

another subject upon which I wish to say a few more words. Upon looking round this table I cannot help being struck by the fact, that there are thirteen members of one denomination of Christians and only two of others. I do not say this for the purpose of inducing gentlemen to sacrifice their opinions for the sake of shewing their generosity, but to remind the Council that they sit here, NOT AS REPRESENTATIVES OF ANY PARTICULAR SECT, BUT AS GUARDIANS OF THE WHOLE COMMUNITY." How do these expressions, we would ask any person, Whig, Tory, or Gippsite, (if there be such a sect as Gippsites in the land) tally with the avowal in the Message of last week that it is necessary to wait for the "co-operation" of the Clergy? Is there not here, we repeat, a wilful sin against conviction? Again, it was surely reasonable to suppose that the Governor would have seized an early opportunity of approving the Resolutions, if we merely look upon it as a question of consistency. The people of this colony, and even the opponents of Sir George Gipps, had given him credit for no small degree of strength of mind, and tenacity of purpose. But here is a very pregnant proof of his turning out a mere driveller, a man who does not know his own mind from one year's end to another—capable of being swayed by the nonsense of opposition—the vassal forsooth of a gown or a rochet. And in forfeiting this consistency he has given away one of the few jewels he possessed, he has relaxed one of the very few bonds which attached public opinion to him. By this unexpected act of folly, he has cooled the zeal of his very scanty band of admirers, and has dealt upon himself a greater blow than that which his worst enemies could have inflicted on him. But our surprise at the course adopted by the Governor is moreover heightened by the recollection that the very system which he has prevented from undergoing a fair trial in New South Wales, is formally recognised and approved of by his masters in Downing-street,—by Sir Robert Peel and Lord Stanley. If His Excellency had, albeit against his own inclination, put a veto on a plan which he knew to be distasteful to the Secretary of State, it were no matter for wonder, or perhaps for censure. But the anomaly of the present case is, that the measure thus quashed is one equally approved of by the Local and the Imperial Government. And we may thus behold the surprising spectacle of a proposition involving large results, which has been crushed, although upheld in principle by the three-fold authority of the Imperial Government, the Local Executive, and the Domestic Legislature. And crushed, why?—because its introduction "might" prove untimely,—because the Clergy would not co-operate in its establishment,—and because it would require the repeal of a paragraph in an Act of Parliament.

It has been said that to judge of motives is to trespass upon forbidden ground. The rule is a good one, but we are now canvassing an extraordinary exception. The strangeness of Sir George Gipps's policy in this business naturally excites wonder, and there is a very slight transition from wonder to curiosity. When an act of a public functionary cannot be accounted for on ordinary grounds, it is not blameworthy to trace the secret springs of conduct, and to reason upwards from facts to their hypothesis. Admitting therefore, as an actuating cause, the earnest appeal, doubtless made in person, by the Bishop of Australia, giving its full weight to the circumstance of the small majority by which the Resolutions were passed, we must nevertheless maintain that these were not sufficient to outweigh the antagonistic reasons before referred to. If the truth appeared, we conceive it would be found that the question was immolated at the shrine of wounded official pride, that it was sacrificed to an angry determination on the part of the Governor to thwart, no matter how, any measure opposed to certain obnoxious parties. It is to be feared that in this matter truth has been outraged by factious feeling, and that the best interests of the Colony have suffered from a reckless and indiscriminate animosity. At the least, looking at all the features of this case, remembering the judgment given against self-conscience, remarking the inadequacy of the ostensible reasons for such judgment, and bearing in mind the graver and more powerful inducements which should have prescribed an opposite policy, it must be averred that Sir George Gipps must be tossed by one or the other horn of an unenviable dilemma. To him we must ascribe either a pitiable weakness of character, or a pernicious desire of revenge.

