

The Colonial Observer.

OR, JOURNAL OF POLITICS, COMMERCE, AGRICULTURE, LITERATURE, SCIENCE, AND RELIGION, FOR THE COLONY OF NEW SOUTH WALES.

No. 54.

SATURDAY, AUGUST 27, 1842.

Vol. I.

COLONIAL POLITICS.

Our readers will excuse on the present occasion the omission of our usual article on Colonial Politics, as matters directly affecting ourselves require immediate attention.

THE HERALD'S LIBEL CASE.

We hardly know whether to treat the following letter received yesterday through the post office as a serious affair or a high farce. We know well that such a transaction is altogether without a parallel in the history of the English Press, and that any one occupying a similar position in the mother-country, who should dare to take such a course as Messrs. Kemp and Fairfax have taken on the present occasion, would not only draw on himself universal ridicule and contempt, but would be driven from the press by the overwhelming power of public opinion. Messrs. Kemp and Fairfax have the same weapon at their disposal as we have, and it is certainly a confession of great weakness and incapacity for its proper and efficient exercise, to betake themselves, as in the present instance, to such a miserable subterfuge. Without further comment we subjoin the letter referred to:

O'Connell-street, August 24, 1842.
Sir—I am instructed by Messrs. Kemp and Fairfax, Proprietors of the *Sydney Morning Herald*, to complain of a Libel appearing in your publication of the *Colonial Observer* of this day, and contained in a paragraph underneath the title headed "Original Correspondence," and signed "Presbyterian." Insinuating that my clients have been guilty of all sorts of dishonesty. I have therefore to request that you will inform me whether you are willing to give up the communications referred to, and the name and place of abode of the Original Author, or discover the person who furnished you with the documents.

Your's Obediently,
J. SMITH.

Mr. Edward Alcock, Publisher of the *Colonial Observer* Jamison-street.

We would just for a moment recall the attention of our readers to the paragraph in our last, on which this extraordinary construction is put:—

[The above correspondence was sent to the *Herald* office, but refused insertion except paid for as an advertisement. It was afterwards placed at our disposal, and we have much pleasure in publishing it. It has certainly nothing of the character of an advertisement, and its rejection by the *Herald* was altogether unjustifiable. It shows, however, the animus entertained by the conductors of that journal towards the Gentleman referred to. By-the-by, we too have cause to be offended: as the manner in which that journal acted in the matter. The insertion of a communication, under the semblance of an advertisement, in which we were accused of mendacious practices, was a breach of the courtesies of the profession which we did not expect from such strict adherents of the "decencies of public writing." Two similar communications were some time ago sent to us by a *quondam* correspondent of the *Herald*, attributing all sorts of dishonesty to Messrs. Kemp and Fairfax, but both were rejected with contempt.]

Now here is Messrs. Kemp and Fairfax's libel republished for the edification of the community; and what opinion, we ask, can any man of the most ordinary judgement form of the capacity of men who could even for one moment think of construing so harmless a statement into a libel, as the leaders of public opinion. A libel, indeed!! What jury of our country will put such a construction on such a paragraph? What is it we are charged with? With being too honourable to follow the unworthy example of Messrs. Kemp and Fairfax? That is all. They dare not say a word in their own defence; they dare not grapple with us themselves; but they show their deep seated malignity and envy by inserting libel upon libel against us—nay, by making a trade of

it—making their bread of it in being paid for it—as they say themselves!

And trafficking libellers are not to be assailed because they issue their libels under the guise of advertisers-general, and from behind the chair of the Rev. William McIntyre!!! It is with the publisher of the libel we have to do, in the first instance; and we have far stronger grounds for an action against Messrs. Kemp and Fairfax than they can possibly have against us.

We are accused by a correspondent of the *Herald*, whose scandalous and disgraceful libels they receive with the utmost avidity, and publish as advertisements, (as if the publisher of an advertisement were not equally open to prosecution with the writer)—of mendacious practices, and of much worse. We hold the insertion of such communications discreditably in the highest degree to any public journalist. But how have we acted in such circumstances? Why, we have rejected with contempt certain communications from a correspondent of the *Herald*, affecting the character of its Editors. And for placing their dishonourable conduct towards us in contrast with our honorable treatment of them, we are charged with a libel! Why, the thing is beneath contempt, and we are not to be frightened at such a pitiful scarecrow.

Having, in the rejection of those communications with the contempt they merited, given our own unqualified condemnation of their contents, we leave Messrs. K. and F. to file their criminal information, or do what else they think proper.

THE REV. MR. M'INTYRE'S FALSEHOODS.

