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THE AUSTRALIAN DRACO.

Much ignorance, much cant, much hypocrisy—little argument and little common sense, have the opponents of transportation favored us with during the last few months. But of all the nonsense uttered at the paltry gatherings, which the *Herald* has, with its usual honesty, magnified into monster meetings, and endeavoured to clothe with an air of importance, that contained in the speech of Mr. Orator Campbell is by far the most ridiculous. When asked by Captain Faunce to what place convicts could be sent, if rejected by this colony, he replied, "to some other country." "But should every country reject them as we do," asked the Captain, "what, then, is to be done with them?" "You can hang them," says the enlightened Charlie. "What!" says the Captain again, "hang the partridge shooter, the goose-stealer, and the military offender?" "Yes," says this moral Puseyite of the nineteenth century. We are aware that it is in a measure offering an insult to the common sense of the community, to attempt to increase the detestation in which such sentiments as these, are already held by every one who has heard of them. They are so diametrically opposed not only to the spirit of modern legislation, but to the most ordinary precepts of humanity, that it requires neither eloquence nor argument to point out their shocking deformity. The mild spirit of Christianity instinctively shudders at such indiscriminate barbarity as that, which Mr. Campbell has had the unblushing audacity and folly to recommend. It is not, we are aware, very many years since the criminal code of England, was the most bloody of all codes—when almost every offence was a felony, and when every felony was punishable with death. In the glorious reign of Queen Elizabeth upwards of thirty-five thousand executions took place, the great majority of them being for trifling offences; and long after her time the rigour of the law, instead of being diminished, was at various periods greatly augmented. Felony after felony was created by the legislature, without the slightest hesitation. Any member of parliament if he found himself unable to accomplish anything else for his constituents, could at least place a new felony upon the statute book. Burke used to say, that on one occasion, when leaving the House of Commons to attend to some urgent business elsewhere, he was called back by another member—and on stating the necessity he was under of leaving at once, he was told that he was only required to vote for a new felony and would not be detained beyond a few minutes. Such was the facility with which the most enlightened assembly of gentlemen in the world could deal with questions of life and death. But notwithstanding this gross carelessness in the senate, and notwithstanding the reluctance of judges to render the law less bloody, a spirit was abroad which was ultimately destined to work a great reform. The frequency of capital punishments for trivial breaches of the law in many instances, involving no serious moral delinquency, gradually operated upon the minds of jurors and prosecutors, and prevented the one class from pursuing, and the other from convicting, the delinquent. Instances were known of bankers who had suffered severely by forgeries of their notes, refusing to prosecute so long as the penalty of death was imposed for the offence. Hundreds of times have juries violated their oaths rather than pronounce the verdict of guilty—feeling that by performing their duty they would