What is the course then to be, under these altered circumstances, pursued with regard to the Educational Estimates for 1845? Should the friends of General Education vote for or against those Estimates? We reply that every independent member of the Council who is a friend to the comprehensive system should record his vote against the appropriation of these sums. And we tender this advice as a matter of principle only. If the advocates of combined Education who are within the Council go to the utmost length in their power, they will retreat from the contest with a clear conscience, and with an honest persuasion that they have done the best in their power. Not that their voting, whether for or against the Estimate, will affect the passing of that Estimate. It is quite clear that it must pass, for the whole of the twelve persons who voted on the denominational side will be favorable to the appropriation of these sums, while the several officers of Government who voted previously on the general side must of course support the Estimate which they in fact bring forward on the part of the Governor. But we want the votes of members pledged to the support of a better system, in order to form a resolute array of battle. If a positive nucleus be got together, that nucleus is sure to increase as there is something to form upon, there is a fixed standard around which new adherents can at all times rally. The Estimate may and doubtless will pass, but the moral strength of such an uncompromising minority as might thus be presented would remain, and be in readiness to serve the cause at a fitting season.

In the meantime let no man despair. With calm and temperate vigilance let us give away no chances, let us seek every opportunity of acting upon public opinion. When the result of the appeal for the abolition of District Councils embodied in the General Grievance Report is known, another opportunity may offer, and at least one of Sir George Gipps's obstacles may be removed. Be it remembered meanwhile, as we observed last week, that no great benefit was ever yet achieved for a community without a long and protracted contest. A good cause permits of no despondency, of no dull

and indolent repose. The higher the battle rages, the more proudly does the brave man press forward into the van of it. He sees no merit in trophies easily won. He feels that the greater the struggle, the more glorious is the final victory, the more precious the crown.

CHRISTMAS CAROL FOR THE DENOMINATIONALISTS.

A mob of starving beggars came,
For food, to a rich man's door,
And so squalid they looked that, though oft repulsed,
He could send them away no more.
So he had them in for pity's sake,
And, a little, for policy's too,
Lest they on their own account might take
What, on charity's, seemed their due.

The board was with plenty quickly spread,
And down sat the hungry devils,
But hunger, they'd yet to learn, were not
The worst of all mortal evils:
The rich man a plump little chaplain had,
And down to the table he strutted,
And swore, if a suitable grace were not said,
They should budge—ev'ry one—empty-gutted!

Now, grace was a form of which scarcely one
Had the slightest conceivable notion,
But the chaplain to leave the thing undone
Was a man of too much devotion;
So he stretched out his neck, and spread out his hands,
And, with nose nearly touching the dishes,
In an orthodox mumble thanked God in their name
For this bite of the leaves and the fishes.

The news of the rich man's bounty spread,
And each day he relieved a shoal,
Till the priests, when they saw each poor body fed,
Grew jealous about the soul:
They had heard of the chaplain saying grace
To a dozen of different creeds,
And they thought it too bad that any one church
Should thus spread its insidious seeds.

So down they came in a host one day—
All sorts of denominations;
And swore that each in his own pious way
Would say grace on the poor man's rations.
"We are come for your good," said each priest to his sect,
For the poor wretches stared and trembled,
And looked at the priests, as if somewhat in doubt
That they had for their good assembled.

Quoth the rich man, "You make, let me tell you, gents,
A rather untimely appearance,
But under whatever pretence you come,
I'll not suffer your interference.
Religion, I own, is your proper work,
But charity, too, is mine;
You shall cure ev'ry soul, if you will—but, pray,
Let the poor wretches first, Sirs, dine."

"What!" cried the priests, with a pious yell
Of chorus-like execration,
"Shall we not bid them eat to the glory of God?—
What a dinner indeed to salvation?
We are here, the shepherds of all true flocks,
To teach them to ask a blessing
In forms which we each warrant orthodox,
When our own true faith expressing."

"Begone!" said the rich man, full of wrath;
"And you, Mr. Chaplain, retire;
We'll have no grace at all from your saintly lips,
Since it sets all the rest on fire.
I'll pray myself for my starving guests,
And pray, Sirs, don't think me uncivil,
If I thank, for them, God, in my own good way,
And leave you to take yours—to the devil!"

