

The second class might consist of those whose sentence was also under ten years, and whose previous character seemed to warrant the belief that they required a greater degree of restraint to afford a prospect of weaning them from their bad habits. These might perform the term of their sentence at the various dockyards, or other Government works at home, where they should be taught some useful trade. I think this, on account of the strict discipline, and the loss of liberty, would be looked upon as a more decided punishment.

The third class might consist of those whose crimes and previous police history demanded a sentence above ten years; but who had yet abstained from the more serious injuries to society. These might be sent to Van Diemen's Land, or any other penal Colony under regulations hereafter to be prescribed.

The fourth class should consist of those whose previous police history proclaims them hardened offenders, habituated to a life of vicious crimes, whose sentence of death has been commuted for transportation for life. These should be sent to some separate settlement, I will suppose Port Arthur for males, and Norfolk Island for females, where the discipline, for a time, should be as severe as justice and humanity could allow. After which, though the actual punishment might be relaxed, the amount of personal restraint over each individual should, in no case, be lessened until a total change of disposition had taken place. And I adhere more strongly to this opinion, that all hardened and reckless men and women should be shut out from society, for two reasons; first, on account of the injury they do to others by their example and conversation; second, because in the case of a murderer, or accessory to a murder under sentence of death, which has been commuted for transportation for life, being sent from one society to another, however remote from the scene of former transgression; and in the event of the criminal taking the life of a second victim, it becomes a serious consideration in my mind at whose hands the life of that individual will be required, in the face of a command from the Almighty, that "whoso sheddeth man's blood, by man shall his blood be shed;" and although the reform of the criminal is one ultimate object of all human punishment, the protection of the lives of the innocent is of more consequence than the supposed rights of liberty of the guilty, and it is, therefore, in cases of this kind, that I do not consider it would be passing the bounds of humanity, or duty, to a fallen fellow creature, to make the loss of liberty attendant upon his crime of such a nature and duration, as would prevent the possibility of a repetition of it; to frame the laws, in fact, so that he could not be restored to society until he had suffered the punishment of deprivation of freedom long enough to warrant the belief that the fear of a return to punishment and confinement would deter from a like offence, and not then, unless there was evidence of a change of character. It must sometimes happen, from the imperfect nature of legal evidence, or other extenuating circumstances, that, for the protection of the innocent, falsely accused, the guilty must escape the just reward of his crimes; but although he may not receive the full amount of punishment earned by the blackest crime, it does not follow