

made with regard to this colony true? These facts, he thought, must carry **conviction** to the minds of every one, that although there is a great deal of evil in the colony, there is such a preponderance of good as to render it a habitation for people of strict **honour and** devotional feeling. His lordship concluded by stating that in his opinion the Attorney-General's resolutions did not go far enough."

The following is an extract from the votes and proceedings of the council on this petition :—*

"The order of the day being moved for the consideration of the resolutions to be adopted, in reference to the petition from 'certain magistrates, landholders, and other colonists of New South Wales,' representing that an impression, **unfavourable** to the systems of transportation and assignment, had been produced in England, both by evidence given before a committee of the House of Commons, and by other statements respecting the condition of this colony, which the petitioners believed would be found erroneous, and praying that the evidence of competent witnesses, with respect to the actual condition of this colony, and the working of those systems, might be taken before a committee of this council, the following resolutions were severally moved and adopted :-

"1. Resolved-That this council concurs in the opinion expressed by the numerous and respectable body of colonists, who have signed the memorial to his Excellency the Governor, that the character of this colony, in as far as the social and moral condition of its inhabitants is concerned, has unjustly suffered by the misrepresentations put forth in certain recent publications in the mother-country; and especially in portions of the evidence taken before a committee of the House of Commons.

"2. Resolved-That in the opinion of this council, this would not only be made clearly to appear, from such an investigation as the memorialists solicit, but is in itself already sufficiently evident to every impartial observer acquainted with the true circumstances of the colony.

"3. Resolved-That being satisfied of this fact, and deeply impressed with the belief, that it will **also** be brought home to the conviction of the British nation, and parliament, in **the** further progress of the inquiry before the committee of the House of Commons now sitting, the council is reluctant to enter upon an investigation, which to attain the objects sought by the memorialists, must naturally be inquisitorial in its character; more especially when it is probable, that the great questions, which **materially** affect the interests of this **colony, will be settled in** England, before the results of such an investigation could be received there.

"4. Resolved-That, in the opinion of this council, the numerous free emigrants of **character** and capital, including many officers of the army and navy, and East India Company's service, who have settled in this colony, with their families, together with a rising generation of native-born subjects, constitute **a** body of colonists, who, in the exercise of the social and moral relations of life, are not inferior to the inhabitants of any other dependency of the British crown, and are **sufficient** to impress a character of respectability upon the colony at large.

"5. Resolved-That, in the opinion of this council, the rapid and increasing advance of this colony, in the short space of fifty years from its first establishment,

* Votes and Proceedings of the Legislative Council, 17th July, 1838.

in rural, commercial, and financial prosperity, proves indisputably the activity, the enterprise, and industry of the colonists, and is wholly incompatible with the state of society represented to exist here.

“ 6. Resolved-That, in the opinion of this council, the strong desire manifested by the colonists generally, to obtain moral and religious instruction, and the liberal contributions, which have been made from private funds towards this most essential object, abundantly testify that the advancement of virtue and religion amongst them, is regarded with becoming solicitude.

“ 7. Resolved-That, in the opinion of this council, if transportation and assignment have hitherto failed to produce all the good effects anticipated by their projectors, such failure may be traced to circumstances, many of which are no longer in existence, whilst others are in rapid progress of amendment. Amongst the most “prominent causes of failure may be adduced the absence, at the first establishment of the colony, of adequate religious and moral instruction, and the want of proper means of classification in the several gaols throughout the colony, as well as of a **sufficient** number of free emigrants properly qualified to become the assignees of convicts, and to be entrusted with their management and control.

“ 8. Resolved-That, in the opinion of this council, the great extension which has latterly been afforded of moral and religious instruction, the classification which may in future be made in the numerous gaols now in progress of erection upon **the** most approved principles of inspection and separation, the most effectual punishment and classification of offenders in ironed gangs, according to their improved system of **management**—the numerous free emigrants now eligible as the assignees of convicts—and the accumulated experience of half a century—form a combination of circumstances which renders the colony better adapted at the *present, than at any former period, to carry into effect the praiseworthy intentions of the first founders of the system of transportation and assignment, which had no less for its object reformation of character, than a just infliction of punishment.

“ 9. Resolved-That, in the opinion of this council, no system of penal discipline or secondary punishment **will** be found at once so cheap, so effective, and so reformatory, as that of well-regulated assignment, the good conduct of the **convict**, and his continuance at **labour**, being **so** obviously the interest of the assignee, whilst the partial solitude and privations **incidental** to a pastoral or agricultural life in the remote districts of the colony (which may be made the universal employment of convicts), by effectually breaking a **connexion** with companions and habits of vice, is better calculated than any other **system** to produce moral reformation, when accompanied by adequate religious instruction.