X. S. G.

Original Correspondence.

[This department of THE ATLAS will be reserved for papers on Colonial subjects, and may be useful in inviting public attention, both here and at home, to a somewhat comprehensive view of Colonization in all its bearings. There are so many conditions in the points of a sound colonial policy, to which events are now irresistibly directing the public mind, that it is not surprising to find a variety of theories proposed, and opposite suggestions submitted, in reference to a grand scheme of "Systematic Colonization." Without pledging ourselves to the opinions set forth, or to the principles involved in the arguments of our correspondents, we cordially assign to them a department of our journal, and so enable them to give utterance to the reviving spirit of enterprise and self-dependence which is at this moment stirring in the Colony.—Ed. ATLAS.]

OCCUPATION OF CROWN LANDS.—RENT BETTER THAN SALE.

Theorem.

It is better to grant the waste lands of the Crown in fee simple at once, subject to a rent proportionable to their different values and uses, than to sell them.

Because in every new country profits are high, and capital scarce; in such a country, therefore, it is especially necessary to tax profits rather than capital.

Because, if money be raised in large sums from the colonists, it will be recklessly spent by the Home Government.

Because it is the interest of the colonies to make the Home Government pay the whole, or a great part of the expense of emigration, which the Home Government never will do, so long as it is supplied with colonial funds for this purpose.

Because England needs emigration even more than the colonies need immigration; she will therefore be ready to contribute to it in proportion to her need, if the colonies do not insist upon contributing the whole themselves.

Because a high price checks the influx of capital, and a sufficient price, viz., a price high enough to exclude persons without capital, and no higher than is necessary for this purpose, holds out an irresistible temptation to speculators to buy large tracts of land, and pay for them by money borrowed at high interest on the security of these very lands—the certain road to ruin.

Because the principle of buying lands, not for the sake of what they contain, but of the Government run they command, gives an unjust monopoly to the purchaser, and an undue influence to the Government; and yet no one has ever thought of buying lands in New South Wales on any other principle.

Because it is a sound maxim in finance, never to raise money till you want it; capital increases fast in the hands of an industrious people; but slowly, or not at all, in those of a Government.

Because a steady income is far more valuable to a state than a large sum of ready money, the effects of an imprudent outlay of the one being much less pernicious than of the other.

Because, if the State be anxious to raise a sum of ready money, this can always be effected by allowing the grantees to redeem their rents at a reasonable number of years' purchase.

Because the objection of M'Culloch to taxes on rent, that you cannot distinguish between that which is paid for the powers of the soil, and that which is paid as interest on capital spent on improvements, does not apply to the rent of waste lands, on which no improvement has been made.

Because thus, and thus only, can the stockholder be induced to make permanent improvements. Leases are not a sufficient inducement, and a right of pre-emption is doubly objectionable, because it implies the purchase of a part of a run with a view to the rest, and the raising of large sums of money,—not because the Government wants the money, but because the purchaser wants the land.

Because such a revenue arising from land, if placed at the disposal of the Legislative Council, would enable them materially to lighten taxation, and thus increase profits.

Because there is no necessary connexion between emigration and the sale or letting of land; but there is a necessary connection between emigration and the general welfare of the Colony: the expense of emigration, therefore, ought not to be defrayed out of the revenue arising from lands which may be greater or less than the sum required, but out of the general revenue of the Colony of which that land revenue should form a part.

Because a revenue arising from rent offers much better security for the loan proposed to be effected for the purposes of systematic colonization than one arising from the sale of land, since the one is paid out of interest, the other out of principal.

Because people will much more readily buy up land on speculation than pay a yearly rent for it.

Because the recent instances of Canada and of the Church and School Lands in this Colony show that small capitalists prefer renting to buying.

Because the whole capital of each settler would thus be left at his disposal, and permanent improvements be proportionably rapid.