We do not mean by the heading of the present article the falsehoods published by Mr. McIntyre, but only the falsehoods with which that gentleman has presumed to charge another. We do not brand Mr. McIntyre with the injurious names of slanderer and liar. Far be it from us so to degrade ourselves, and injure the cause of religion by heaping obloquy on its ministers: but we conceive it due to the Rev. Dr. Lang, to vindicate him from the misrepresentations and unjust charges which have been urged against him with dogmatical pertinacity by the Rev. Mr. McIntyre. The letter subjoined from the only person competent to say who is the author of any one article that appears in our columns, and whose declaration must therefore be decisive of the question, will throw some light on the accuracy of these charges. We do not feel called on to say who are the authors of the other statements which Mr. McIntyre has denounced as falsehoods. They were the productions of different hands, and we have not yet obtained their sanction to the disclosure of their names. But the particular case so completely set at rest, will at least show how much credit is due to the assertions of a man who can on the basis of the merest assumption prefer charges of such a serious nature, affecting the character of a minister of religion.

Mr. McIntyre is certainly placed in a position not very enviable, but he has to blame his own malignant spleen for having brought him into a position where he can only be regarded with pity and contempt, by an impartial public.

The subjoined letter appeared as an advertisement in the *Herald* of yesterday, with one typographical error. The information alleged to have been given by Mrs. Neill, on the 20th June, was given on the 20th July last.

To the Editors of the *Sydney Morning Herald*.

GENTLEMEN—I trust you will allow me to trespass very shortly on your space, merely to remove

an injurious and unjust impression which the communication of the Rev. Mr. McIntyre, in your paper of yesterday, is calculated to produce, affecting the character of a minister of religion. I am exceedingly unwilling to appear as the public accuser of your reverend correspondent, especially as what I have to state must convict him of a disreputable attempt to fasten the charges of slander and falsehood on a brother clergyman who is not in the remotest degree implicated in the premises on which those charges are founded. I trust, however, I shall not in the few remarks I have to offer be guilty of any of the Botany-Bayisms with which the rev. gentleman's letter abounds.

Mr. McIntyre condemns in severe terms the publication of rumours without previously subjecting them to the test of severe and searching scrutiny; but, Gentlemen, I would recommend him to set the example himself, and make only such statements as he can have some reason to believe are true. What can he know of the secrets of the editorial closet of the "*Observer*." And what right has he to assume that this or that article was written by this or that hand? How much less right has he to found on that vague assumption, and pertinaciously persist in preferring, the cruel and unseemly charge of falsehood and slander against a Christian Minister?

The strict secrecy which my position enjoins on me, where any one but myself is concerned, prevents me from making such an *expose* of Mr. McIntyre as he deserves, and the feelings of disgust with which I have witnessed the present attempt, would prompt me to do so; but in regard to one at least of the formidable array of so-called falsehoods charged on the Rev. Dr. Lang—that relating to the Rev. Mr. Tait and the schoolmaster's salary, which I conceive the gravest of them all—I beg to inform you, and through you the public, that Dr. Lang had no more cognizance of the publication of that statement than you had. The statement that has caused such a stir in the camp of the Synod of Australia was made solely by me; and so far from retracting it, I hereby repeat it and hold myself in readiness to bear the pains and penalties of so doing.

On the 20th of July last, Mrs. Neill, of Parramatta, told me in this office, that she had called at the Colonial Treasury that day, to receive her husband's government salary, (£3 12s. 2d.) but she learned there that it had been drawn by Mr. Tait, on the 12th June preceding. Why she should have called at all, if Mr. Tait had received an order to draw it, I cannot conceive; and why Mr. Tait should receive it, and allow five weeks to elapse without informing the schoolmaster that he had received it, is still more difficult to comprehend.

I have only further to add, that Dr. Lang "is not responsible for the delinquencies of the Editor of the *Observer*," as he exercises no manner of control or superintendence over that functionary.

I trust for the interests of religion, and the good repute of Mr. McIntyre himself, for whom, except so far as his connection with these matters is concerned, I have the highest esteem, that no further disclosures will be provoked.

I have the honour to be, gentlemen, &c.

JOHN H. BAILLIE.

Colonial Observer Office, Aug. 25, 1842.

LONDON MISSIONARY SOCIETY.

The adjourned meeting of the Sydney Auxiliary to the London Missionary Society was held, pursuant to announcement, on Wednesday evening last, in the Scots Church, College-street. The area of that spacious building before the hour of meeting arrived was nearly filled, and also a large portion of the galleries, with a respectable and apparently interested auditory. On the platform were—The Rev. Doctors Ross and Lang, Messrs. Spenders, Threlkeld, Crook, Mansfield, Buzacott, Johnstone, Slatyer; George Allen, Esq., and Makea, one of the principal chiefs of the island of Rorotonga.

Dr. Ross took the chair at 6 o'clock; when the meeting was opened by singing a hymn. Prayer was then offered up by Mr. Threlkeld.