“ 10. Resolved-That, in the opinion of this council, many men who, previously to their conviction, had been brought up in habits of **idleness** and vice, have acquired, by means of assignment, not only habits of industry and **labour**, but the knowledge of a remunerative employment, which, on becoming free, forms a strong inducement to continue in an honest course of life,

“ 11. Resolved-That, in the opinion of this council, the sudden discontinuance of transportation and assignment, by depriving the colonists of convict **labour**, must necessarily curtail their means of purchasing crown lands, and, **consequently**, the supply of funds for the purposes of immigration,

“ 12. Resolved-That, in the opinion of this council, the produce of the **labour** of convicts, in assignment, is thus one of the principal, **though** indirect means, of

bringing into the colony free persons ; **it is** obvious, therefore, that the continuance of immigration in any extended form, must necessarily depend upon the continuance of the assignment of **convicts.**”

To testimony so respectable, it may be needless to add to the same **effect**, that, which however the writer can by no means allow himself to withhold, viz. his own. He has had much opportunity, in the exercise of his judicial functions, and not a little in the offices of social life, of observing the state of that community in which he has lived ; and cannot hesitate to declare that the picture which has' been too frequently presented of it in this country is by no means true.

This, indeed, the account which has been recently published by him of the “ State of Religion and Education in New South Wales,” is calculated to prove. For it **will** thus be seen in the extent to which the means of religious instruction placed at the disposal of the colonists have been embraced, in those which they have themselves provided, in their numerous associations for religious and charitable purposes, and the amount of their individual contributions to them, that all these could not have proceeded from a society universally corrupt and depraved. To all this, however, is now to be added the following statement.

Amongst the free emigrants who have been settled in the colony, some for very long periods of time, and others of recent arrival, there is, first, a large number of persons holding offices under the government, not only constituting as a class as respectable a body of gentlemen as perhaps were ever associated together in any colony under the crown, but also, for the most part, it is the writer's great happiness to state, as far as human judgment may presume, as conscientiously alive ‘to the **influence** and duties of religion as any men whom he has ever met with. He is **obliged**, therefore, to say, that this class of persons have been condemned in a manner appearing to him both **unjust** and unchristian-like, by a recent writer, who has thus held them up before the British public.

“ It is scarcely, however, from the higher classes of colonial society-whether government officers, lawyers, landholders of the higher class, or merchants-that a healing influence can be expected to emanate, to cleanse and purify the land. The men who are ‘ **clothed in purple and fine linen, and who fare sumptuously every day,**’ ‘may be powerful to do good from their wealth and station in society ; but that good is but rarely done, and the influence they exert on society. is of consequence far more frequently evil. Even their profession of Christianity-a sort of fashionable accompaniment of gentility wherever there is a dominant state church-is unquestionably far more hurtful than beneficial to the cause of pure and undefiled religion ; for the vessels of the house of God are for the most part

polluted by their desecrating touch, and the day of God profaned by their unholy example. Despicable avarice, pitiful meanness, and the practice of downright injustice, are by no means completely banished even yet from the genteel circle of New South Wales ; and I have sometimes been surprised to find how small a portion of honourable principle had gone to furnish out a stock in trade in the colony, for honourable men. In short, the influence of the higher classes in New South Wales has been for the most part decidedly **unfavourable** to the morals and religion of the country." *

The writer of the foregoing paragraph must have been ignorant of those whom he thus condemns, for to no other account than ignorance can so gross a misrepresentation by a Christian minister be imputed. **It** is exactly this class of men from whom has emanated, and continues to emanate, that influence and that example, which is alike honourable to the land, and, it is trusted also, to the religion they profess : since amongst them are to be found not only the most constant attendants on all the ordinances of religion, but, it is believed, the example of its holy principles in their own lives and conversation ; the most ready and liberal and benevolent contributors to every good work, whether of alms-giving, or of more exalted charity ; and with whom the writer has been happily associated in too many a **labour** such as these, not to feel called upon to speak boldly in their commendation, when the duty of doing it becomes so apparent.