Because the only rational object of what is called a sufficient price, is to adjust the balance between labour and capital, by preventing labourers from too soon becoming landowners; and this object can just as well be obtained by a sufficient rent as by a sufficient price.

Because the exchangeable value of the waste lands does not arise, as is generally assumed, from the spread of population alone, but from the spread of population combined with holding back, and monopoly on the part of the Government; and a monopoly is admitted to be the worst way of raising money. It is true that rent may be said to arise from monopoly, since if the supply were infinite, no rent would be paid. But this is a monopoly arising out of the nature of things, and not out of an arbitrary and artificial restriction.

Because it is not true that whatever the colonist gains in the bargain, the Government (that is the Colony) loses. It is the interest of the Colony to dispose of its waste lands on the easiest terms consistent with the requisite adjustment of labour and capital. If the money be left in the colonists' pocket it can always be extracted by taxation; if once raised and recklessly spent who can recal it?

Because it is of no importance to the community whether these lands are in many or few hands; but it is of importance to the community to retain its capital, to lighten its taxation, and to make the wilderness useful to the support of man.

Because that Mill, in the first volume of his History of India, and in his Political Economy, and also Mr. Ricardo, and Adam Smith, are favourable to this plan of raising a revenue; and because it is believed that there is no authority against it.

Because the Ryotwar system of India, the Land Tax of England, and the Agrarian laws of Rome, show that this system readily coalesces with every form of Government, and therefore that no political change need be feared from it.

ROBERT LOWE.

AUSTRALIAN COLONIZATION.

THE period seems to have arrived when the extension of the Anglo-Saxon race to the lands of the southern hemisphere can no longer be allowed to depend on mere accident;—when it behoves the Mother-country to provide for her children not as foundlings laid down at any man's door, and left to their fate, but as the founders of new nations of men. At such a period, it seems not inexpedient to invite the public attention to certain points in reference to Australian Colonization—to the advantages which this Colony and the parent-state are calculated reciprocally to bestow on each other—to their mutual rights and duties.

We are bound in duty to our country, as well as commanded by our faith, "to increase, multiply, and replenish the earth, and subdue it." How this can best be accomplished, and new people established on a great scale, is now the problem of modern colonization. We approach the question with no faith in theories, least of all in any from the other hemisphere; and shall endeavour here to throw what light we can upon it from experience gained in Australia.

The acquisition of land at an easy rate is so attractive, that where the institutions and people are English, and the climate fine, the tide of emigration will be sure to set towards it. The natural tendency of the human family to increase can only be checked by the extent of surface, which is limited; and it can require no argument to shew that the probable increase of mankind, and the certainty of the earth's limits, have already, even in Australia, confounded the present with the future, in the value of land, to the ruin of many. So long, therefore, as there is abundance of room on ground open to British colonization, it is in the power of the Government to send people to it, and to accelerate or retard this process by the price set upon the land. There is, indeed, another great drawback on the extensive occupation of a new country by people accustomed to populous old countries, and that is, the absence of public works, even such as are most essential—such, for instance, as harbours, quays, and breakwaters; streets, roads, and bridges; churches, court-houses, gaols, and other public buildings. Where all these are wanting, the land can scarcely be said to possess any value, since a civilized community could not conveniently exist there; and in the absence of slave labour, we know of no other means by which the preparatory works of colonization can be so conveniently accelerated as by the labour of convicts.

Cheap land and convict labour, then, are both as essential to the continued colonization of Australia, as they were ne-

cessary to the first establishment of a colony on its shores. No theorist has yet indicated a sufficient substitute for these. They have been like the air we breathe, without which we must have died. There is nothing visionary in our wants. The question is one of mere numbers and simple matter. In colonization, as in war, the difficulties are to be overcome by commencing at essential points. Adequate force alone can accomplish this; and for our purpose, the force required is man's aggregate labour. Those who may be unwilling to admit this, must be prepared with other means of concentrating labour on the essential works of a new country, than those of transportation; and we shall proceed to inquire in what such works should consist, as exemplified in the history and present state of New South Wales. But we are far from looking upon this colony as a measure of standard value in the appreciation of convict labour, or as presenting a fair example of any kind of systematic colonization. We would rather learn from omissions and deficiencies too obvious in this colony, what the proper course is that should have been pursued, and endeavour from experience to acquire that knowledge in which modern theories have proved deficient.