be the means of consigning a fellow creature to an untimely and unmerited death. The law was bloody, but the nation was merciful, and the criminal courts daily presented the extraordinary spectacle of honest men in the discharge of the greatest of all public trusts, struggling between their inclinations and their duty, and hesitating whether to obey the dictates of humanity or the remorseless code which they were unwillingly called upon to administer. This state of things could not last for ever. Enlightened men in parliament began to perceive its impropriety, and to recognise the necessity of making the laws more in unison with the practice and the opinions of the people. Sir Samuel Romilly devoted his great talents to the reformation of the criminal code, and, assisted by other eminent philanthropists, he laid the foundation of that change of system which has been going on for the last twenty years. Nearly all the barbarous enactments of past ages have, during that period, been swept from the statute book, and there now remain but a very few offences for which death can be, and still fewer in which it is, actually inflicted. Humanity, and not cruelty, is now the characteristic of British legislation, and the subject of criminal jurisprudence is now considered in a spirit worthy of the precepts of Christianity. What, then, must have been the astonishment of the public at finding a person, who wishes to be considered a gentleman, a Christian, and a man of education, so far behind the age in which he lives, as to advocate the infliction of the heaviest of human punishments for every violation of the law—and who, in a period when the mild influence of the Christian religion has overspread the civilized world, is not ashamed to avow his preference for the system of that lawgiver of Pagan antiquity, whose edicts were, even in his own day, considered so cruel as to be written in letters of blood. We never had the highest opinion of the capacity or the information of Mr. Charles Campbell. In both respects we have ever looked upon him as far beneath the contempt even of a schoolboy. But we did not think that he would have degraded himself and the nation to which he belongs, so far, as to express a desire to see the country turned into one huge slaughter-house, with human beings for the victims. We did not imagine that even he would pursue the infirmities of his fellow beings with such unsparing vengeance, or regard the deprivation of that life which none but God himself can give, with such cold and merciless indifference. We did not think that this more than Mexican barbarity would be exhibited in the nineteenth century by a follower of that religion, the Divine founder of which said even to the repentant sinner, go and sin no more. We may express our indignation at the Spanish Inquisition, the Sicilian Vespers, and the massacre of St. Bartholomew, and congratulate ourselves that such horrors never had any place upon British soil, but our pride, in this respect must receive a shock at finding even a single British subject, ready to be the advocate of enormities equally extravagant and inhuman. At a time when some of the wisest of our statesmen are considering whether capital punishment ought not to be altogether abolished, a contemptible pigmy desires to see it extended in a way such as would render the "bloody asizes" of the infamous Jeffreys, and the murders of Kirk and his hell-hounds no longer singular for their atrocity—which would, in fact, pursue the trespasser upon the hen-roost with greater severity than was dealt out to the treason of Monmouth, and make the present age far more conspicuous for cruelty than the days of James the Second. How far a cause which has an advocate such as this to support it, can force itself into the favor of the public remains to be seen. We feel that in denouncing the infamous sentiments to which this gentleman gave utterance, we are performing an unnecessary task, for we are but drawing attention to opinions which, as soon as they are uttered, must be execrated and condemned. For ourselves, we have long agreed with the celebrated Alderman Wilkes, in thinking, that the worst possible use you can put a man to, is to hang him. We have ever had confidence in the possibility of reforming the criminal on the one hand, and in the impossibility of deterring from crime by the wholesale depri-

ration of life on the other. The terrors of the criminal law even when the gibbet exposed its hideous and loathsome burthen in every corner of the land, were not sufficient to prevent the highwayman from pursuing his vocation with the sad example staring him in the face; and the history of this colony has triumphantly shown that even the worst class of offenders are not placed beyond the reach of reformation. One fact, it has been repeatedly said, is worth a thousand theories, and the rise of this colony by means of a convict population to the high position which it now occupies, shows that the maxim of Wilkes was founded in reason. At all events, whatever doubts others may entertain of the propriety of rendering its application universal, we shall be perfectly content to allow Mr. Charles Campbell to make himself the solitary exception to it.

THE CHARLIES OF THE CONSTITUTION.

CAPTAIN FAUNCE.—What is to be done with offenders?—they must live somewhere; you cannot sweep them from the face of the earth.  
 Mr. C. CAMPBELL.—YOU CAN HANG THEM.  
 CAPTAIN FAUNCE.—What! hang the partridge shooter, the goose stealer, and the military offender?  
 Mr. C. CAMPBELL.—YES!

*Report of Queanbeyan Meeting, in Sydney Herald, of 19th February, 1847.*  
 These abominable principles, and this more abominable avowal of them, demand most decisive indignation . . . I could not have slept this night in my bed, or have reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous, and enormous principles.—Lord Chatham.

Oh! Charlie, from thy mean dimensions,  
 A gentleman no Christian mentions  
 Has swept, it seems, all minor evils,  
 And left a host of bloody devils.

Why! Draco with his code sanguineous,  
 And Robespierre, the ignominious,  
 Were with mild mother's-milk inflated,  
 Compared with thee, thou blood-unsated.

What! hang a man whose hunger hurries,  
 And in the abundant meal-tub buries  
 His nose, of some rich grinding neighbour,  
 Who robs the wretch of half his labour?