Another class of the community, the clergy of the colony, is one which can be spoken of irreverently by none. The bishop and **clergy** of the Church of England, the clergy of the Presbyterian church, and of the Church of Rome, not less in number than eighty-six, the six missionaries attached to the Wesleyan mission, and five ministers of other denominations of Christians, whose respective fields of **labour** have been particularly described by the writer in another publication,† form a large and influential body, dispersed throughout the colony, all **labouring**, doubtless, according to conscience, as they shall answer to one who is their Master, even Christ, each occupying the centre of a circle by no means small, and all working beneficially, it is trusted, upon that portion of society which is included within it.

The magistrates of the territory, and amongst whom are many of the principal land-owners, retired officers of considerable rank in the army and navy, and from the service of the **Honourable East India Com-**

* Historical Account of New South Wales, by John Dunmore Lang, D.D. Senior Minister of the **Scots** Church, and Principal of the Australian College, Sydney, New South Wales. 1837. ch. 7.

† State of Religion and Education in New South Wales, 1840. Cross, **Holborn**.

polluted by their desecrating touch, and the day of God profaned by their unholy example. Despicable avarice, pitiful meanness, and the practice of downright injustice, are by no means completely banished even yet from the genteel circle of New South Wales ; and I have sometimes been surprised to find how small a portion of honourable principle had gone to furnish out a stock in trade in the colony, for honourable men. In short, the influence of the higher classes in New South Wales has been for the most part decidedly **unfavourable** to the morals and religion of the country." *

The writer of the foregoing paragraph must have been ignorant of those whom he thus condemns, for to no other account than ignorance can so gross a misrepresentation by a Christian minister be imputed. **It** is exactly this class of men from whom has emanated, and continues to emanate, that influence and that example, which is alike honourable to the land, and, it is trusted also, to the religion they profess : since amongst them are to be found not only the most constant attendants on all the ordinances of religion, but, it is believed, the example of its holy principles in their own lives and conversation ; the most ready and liberal and benevolent contributors to every good work, whether of alms-giving, or of more exalted charity ; and with whom the writer has been happily associated in too many a **labour** such as these, not to feel called upon to speak boldly in their commendation, when the duty of doing it becomes so apparent.

Another class of the community, the clergy of the colony, is one which can be spoken of irreverently by none. The bishop and **clergy** of the Church of England, the clergy of the Presbyterian church, and of the Church of Rome, not less in number than eighty-six, the six missionaries attached to the Wesleyan mission, and five ministers of other denominations of Christians, whose respective fields of **labour** have been particularly described by the writer in another publication,† form a large and influential body, dispersed throughout the colony, all **labouring**, doubtless, according to conscience, as they shall answer to one who is their Master, even Christ, each occupying the centre of a circle by no means small, and all working beneficially, it is trusted, upon that portion of society which is included within it.

The magistrates of the territory, and amongst whom are many of the principal land-owners, retired officers of considerable rank in the army and navy, and from the service of the Honourable East India Com-

* Historical Account of New South Wales, by John Dunmore Lang, D.D. Senior Minister of the **Scots** Church, and Principal of the Australian College, Sydney, New South Wales. 1837. ch. 7.

† State of Religion and Education in New South Wales, 1840. Cross, **Holborn**.

position they fill in that of New South Wales, as can be boasted of any of his fair countrywomen in any part of the world. He has ever found them, and heard them esteemed to be, as examples in private and domestic life, in the promotion of good and holy purposes, and in all the amiable features of their sex—precisely what English ladies should be. There is no trace to be found in all their society of that vulgarity and ignorant hauteur, or airs of mock-importance, which one of the witnesses before the committee on transportation, with small means of judging, imputed to them? On the contrary, they are as entirely free from faults of that description, which indeed are only to be found amongst the half-caste people of the West India colonies, as unaffected, easy, and polite in their manners and deportment, and as exact in all the observances of decorum and propriety, as well-educated persons of their countrywomen in England.

The inferior order of settlers, and the agricultural labourers, have been more removed, by their employment at a distance, from his personal observation ; but there has not been wanting evidence of their conduct also, in the small number of persons of that class who have ever been brought before the criminal tribunals of the country. Before the late extensive emigration to Australia, the number of free persons at any time charged with indictable offences was surprisingly small, considering their proportion to the community, and their disadvantages in want of religious means, in evil example, and, in many instances, **connexion** and association. Since the tide of emigration has set more strongly than heretofore towards New South Wales, instances of free persons being charged with such offences have unhappily become less rare : this circumstance must, however, be fairly attributed to its true cause, and ought not to be alleged as a proof of the demoralization of that class to which they belong. The cause, undoubtedly, has been partly the importation as free emigrants of many who were bad persons in England, both male and female ; this fact is notorious, and will be at once acknowledged by any person who has witnessed in England, especially at the commencement of the system, their selection for this purpose, or who have seen them on their passage to or arrival in the colony; and partly the increase of crime committed by persons, who are stated in the calendars to have “ come free to the colony,” is to be attributed to the fact that many of those persons have “ come free” from Van **Diemen’s** Land, whither they had been originally transported as felons. In some cases which came before the writer judicially, it