The first colonists of New South Wales were supplied with convicts, as assigned servants, too abundantly, and the necessity for works of public convenience and utility was not sufficiently anticipated. The high price of grain required for a convict population in some measure justified what might, under other circumstances, have been lavish, in the assignments to individuals; but it can hardly be doubted now, that if, from the first, Colonization had been the primary object, rather than held secondary to the maintenance of criminals; and the labour of these had been applied to extensive plans of general improvement, with a view to subsequent colonization by free persons, the ends of justice had been better answered, and the moral taint of a convict colony sooner dissipated in the mass of a numerous free population, for which the country might have been prepared. But such was not then the object; and circumstances, rather the result of accident than design, have brought us to another stage of the process. The first colonists witnessed the most extreme vicissitudes in the employment of labour: at one time land was given at the rate of 100 acres for the maintenance of each convict; at another time, but nearer the present, square miles of land have been purchased, only because they entitled the buyer to have seven convicts assigned to him. Free labour has also had its vicissitudes: three years ago high wages were given, and now crowds besiege Government House, in vain demanding work or bread. All these anomalies are attributable to an imperfect system: sexennial satraps succeed each other, jealous sometimes of their predecessors, sometimes of their successors, sometimes of the officers under them; extensive plans of public improvement are subject to their caprice; meanwhile each rides securely at anchor in Downing-street, holding by a cable of such enormous length that the world never before witnessed a despotism at once so absolute and so secure. The sacred confidence of the British Government is enjoyed by each for a time, and on his views, be they right or be they wrong, the fate of the Colony for a time depends. Acts of glaring partiality too often characterise the representative of sovereignty, whose responsibility ceases with his office. Where the climate, soil, and productions are *totò cælo* different from England, the ruler appears too much in the character of a stranger to acquire the confidence of the people—at least during the first half of his government; and, during the last half, a want of consistency is but too often apparent when a ruler's acts at length speak for themselves.

If, as has been boasted of late, England has indeed laid the foundation of a new empire in Australia, she is marvellously careless about its plan. The untrained vine bears no fruit, and as we plough, so may we expect to reap. A little foresight is necessary, even to lay out a small garden. To plan "an empire" should surely require some arrangement, such as a division of preparatory and productive labour, and the most judicious application of both to the one great end—the rapid increase of population. It behoves the parent state to keep this end steadily in view, until her children are rooted in the soil. We consider this a duty she owes, not to herself and offshoots only, but to the great family of mankind. The moral improvement of the world must depend much more on the training of new nations than on the reformation of old convicts. Both classes of men may, however, be employed in harmonious union for the attainment of the great object she should keep in view.

We learn by the experience gained in colonizing Australia that the convict's services are valuable for that preparatory labor, by which the country is rendered available for the productive labor of free colonists; and that on the judicious application of the one must depend very much the extent of the field of the other. The design of the town, and formation of streets should precede the erection of buildings; and the way from thence to the country lands should be laid open before these lands are brought into cultivation. Such seems the natural order in which colonization ought to be conducted, and without much risk of failure in a country like this: and we may find even in its history, although so brief, proofs that inversions of this order have been most injurious to the progress of the Colony.