What! hang the man whose fearless spirit  
 To brook a blow could never bear it;  
 And he, his country's brave defender,  
 Against the foes who would offend her?

'Tis worthy of that Christian feeling,  
 Of which thou art so often squealing,  
 And worthy of the cause thou seekest  
 To advocate, whene'er thou squealest.

What God has made to live for ever,  
 Wouldst thou strike down with base endeavour,  
 Or in some noisome dungeon mangle,  
 Or on the hideous gallows strangle?

Why, to the ken of hopeful reason,  
 E'en now appears that joyful season  
 When none shall shed the blood of other,  
 But man shall reverence his brother.

Then the dark gallows which thou lovest,  
 And fair would raise where'er thou rovest,  
 Shall be a thing unknown to mortals,  
 As leading unto death's wide portals.

'Tis well that Nature in her antics  
 Not often sends on earth such frantics,  
 Or they would surely, in their gambols,  
 This bright world make one dreary shambles.

Sydney, 22nd February 1847.

REVIVAL OF TRANSPORTATION.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Memorial of the Bishop of Australia, and of the undersigned Clergymen of the United Church of England and Ireland, in the colony of New South Wales, within the diocese aforesaid.

Most Gracious Sovereign,

We, your Majesty's dutiful subjects, having learned that it has been proposed to re-establish the practice of transporting convicted felons to this territory, consider it our duty most humbly to represent to your Majesty our serious objections to that measure, and our apprehensions of the formidable dangers which would arise from your Majesty's sanction being granted to it.

While we admit that the purpose of working a reformation among the convicts formerly sent hither, was too generally unsuccessful, we are not of the number of those who go to the

length of maintaining that it was a total failure. We have no desire to seek for arguments against the renewal of transportation by exaggerating the evils of the former system. Neither do we call in question the existence of great difficulties arising from the want of a sufficient supply of labour, which may be urged in favour of such a renewal. Those difficulties must continually become more and more aggravated, unless timely and effectual remedies be resorted to; and we cannot but feel that it is obligatory on your Majesty's Government to promote, by all practicable means, the introduction of a supply of free labour, such as is required, not only for the further development of the resources of this important member of the British empire, but for its continuance in its present state of advancement and productiveness.

But we are firmly of opinion that, in proportion as the reputation of this community should be lowered by its having to endure afresh the disrepute attendant on the character of a penal settlement, in the same degree would the door be closed against any hope or expectation of the arrival of free emigrants of such a character and in such numbers as the interest of the colony requires should be supplied without delay.

Having, therefore, attentively weighed the whole subject, we declare our persuasion to be, that no supposed benefits to be derived from the introduction of the labour of convicted felons could compensate for the evils, moral, social, and political, which we clearly foresee must result from the establishment of a state of society so unnatural as a penal settlement pre-possesses and involves, under whatsoever disguise it may be attempted to be introduced. Such an attempt, we hesitate not to say, would be opposed to the constitutional principles of all disinterested and unprejudiced subjects of your Majesty resident within this territory, no less than to their personal interests, properly understood, and to their feelings of self-respect.

With regard to the suggestion of placing the convict class in a state of modified servitude, the continuance of which shall be dependent upon their own will, by leaving them at liberty to select their employers and to make contracts with them for wages almost, not entirely, on the same footing with any of your Majesty's free subjects, we conceive that, independently of the want of any assurance that convicts thus situated, not being subject to compulsion, would continue to apply themselves to habits of industry, the entire arrangement must be expected to operate most disastrously for the interest both of the colony and of the mother-country.