* Mr. Mudie.

was discovered on the trial of these "free persons," that they were of that class. To their emigration to New South Wales, indeed, there has been much inducement, as, 1st, its near neighbourhood, which allows of easy transit : 2d, the greater and manifest disadvantage and disabilities to which such a person is subject in the country to which he was transported, where he is known to have been a convict, and is still under surveillance, than in one where he is unknown : 3dly, the greater privileges enjoyed by persons of that class in New South Wales than in Van Diemen's Land. The former colony has been therefore visited by them, and its catalogue of crime increased; but that increase ought no more to be attributed to the free emigrant population, than ought the offences which old offenders, emigrating (as is, and will assuredly be largely the case, for similar reasons, if it be to their advantage to do so,) from New South Wales and Van Diemen's Land to South Australia, to be placed to the account of the free emigrants to the latter.

Nor are those who have been born in the colony, of emigrant parents, at all inferior to the stock from which they sprung, whilst those whose advantages have been less-so little indeed as in many respects to form a most deplorable feature in the system of colonization hitherto pursued in New South Wales-the general body of the colonial-born have in a surprising manner risen superior to all the discouraging circumstances attending their birth, education, and early associations, and proved themselves as free from the guilt of those crimes which are committed in their country, as any class of persons within it. Many of them have attained to wealth, and worthily occupy a middle station in society, and are remarkable in it for their free, and bold, and manly independence, for love of their country, and for their entire freedom from those degrading habits which they see in operation around them.

When, indeed, the catalogue of crimes committed in the colony during the period comprised in these observations is referred to, it will be seen how little of it lies to the charge of the free emigrant and the colonial-born. The conclusion to be hence derived is obvious, namely, that the virtuous emigrant to New South Wales may find associates there as worthy of his intercourse and intimacy as in the country from which he proceeds, and is not necessarily driven to intermix with any others.

So, amongst those who, for various offences, have been transported to the colony, there are many who have fully regained, in the estimation of their neighbours, that respectable character in life which every true philanthropist must sincerely wish might be attained by all. These are to be found in the peaceful and industrious pursuits of their respec-

tive callings, and in the unassuming associations of private charity—many of them in easy and even affluent circumstances, and preserving a good reputation, which they have, by severe experience of its loss at one period of their lives, learned to value. They deprecate as greatly as any one the forward effrontery of others of their class, who by their bold and shameless bearing prove the unreformed state of their dispositions ; who having attained wealth without virtue, deny the power of it in others, and, pretending to reduce all to their own vicious level, condemn all men alike as guilty of one common and equal dereliction from its paths. With such as these, the wicked sarcasm, which refuses to good principles appearing in the testimony of a good life, their power over human corruption, the phrase is commonly in use, that there is **no difference** between themselves and those who have never been the subjects of criminal conviction, than this, that the one sort have had the misfortune to be convicted, whilst the others have deserved it. These are clamorous in the assertion of rights as due to them as a class, to which every well-constituted mind denies their claim as individuals, and who would be found to be excluded, if those rights could be bestowed on only the really deserving, and any fair criterion of merit prescribed ; yet do they find partisans enough amongst those whom the love of gain induces to flatter their pretensions, whilst in heart they distrust them, and thus barter such honesty as sits loose enough to be bartered, for **policy**. From such as these it is a **grateful** duty to turn to the really reformed and penitent, such as were first referred to ; and that there are many more of these than is generally believed, the writer doubts not. They do not, however, bring themselves before the public, but walking humbly with their God, are to be found chiefly in the paths of private duty. There it has been his happiness to meet them, to join with them in their charities, and to unite with them in prayer ; thus evincing, he trusts, the sincerity of his constant remarks—that the best man in the world is but a repentant sinner—that the least of those whom Christ is pleased to accept for his own, is good enough for him who professes to be a follower of Christ—and that they may surely be associated with upon earth, whom the Christian hopes to sit down with for ever in the kingdom of heaven. There exists not, therefore, in the writer any harsh or unfeeling disposition, any uncharitable or arrogant mind, towards those poor outcasts from their country, whom its laws have adjudged to be transported ;—that there should be any in him, God forbid ! The contrary, he trusts, has ever been shown in his conduct ; and although he has not hesitated to declare **his** opinions, maintained on constitutional grounds, respecting their **proper position** in society as a class, and has thereby been exposed to the

malignity of the base and unworthy, yet he has never been wanting in his duty to the deserving, and is able to assert that several whom he has had reason to believe to be truly meritorious, have owed their absolute pardon to his personal intervention.

