

ciation and confinement in the jury-room with disreputable persons. Judge Burton goes on to give many instances of the behaviour of the jury in their room, and their determination to acquit; stating, that he had been informed by a respectable inhabitant of Sydney, on whose veracity he could fully rely, that upon one occasion, when a prisoner was on trial for cattle-stealing, he was defended by one of the practitioners of the court, when, during the progress of the trial, a juryman leaned over him towards the practitioner, calling him by name, and said, "It's all right, we'll acquit him." When the prisoner was called on for his defence, the practitioner advised him to say nothing, and call no witnesses, which course was adopted; and he was acquitted.

It is proper to state that the other judges think that the jury trials have met with the success reasonably to be expected, and that matters will grow daily better as the free emigrants arrive and are qualified. From what I understood from gentlemen of the legal profession, there has some improvement taken place since the year 1836.

The courts still adhere to the use of wigs and gowns, and the opinion seems to be that such appendages cannot be dispensed with without injuring their respectability and solemnity in the eyes of the people.

Under the additional clause, amendments have been made by the Legislative Council in the laws regulating trials, and they have also abolished military juries.

Education in the colony of late years has claimed some portion of the attention of the government, which has made allowances to the different sects of Christians for the maintenance of schools. I was obligingly provided with the school return for the year 1838, by William Lithgow, Esquire. This will be found in Appendix XII.

It appears that the whole number educated is only six thousand and thirty-seven, and that the expense incurred by government is twelve thousand four hundred and twenty-six pounds, or upwards of two pounds per head. The number of children attending schools is to the aggregate of population as about one to twenty, which is the same as in 1836. In the return above mentioned, it will be found that there are seventy-six schools, of different denominations; three colleges, and sixty-seven private schools: showing an increase more than fourfold during the last five years. Several attempts have been made to establish the Irish national school system, or a general system of education, but thus far, without success. The chief opposition to this has been from the Church of England.

Among the colleges, two are under the guidance of the Church of England, viz.: King's College or School, at Paramatta, and Sydney