It appears to be utterly impossible that hordes of bad characters should be spread over the territory, subject to very slight control, and suffered without distinction to mingle with the general population of the country, without impairing that security of life and property which the inhabitants of this colony at present enjoy; and without giving a fatal check to that improvement of character among them, the progress of which has been, during several years, distinctly observable. On the other hand, if the only penalty to be apprehended from a criminal conviction were, that the offender should be placed in a position where he would have nothing to encounter in the shape of restraint or suffering, but would have free scope to avail himself of those chances of success which a new country holds out to such as know how to take advantage of them, the consequence will be that men of more ingenuity than principle will court mere banishment as opening to them a probable road to fortune; and the British Government will be offering a premium for the increase of crime by the very expenditure which it incurs for its suppression.

We assure your Majesty that this colony has advanced to a stage of society which renders it an unsuitable receptacle for convicts under any system, or for the employment of their labour in any shape; and it is, we conceive, too plain to admit of question, that the preponderance of public opinion is against the renewal of transportation. Were this even not the case, still an attempt to graft a penal settlement of any kind upon a community in which there existed no more than a great diversity of opinion respecting it, could not fail to open sources of internal discord destructive of the happiness of that community, and fatal to the attempt itself; it being impossible that such a system should be worked successfully except were public opinion unanimous, or nearly so, in favour of its introduction. We entertain no doubt that under present circumstances, its effect would be to sow the seed of rancour and hostility between those adverse classes who would be brought into perpetual contact—the convict and the free labourer: the latter of whom would never be persuaded that the pledges and engagements virtually made with him on emigrating to this country had not been broken, and his just rights interfered with, by his being compelled to enter into competition with the labour of convicts.

Being, therefore, convinced that the renewal of transportation, as it would be attended with such calamitous and fearful consequences to this community, is not expedient, we humbly and earnestly implore your Majesty to withhold your sanction from the proposed measure: and,

As in duty bound, we do not cease to pray for the happy continuance of your Majesty's auspicious reign.

In one column of the "Daily," of Friday last, there is an article on the disgraceful state of the Public Roads—and in another, the above petition to the Queen, signed by "the Bishop and a large number of the Clergy," against the revival of transportation—which petition is to be forwarded to England by the March packet. Before going over the ground of cause and effect, we at once step to the object of that petition, and enquire whether free emigrants from England are likely to come out here to finish the work of convicts? Who made these roads? and why are they in their present disgraceful state? Certainly not because the Legislative Council abolished the department of public works—for when it refused the sinecure salary to Colonel Barney, the road department *did not possess a single cart or wheelbarrow*. This simple fact, which we can prove, is surely enough to refute the oft-repeated lie of the anonymous venal sectarian, "of no sect," that the Legislative Council had "demolished the existing road-making machinery." "The existing road making machinery," was demolished by the canting fools who first induced the home government to withdraw from this colony, wherein grand outlines for the development of convict labour had been traced, that valuable accessory to extensive colonization; and to throw it away on an island, where no such plans had been devised—and into an isolated rock afar from the habi-

tations and requirements of mankind. A more palpable blunder never was committed by colonizing England, nor one more injurious to the best interests of the human race. Yet, when at length a Colonial Minister manifests a disposition to rectify this serious derangement of Australian colonization, the clergy come forward and agitate the lower orders of society against this measure of redress—a measure pregnant with benefit to all, and in nothing more conspicuous than Christian charity. Good God! What must we think in this colony of the Church of England, when it is asserted, in the face of the society amongst whom we "live, breathe, and have our being," that "the reformation among the convicts sent hither, was too generally unsuccessful!" As well, and we believe with equal or even more truth, it might be said, that the reformation among men in general, notwithstanding the sacrifice of our Blessed Redeemer, has been too generally unsuccessful. We challenge him of "no sect," or any of those signing that memorial, to furnish an instance in any other country, under any other system, where secondary punishments have been attended with so many instances of reformation, or where more have been retrieved from the class of convicts, and restored, not only to the paths of rectitude, but whose descendants have been even advanced to honorable stations in society.