Much indiscrimination, it is to be deeply deplored, has ever accompanied transportation. Some of its greatest evils have arisen from this source ; and the writer must presume to say, (as the result of his experience, both as an English barrister, observant of the proceedings in courts of justice, and assisting in them, before he visited New South Wales, and as a judge of that colony since,) that through the vague and uncertain and contradictory opinions which have existed in England at various times respecting transportation, and the constantly varying modes of regarding it—even by those who bear the sword of justice, and before they administer its sharp remedy, should be well aware of what its effect **will** be, but have nevertheless been strangely uninformed—much injustice and misery, and many evils, have arisen from its infliction as a punishment. Many were transported in the early periods of the colonial history, and are now in existence, who would never at this day have been visited with such a severity. At all times, the scarcely-formed thief, and the hardened offender of every class, have been condemned to the same receptacle, and one common lot has befallen them. Not unfrequently—alas for the imperfection and infirmities of human judgment !—the innocent have suffered with the guilty ; and in New South Wales, both have been convicts ! The writer has repeatedly heard, if not from the same lips, at least from the same judicial seat, the youthful offender transported for some very trivial **offence**, “ to a country where, (he has been told,) he will be separated from his bad associates: and will have an **opportunity** of redeeming his character, and becoming an honest member of society ;” another, that his “ crime has been so great, that he cannot be **permitted** to remain in this **country** any longer; but must be sent out of it at once.”—One, because he is comparatively innocent ; the other, because he has been superlatively criminal ! This is scarcely, however, the place to pursue a subject upon which the writer feels, as one appointed to administer the laws, much interest, and wherein he would desire to see introduced—and which he considers attainable—greater certainty, more order, and other means of reformation, than have ever belonged to “ the system of transportation.” He would desire also its discontinuance to New South Wales, but not its abolition as a punishment.

At Sydney, it may be affirmed, that there is a much larger and respectable **society** of all **classes**—of the superior and the middle **especially**—

than in any town of the same size and population in England. The proportion of persons who constitute the upper circle is greater beyond comparison.

And when this principal town of the colony is compared to the "lowest purlieu of St. Giles's," it is right to state that the comparison does not hold good in any single respect. There is none of that "drunkenness and shameless profligacy," so apparent as is supposed : that much exists, it is not necessary or possible to deny, but it is not transacted in the open and shameless manner alleged, nor are the eyes and ears of the passenger there assailed in the way they may be, not only in St. Giles's, at Shoreditch, at Wapping, at Deptford, and other places of resort by the lower orders, but even in parts of the metropolis of England of a higher character, by sights and words calculated to shock and harrow the decent feelings of mankind. The writer has seen both sides of the comparison, and is able to judge between them, and does not hesitate to say, that for decency in the public streets by day, and for quietness at night, the town of Sydney has the advantage over almost every part of London.

He has passed through its streets on foot at all times, both by day and night, to and from his judicial duties, without receiving the slightest shock to his feelings, except on very few occasions, and these so few, that he could easily, if necessary, recount them. Within two hours after dark he has always found the streets of Sydney as quiet and as little frequented as those of a country town. There are not to be seen at any time those riots and disturbances which are common in the places to which it has been compared; none of that half-naked, filthy exhibition of abandoned drunken women, which is to be witnessed at evening in "the purlieu of St. Giles's;" no juvenile thieves and prostitutes swarm in its streets by day or night; and a beggar is very rarely to be seen.

(To be continued.)

CEYLON.

In treating of the colonies belonging to the 'British empire, we can discover none more worthy of note, the resources of which are less known, and the true interests of which have been less considered than the island of Ceylon, in extent larger than Ireland; with an increasing population, averaging from 1,200,000 to 1,300,000 souls; salubrious in climate; productive of not merely the necessaries, but also many of the luxuries of life; yielding a revenue far exceeding its expenditure; defensible from its natural fastnesses from any permanent invasion, possessing one of the finest harbours in the world, in the