The conditions under which the land was granted by different governors seemed more calculated for carrying out the purposes of transportation, than the establishment of a free population. The settler was bound to maintain a convict at his own expense for every 100 acres, or to cultivate a certain number of acres, in all situations, even before roads and markets had been opened or created; whereas, by a better adjustment of the convict labor to works of general utility, to fulfil the condition of improvement, had not been impossible, nor that of maintaining a convict for every 100 acres unnecessary and impolitic, as opposed to the employment of free labor. In the same manner, by opening and levelling streets, building bridges, and other essential public works, such stability could be given to town property, as would encourage building, and thus prepare work for free mechanics. So far from any rivalry, or bad feeling existing between the two classes, their separate labor might be made mutually advantageous. The labor of the convicts, in short, should be such in all cases—as to draw after it a much greater number of free colonists, just as the Colony's present importance originated. That this is more possible now than it was formerly,

we readily admit—but on the other hand, we maintain that the preparatory labors of the convict for such purposes as we have stated, are wanted now much more, than they were when New South Wales was a mere penal Colony. With such materials, good arrangement only is required to found an Empire; and if the future destinies of our race are to be cared for at all, or influenced by our experience of the past, the colonization of Australia deserves a better arrangement of materials, and more skilful management than it has yet had applied for that purpose.

The attempts which are now making to extend the Colonization of Australia without the preparatory convict labor which has been hitherto the chief agent in preparing *nineteen* counties for occupation, must be desultory and inefficient. The consequences are already obvious in the desperate state of the roads; the want of free access into the country, which tends greatly to prevent the spread of immigrants whether agricultural or mechanical, and to limit the field of their employment. This is one of the chief causes of their gathering about Sydney to the embarrassment of the Government.

It is not because they are not the "right sort" of emigrants—that they are not shepherds—or that they have large families. Every class of immigrants is necessary to colonize a country, "to found an Empire," and indeed for the comfort and convenience of society. We must grow shepherds, and for this, as well as every other purpose of colonization, the larger the immigrant family is the better. Provision for such families should be the first object of the State. It has been now found, that to exact a high price for land, in a wholly unimproved country, and with the proceeds to send out families has not had the effect of enabling them to live. Yet the earth was made for its inhabitants, and if it has been monopolised in the old country, a more equal distribution here, where it is so abundant, is due, we should say, to the free children of Britain, and more especially to those brought out at the expense of the parent state. The primary object should be to people the country, and to take care that the increase of man should "replenish the earth." Before the great purpose of the Creator, the silly, nay impious, theories of man must give way. It is, indeed, a singular contradiction that, while the spirit of the age breathes concessions to the people at home, here the Government should assume the care of the money of one class, and the distribution and direction of another. The miserable failure of the attempt has been disguised by no fortuitous circumstance. This is fortunate; let us profit by such experience, and consider what had best be done, before the increasing *vis a terga* carries government along with it.

Formerly it was necessary to prove that the grantee possessed £500 of capital for every 640 acres granted, and that at a time when there were no free labourers by whom such capital could be employed. Recently every possible means the Government could adopt has been resorted to, that as much of the grantee's capital as possible should be taken from him by selling the land, at a time when free labourers are sent by ship-loads into the country. The two processes, wide as the poles asunder in principle, were not likely to be attended with exactly similar effects—on the contrary the effects have been as different, as their causes. Great prosperity resulted from the one process; universal depression from the other.

Now, if the landholder really possessed capital in proportion to land, as formerly insisted on, his land would not be so valuable to him in these days as it was then, because the roads were opened out and kept in order by convict labour. Towns were in course of erection, and the future prospect constituted, in reality, much of the value then attached to land—especially in certain situations. The scheme of District Councils and local taxation afforded but an imperfect substitute for the advantages of the labour of Crown prisoners in general plans of improvement, at the same time that it was likely to be much more expensive. The work of convicts must be done by few immigrants now, if done at all; and all classes from the gentleman to the scavenger have suffered degradation by the injudicious withdrawal of transportation. That kind of aggregate labour so applicable to general plans of improvement, was just what was required to hasten on that future, on which all men's hopes depend more or less in new countries. That prospect is blasted by stagnation, and this country, first laid out on a very extensive scale, expressly for the beneficial employment of such labour, now resembles, when such means are withheld, the ruined foundation of an edifice, commenced on a plan too expensive ever to be completed. If we could hope to see the day when the route to our vast regions of unpeopled earth, shall be opened by well disciplined gangs of convicts, and the owners of land shall have capital in their pockets, then indeed, we should not hesitate to predict that the country could receive, and provide suitable employment for as many immigrants of all classes as could come—all England might then be accommodated without inconvenience.