And against a system which has worked so much good, the clergy set their faces! This is indeed most strange, and we cannot but view with suspicion and disgust, the opposition set up by this body of men to the good work of reformation. They lay themselves open to suspicion, as public servants paid for the cure of souls, and desiring to have as little work as possible to do, (a strong argument, by the bye, against publicly-paid clergy in colonies); and disgust is very naturally felt, at such an interference by men whose duties are purely spiritual, with secular matters, which, as the memorial shows, they either do not understand, or misrepresent. As Burke admonished Dr. Price, when he preached a political discourse—"men like him, men of his sacred profession, were unacquainted with the world, and had nothing of politics but the passions they excite." Here is a case still less creditable to that sacred profession, an example set before an irreligious scattered community—of opposition to the progress of human labor and intellectual communion—of opposition to the gathering of that third part to be refined "as silver is refined—and tried as gold is tried"—so plainly alluded to in that awful night of Our Saviour's Holy supper, when he said—"I will smite the shepherd, and the sheep of the flock shall be scattered." We are unwilling to go further into the province of those so interfering with our worldly interests; but we must analyze their memorial. It is maintained to be obligatory on her "Majesty's government to promote, by all practicable means, the introduction of a supply of free labor, such as is required, not only for the further development of the resources of this important member of the British empire, but for its continuance in its present state of advancement and productiveness." But "free labor," however much required, cannot be had, to finish the labor of convicts. This is knocking where it cannot be opened—seeking where we cannot hope to find, and this the memorialists ought to know, rather than mislead her Majesty, or the British government. As to "the continuance of its present state of advancement and productiveness," we must refer to the leading article of the *Herald* of Friday for the one, and to a letter in the same paper signed "A Colonist" for the permanent benefit of the other.

As to the "improvement of character" in the colony, as stated in that memorial to have been during several years distinctly observable," we are sorry to say that neither in the disposition to overreach one another—in the heroism of a "do" or a "sell"—in the universal contempt felt for him who is "done," do we observe any improvement, any more than we can discover advancement in science, moral or physical, in the benighted pages of the *Herald*. On the contrary, we perceive a falling off in every kind of individual and political virtue, such as characterizes the glorious people from which we are sprung, but we cannot believe the community so morally bad, as to think it true "that the preponderance of public opinion is against the renewal of transportation." But in a population so scattered, the fact is, there can be no "public opinion," and if it is really—a thing in swaddling clothes—it is evidently too young to have a voice in the management of domestic concerns.

As to the competition, dwelt on at the conclusion of that most Jesuitical memorial, between the convict and free labor, the memorialists surely ought to know by this time that these should rather assist each other—that they have always done so hitherto in this colony, and that the concluding paragraph of the memorial is therefore most untrue. How much better it would be to tell the sovereign and people of England the naked truth, that if the poor free emigrant comes here he will find no roads by which to go into the country—no public sympathy as a stranger or a Briton. That he goes to a country misrepresented in Parliament—where the flourishing people are those who have been bankrupts—where vice is the rule and honesty the exception—where the little children

of towns swear and curse about before they can walk—and in the country have no teachers or clergy to look after them. To ask Englishmen to leave all the advantages of civilization—forget all their various handicrafts—embrace a savage life—become shepherds, until the world shall be overstocked with wool and sinecure parsons—for such must be the grand consummation so devoutly to be wished by these memorialists opposed to the revival of transportation to the land of its own creation.

#### THE CHURCH.

THE power exercised by the priesthood of the Established Church of England is greater, by virtue of their "Ecclesiastical" Courts, their "Spiritual" Courts, their "Consistorial" Courts, and their "University" Courts, than ever was exercised in the very worst times of the tyrant A'Becket. Look at the following shameful instance:—

A tailor at Oxford, named Leech, had furnished a young parson of Christchurch with clothes, gowns, hoods, caps, and various other articles in the way of his vocation, to a large amount. Leech was a young tradesman, striving to support honestly and honorably an increasing family. The parson got a good "living" in Dorsetshire, and was about to quit Oxford to undertake its duties, without troubling himself about the tailor's bill; indeed, having threatened to chastise him if he dared have the impertinence to demand it, when Leech was advised to have recourse to his attorney. The man of law soon settled the matter; he sent to his agent in London for a writ, a copy of which he contrived to be served upon the parson in such good time that he was forced to "wait upon" the tailor whom he had threatened to chastise for his insolence in asking for his money, and finally, to solicit time. The tailor generously conceded to him what he asked, and the affair was settled by taking a warrant of attorney for both the debt and the costs, payable by instalments, at six, twelve, eighteen, and twenty four months, which the parson said was requisite to enable him to discharge the account. Thus, having settled with his creditor, away went his reference to his new subject.

