

road from Sydney to Paramatta, armed with a musket, another person being in his company; and very many robberies were committed through convict servants being left too much at liberty to roam where they pleased, during the hours of night."

In Judge Burton's report to the colonial secretary, as to whether juries in the colony have answered the ends of justice, he gives a full account of the jury system, its formation, &c., some passages of which I shall also quote, as it will tend to show the manner in which the law is administered in the colony, and the difficulties encountered in the proper punishment of crime.

"In civil cases, such as form the ordinary business of the court, the matters in dispute are so simple as to afford but little field for any undue bias on either side.

"It is only in cases occurring between the government and an individual, or involving some point of political or party feeling, that any trial can be had of the principles of the jurymen, and happily there have been no instances of any such during the time (the last three years) that jury trial has been established.

"In criminal cases, there is a greater and more constant ground for apprehension of improper influences, and undue bias upon the minds of the jurymen. The prisoners for trial before the court, are chiefly of a class transported hither for crimes committed out of the colony; and persons of the same condition, and others very low in respectability and character, and frequently allied to them, are qualified, according to colonial law, to serve as jurymen.

"The qualifications are, a clear income, arising out of lands, houses, or other real estate, of at least thirty pounds per annum, or a clear personal estate of three hundred pounds.

"The disqualifications as they now stand are: 'Every man not a natural-born subject of the king, and every man who hath been or shall be attainted of any treason or felony, or convicted of any crime, (unless he shall have received for such crime a free pardon, or shall be within the benefit and protection of some act of Parliament, having force and effect of a pardon under the great seal,) or, secondly, if any person who, either while serving under any sentence passed upon him in any part of the British dominions, or after the expiration or remission of such sentence, shall have been convicted of any treason, felony, or other infamous offence.' "

Respecting the qualifications arising from property, Judge Burton says, "The possession of such an amount as is specified in the act affords no criterion in the colony, where property is notoriously accumulated by every variety of dishonest means. It may be a test of