Until some plan can be adopted which may render it easy and no matter of doubt, for any man to live here who is able and willing to work: the waste lands, at least, should be left free as air, as a safety valve, (as they have indeed already proved), for the dispersion of those explosive ingredients, capital and labour,—powerful agents—no doubt, for good or for evil in any country—and which the Government has brought into such a state of disarrangement here, at present, that the resuscitation of the Colony might have been dispaired of, had not that grand resource still remained available to capitalists—perhaps only because it was out of the reach of a grasping government.—THE PASTORAL LANDS OF THE INTERIOR. *.*

THE PUNISHMENT OF DEATH.

As the next criminal sessions approach, the contemplation of its dark calendar again forces upon us the important question, "Whether the punishment of death operates as a preventive of crime, and whether, as a civilized and Christian community, we are not bound to urge its repeal?" This is a question which must not be lightly discussed, and it involves too many grave and serious topics to be considered as a merely cursory topic. Our law professes that it punishes, not for revenge, but for example; and consequently the first question which arises is, Does the public exhibition of hanging prevent those crimes for which the criminal suffers? The dreadful events of the last few months will shew that it does not deter; and we unhesitatingly assert our sincere belief that there are certain fatal influences at work, by which an execution acts as a sti-

mulus to imitation. In Europe, as here, this truth is painfully attested by the fact, that when a notorious criminal has been hanged, other murders or capital crimes have followed in quick succession; and these enormities seem to be the result of a morbid craving after a notoriety which cares not for the price of its purchase.

In reference to this painful subject, we have met with some forcible remarks in a late number of the *London Weekly Dispatch*. The experience of the conductors of that journal in matters connected with the criminal jurisprudence of England, gives weight to the arguments they thus bring forward in condemnation of the still remaining bloody chapter in its penal code:—