But instead of christian gratitude, he showed Established Church malice, for he caused his benefactor's ruin! He applied to the University Court, which had by virtue of some old statute of Wolsey's time, the power to excommunicate the tailor, that is to say, prohibit all the members of the university from dealing with him. The following thunderbolt was launched at him accordingly:—

Benjamin Parson Symons, D.D., Vice-Chancellor or Commissary of the University of Oxford, to all to whom the knowledge of these presents shall come, greeting,

Whereas William Leech, late of the city of Oxford, tailor, but now of Iffley, victualler, is by our authority discommoded "for suing in one of the Courts of Westminster a member of the said university in a case determinable in the Court of our said university, contrary to the charters, statutes, and privileges of our said university."

These are therefore, to notify in this public manner to all matriculated persons of the said university to abstain from all commerce with the said William Leech, as they will answer for the contrary at their peril.

B. P. SYMONS, Vice-Chancellor.

The tailor, who had at first determined to resist this infamous tyranny, quitted Oxford, and went to keep a little inn in the neighbourhood. But—

Tantane animis celestibus iras?

Such was the extent of Church vindictiveness that not a human being dared to even quench thirst in his house. He felt he was irretrievably ruined. It was however, hinted to him that his only course was to remove the Church anathema against him, the cruelty of which brings to recollection the olden time, when excommunication deprived kings of the assistance even of their children; and that the only way of doing so was to modify the wrath of the parson. He applied to him, accordingly, and was told plainly that the only terms which would be accorded to him were:—The delivery of the warrant of attorney to be cancelled, and to give a receipt in full for the debt, paying the costs to his own lawyer, and (will it be believed that the members of any university would be even cognizant of, much less approve of such a vile fraud) pay the parson the whole of the costs and charges he had put himself to in obtaining the excommunication of the tailor, and give in the parson's name, twenty pounds to "the Society for the Propagation of Christian Knowledge!" The poor tailor, broken in spirit, as well as in trade, consented to these terms. He petitioned the university that the anathema thundered forth against him might be removed, and the parson endorsed his petition to the effect that he was satisfied, and the excommunication was removed accordingly, as follows:—

Count of the Chancellor of the University of Oxford, Friday, June 5, 1846.—Whereas William Leech, late of the city of Oxford, tailor, but now of Iffley, victualler, was, on the 22nd day of May, sentenced to be discommoded, for having infringed the statutes of the university, such sentence to be in force and of full effect until he should have made satisfaction: and whereas the said William Leech hath, by his petition this day read in Court by his proctor, made satisfaction for so having infringed the said statutes, and prayed that the said sentence so passed upon him might be withdrawn:—

These are to certify that the sentence of discommoding lately in force against William Leech is, upon satisfaction being thus made, and the payment of all costs incurred, by order of the Court withdrawn.

PHILIP BLISS, Registrar.

Christian reader! This is a Church of England university—this is a Church of England parson—these are the laws which Dr. Nixon, another Church of England parson, has gone to England to get established here; and thus a poor tradesman is defrauded of his goods—his work—his family brought to the want of bread—and compelled to pay besides a large sum in the parson's name to a charity—to his own lawyer, in endeavouring to obtain payment for his property, and to the parson's proctor for causing a Christian university to endeavour to ruin an honest man.

How long will Englishmen endure such abominations?

When Dr. Nixon goes to Downing-street, to endeavour to persuade Lord Grey, the Secretary for the Colonies, to move