trade alone which this country could rely for an extension of her commerce, he objected to that Report, because it prejudiced the principle itself, and might retard the application of that principle on the part of the Government and of the public.

The bill was read a second time, and ordered to be committed on Friday.—*Spectator, March 27.*

TRANSPORTATION AND THE HULKS.

In the House of Commons, on Tuesday, Lord MAHON proposed the following resolution—"that, in the opinion of this House, the large increase of the number of convicts to be permanently confined in the hulks of Great Britain, although sentenced to transportation, in pursuance of the minute of the Secretary of State for the Home Department, dated 2d January 1839, is highly inexpedient." Lord Mahon regretted the indifference with which the important subject of transportation was always received by the House: he remembered that a speech of Lord John Russell, full of valuable and interesting matter, had been addressed to a House of few more than thirty Members. In his minute, Lord John Russell had proposed that convicts sentenced to seven years transportation should, as far as practicable, be employed in the hulks and dockyards at home and in Bermuda; and on the 30th January 1839, the Under Secretary for the Home Department directed that accommodation should be prepared in the hulks for 3,500 convicts; there being then room for only 1,739. The orders had been acted upon; and Mr. Capper's report on the results were before the House. But the cessation of transportation, it was calculated, would increase the number in the hulks at the rate of 2,000 a year, sentenced to seven years imprisonment. Lord Mahon objected to this wholesale commutation of sentence, that it was stretching the prerogative of the Crown. The object of the law which gave the Secretary of State the discretionary power of commuting sentence of transportation, [was to provide for special cases of early youth, extreme age, sickness, or the like. The most favourable system of management would not make imprisonment in the hulks an equi-

valent substitute for transportation. Though the punishment had less moral terror, a needless degree of rigour, necessary to maintain discipline in the confined space, inflicted undue suffering on the convicts. The expense of the system was another, though a less consideration. The cost to the state of a transported convict was 15l. a year; of a convict in the hulks 18l., or, Lord John Russell said, deducting the value of the convict's labour, 8l. But Mr. Capper's report stated that a great number of those confined in the hulks were unfit for laborious exercises; and Lord John had forgotten, in his account, the cost of fitting up the hulks. It appeared that the actual expense of each convict was about 25l. a year. Sir William Molesworth had talked of the expense of military and police establishments in Australia; the argument might avail retrospectively as a set-off against a claim from the colonists grounded on the maintenance of the assigned convicts; but now, whether we transport to Australia or not, those establishments must be kept up. Lord Mahon then argued on the loss to the country from the system of imprisonment at home—

By the report of the Inspectors of Prisons in Scotland, it appeared that out of 12,418 prisoners whose ages were recorded, 11,016 were between the age of 14 and 15; the age at which they would be best able to earn their livelihood. How much useful labour was lost by their confinement! Another evil of the system of home imprisonment was, that however much the prisoner might have reformed, he could get no employment when he came out, because there existed such a strong prejudice against those who had ever been guilty of a crime. The evidence of Mr. William Miles before the Committee of 1829 was conclusive on this point. He stated that many boys now in gaol were forced back upon their old associates, even though they desired to reform, because they could not obtain labour. On one occasion a boy said to the witness, "I've no character, Sir: when I come out of prison at the end of nine weeks, who will have me? How shall I pick up a meal, unless I go and steal?"

Mr. Teague, Governor of Giltspur Street Compter, Dr. Cotton, the Ordinary of Newgate, and Mr. Capper, spoke to the same effect. So strongly is the evil felt, that a society has been formed for the express purpose of providing employment for discharged convicts. France is suffering the most serious evils from the periodical discharge of convicts from Brest and Toulon. The effect of transportation as a correction of crime was of an opposite character—

He maintained that there was every possible objection to the description of secondary punishments proposed by the noble lord, while it was the peculiar character of transportation that the very refusal and poison of one country became the support and sustenance of another; that the parent state was relieved of its thieves and reprobates, who were turned into prosperous labourers for the enrichment of the colony, and that all this was effected by the magic of one single word—employment. Such was the patriotic object of Mr. Pitt and his colleagues in laying the foundation of our Australian colonies. And surely they should be too happy at becoming the beneficiaries, under Providence, for effecting such mighty good.

Lord Mahon charged the Report of the Transportation Committee of the House of Commons with being one-sided and exaggerated; and he brought against it the testimony of persons high in the Church and the Law both in New South Wales and Van Diemen's Land. Still Lord Mahon did not approve of the assignment system; its effect is uncertain and unequal. He quoted the authority of Sir Richard Bourke as to the advantage of convict labour in the earliest settlement of a colony; pointing to the success of New South Wales and Van Diemen's Land, compared with Swan River, or the uncertain prosperity of South Australia. Sir Richard contended that it would be impossible to maintain penitentiaries on a sufficiently extensive scale to do instead of transportation; and he suggested an improvement in the latter system which was quoted by Lord Mahon—

The system which has been persuaded there (in New South Wales and Van Diemen's Land) is susceptible of one great improvement the discontinuance of assignment to private service. But in such case the period of strict servitude which would be devoted to public works should be shortened, and the settlers allowed to obtain the benefit of a convict's labour as a holder of a ticket-of-leave; the holder being compelled to seek his livelihood in a settler's service, by being restricted from setting up for himself in any trade or business during the continuance of his sentence.

Lord Mahon concluded by moving his resolution.

Lord JOHN RUSSELL did not consider that there was any great difference of opinion between Lord Mahon and himself. Lord Mahon did not propose to continue private assignment, which was the vice of the convict system. He seemed, however, to think that with regard to transportation, there had been no change of opinion since the Lords' Committee sat in 1835; and he did not attach due weight to the representation of the Transportation Committee of the House of Commons, which comprised leading men of all parties and persons of great official experience. Now that capital punishment was so generally abolished, some substitutes had become necessary, and some progress had been made in the improvement of secondary punishments. But Lord John did not think that until they could see their way to a better system, the House could be called upon to pronounce a definite opinion on the subject. It was very true that imprisonment in the hulks affected the comfort and endangered the health of convicts, and made it difficult for them to procure employment on being released; but if the Legislature were to increase the comforts of the convict and profess to find them employment, they would only get rid of one objection to fall into another; for they would be offered a premium on crime. With respect to the expense, Mr. Capper's report showed that the