"It is no maudlin mawkish sensibility, it is no sympathy with or pity for the wretch whose hands are crimsoned with his fellow creatures blood—a crime that 'crieth to heaven for vengeance'—but it is a firm conviction that public executions, and the prematurely driving before his Maker a fellow-being with all his sins around him, which uniformly leads us to condemn capital punishment as brutal, barbarous, and directly antagonistical to morals and the best interests of society. Who is it that has visited the vicinity of Newgate on the night preceding or the morning of an execution, who is not convinced, by the scenes of drunkenness, lewdness, and debauchery that he witnessed, that capital punishments, instead of having a beneficial effect, '—harden a' within, and petrify the feelings.'—In February, 1785, twenty wretches were hanged one morning at Newgate, viz., ten for burglary, two for stealing from dwelling houses, one for publishing a forged seaman's will, one for publishing a counterfeit bill of sale, and six for assault and robbery. Did this horrible waste of human life lessen the commission of the crimes for which those twenty beings were strangled? Not at all; but, on the contrary, as the Newgate calendar proves, they were the fruitful source of increased crime and outrage against person, property, and life. Instead of acting as a warning to others, the wretch who expiates his crime upon the gallows is often viewed as a hero and a martyr. About twelve months since a man who was hanged in Ireland was implored by his own daughter to remember the honor of his family, and to die game. He promised to do so, and kept his word. Another wretch, upon mounting the gallows, flung off his shoes among the crowd, exclaiming that 'he had sworn that he would never die in his shoes.' A thousand similar instances of bravado courage could be adduced to show that, as far as the criminal is concerned, the punishment of death has no terrors. And similar proofs can be given of its having no beneficial effect upon the spectators. A soldier belonging to a Regiment now serving in India shot his sergeant on the parade ground, for which he was sentenced to die. Unusual care was taken to render his execution as solemn and impressive as possible. At his execution he was completely dressed in white, with a rosette of black on his breast for a target for the men to fire at. Every thing was done to intimidate others from the commission of a similar crime. The man was executed, and, in a few weeks afterwards, a private of the same corps shot his adjutant through the head on parade. The case of *Misters*, executed at Ludlow, is another instance of the immoral effect of executions for scarcely was the wretched man cold, when the hangman was dancing about the street, to the amusement of the spectators, in the dead man's shoes. Then, the conduct of the brother of *Lawrence*, hanged a few days ago for the murder of the Superintendent of Police at Brighton, furnishes a further irrefragable proof of the inefficacy of capital punishment. At the very time that *Lawrence* was in the condemned cell, and within a few hours of his execution, his brother was rioting amidst drunkenness and debauchery in an adjoining house. Executions lead even to the commission of murders, by allowing the hangman to drag and strangle upon the gallows his fellow-man, which familiarizes both him and the spectator to deeds of blood. It is a maxim in morals, it is a principle in ethics, it is the law of the land, that it is unjustifiable to put down one crime by the commission of another; and yet the putting a rational being to a violent and premature death is equally opposed to the law of nature, which directs that 'we should not do unto another that which we would not wish another to do unto us,' and the law of God and the law of the land, which declares, 'Thou shalt do no murder.' *The Times*, of Monday, says, 'We believe that while human nature remains as it is, capital punishment will be requisite for the defence of society from wanton wickedness and pre-determined atrocity.' Opposed to this dictum of *The Times* is the experience of Catherine of Russia, who, by the abolition of capital punishment, abolished the murders that disgraced her northern dominions; and opposed to it also is our own experience, for we find that in proportion as each crime is not punishable with death, the guilty are the readier brought to punishment, for men are now more willing to prosecute than when shoplifting and petty larcenies were capital offences. But the latest and strongest illustration of the inutility and inefficacy of capital punishments is to be found in the last intelligence from Cuba respecting the insurrection of the slaves. The intelligence is thus worded:—'More than 1500 slaves were summoned, in order to witness the execution of sixteen of their companions, with a view of inspiring terror; but it is stated that these men went to their death with such an air of intrepidity and triumph, that the effect produced on the spectators was the opposite of that which was intended. It is to be hoped that these facts, supported as they have been by the eloquent appeals and irresistible arguments of a *Romilly*, a *Mackintosh*, and every friend of humanity and religion, against capital punishments, will supplant the theoretic abstract principles which induce our legislators to adopt *Draco's Code*, and a system of criminal laws more befitting the wild, roaming, blood-thirsty Thugs, than a polished, civilized, Christian nation. It is to be further hoped that these facts will so influence our rulers, that they will release from their condemned cells the unfortunate beings who are now awaiting in different parts of the United Kingdom the execution of the last sentence of the law.'

One of those oriental princes whose occasional visits, since the overland route became popular, have excited public curiosity, is now in England, amusing himself with the inspection of all that is worthy of observation, and gratifying beholders with the sight of his "fine oriental features" and "national costume." We believe this visitor is a small Nawaub from Surat. The papers give the following account of the Indian Prince's visit to the Court of Chancery:—Upon the Nabob approaching the bench, the Lord Chancellor rose and exchanged salutations with him, and he continued with his suite seated on the bench a considerable time. At the time the Prince entered the Lord Chancellor's court, Mr. Dyce Sombre's "business" was under discussion, and however interesting "strange facts" in that case to a rather crowded court, the visit of the Indian Prince was more so: judicial equanimity was disturbed, the whole bar simultaneously "moved," even seats were mounted by short personages, the ushers "hushed" in vain, and the Nabob, in fact, continued in possession of the Court till his departure, when business again proceeded in its usual dull monotonous course.