The chairman briefly adverted to the proceedings of a former meeting, and introduced the missionaries from the South Seas, lately arrived by the *Comden*, Messrs. Buzacott, Slatyer, and Johnstone, to the meeting, referring to the zeal with which they had devoted themselves to the missionary work, and the success with which, by the blessing of God, their labours had been crowned.

As an illustration of the triumphs of the gospel in lands which a few years ago were involved in heathen darkness, and were the abodes of savage cruelty, he then referred to their distinguished visitor from Rorotonga, himself born and brought up an idolater, but who had been savingly converted to the truth, and was this evening to address them in the cause of christian missions to the heathen.

Mr. Buzacott, a veteran in the missionary cause who has spent 15 years in the island of Rorotonga as a Christian missionary, then addressed the meeting, detailing the progress of

christianity there since its first introduction. The teachers first landed on the island were treacherously murdered by the natives; but sometime after the island being visited with a fearful epidemic, the rude and superstitious barbarians had regarded it as the judgment of God on them for the murder of the strangers who had come to instruct them in regard to the true God, and they were thus predisposed to receive christianity at the time that he and his companions arrived. They had been signally successful, so much so that a numerous Christian church had been formed on the island, and no trace of the ancient worship was now to be found. So degraded were they at the time that the first missionaries landed, that being told that they came to tell them of the true God, they supposed that a pig which the missionaries had brought was the God referred to, and they accordingly carried it off to their temple and paid it divine honours. Makea, when a mere boy, had received Christian instruction from these first missionaries, but could not prevent their massacre by his countrymen. On the arrival of Mr. Buzacott's party, however, he had received them with the utmost kindness, and had afforded them every countenance and co-operation in their work and labour of love.

Many interesting details relative to the readiness of the native Christians to promote every good work, were given by Mr. Buzacott, which, of course, we cannot attempt to detail. It appears, however, that the Voluntary principle is throughout recognised, and that not only is a Christian church organised, but the means are put in operation for extending and perpetuating religious ordinances through the instrumentality of native teachers trained for the work in a seminary, under the superintendence of the missionaries.

Makea then addressed the meeting in his native tongue—Mr. Buzacott acting as interpreter. His speech possessed all the vivacity of native oratory; and although unintelligible to the persons assembled, was listened to with the greatest attention. The mode of address was peculiarly touching. He began by saying, Sons and daughters, and whosoever among you are chiefs or missionaries—and proceeded to crave their attention while he made a little speech. He would speak to them of the cruelty and misery that prevailed in his native country, in the days of idolatry where they had bad gods and bad men, and bad bread and dirty water (figurative) and of the great blessings that had accrued from the preaching of the gospel. He made a very interesting distinction between the renunciation of idol worship, and that of the abominations that accompanied it. In his country, even after they had thrown their idols to the moles and the bats, for some time, while the truth of the gospel had not operated on their hearts, the vices and crimes of the ancient superstition continued to be practiced. It was an interesting sight to see the warm expression of philanthropy that beamed on his countenance while urging on his audience the claims of the heathen on their affections. There had been no teachers from Sydney, he said, although the harvest was great.

At the close of his speech, which terminated with the words of the psalm, "And now brethren I commend you to God and the word of his grace"—the Chief of Rorotonga retired, but immediately returned with a bag of dollars, amounting to about £90. which had been contributed by the churches of Rorotonga, in aid of the Society. It had been obtained by the cultivation of arrow-root, of the produce of which they had succeeded in disposing.

The first and second resolution having been adopted at the former meeting, the remaining resolutions, expressive of welcome to Makea, and thanks to the members of the Auxiliary Societies for their services in the cause—were then proposed, and seconded and unanimously adopted.

The Rev. Mr. Slatyer, from Tutuila, one of the Navigator's Islands, evidently a pious and devoted messenger of the cross—in moving the last resolution detailed with great warmth of language and earnestness of manner, the signal success of the gospel at the station he occupied, and the devotedness of the people to the cause of Christianity manifested on one occasion in a very remarkable manner. The chiefs having ordered all the houses of those who went to the mission station to bear the gospel to be burned and their goods destroyed or confiscated, a meeting of those who had embraced the faith was held, when it was determined to obey God rather than man. The demonstration was so official that the chiefs discovered the impossibility of carrying their resolution into effect, without burning the greater part of the houses on the island; and the result was the complete establishment and the full recognition by the chiefs of the principle of entire liberty of conscience.

The proceedings throughout were intensely interesting.

A considerable sum of money, £138. 6s. 3d. was collected at the close, towards the objects of the society.

LEGISLATIVE COUNCIL.

WEDNESDAY, AUGUST 24.

Present—the Governor, the Chief Justice, the Commander of the Forces, the Auditor-General, the Colonial Secretary, the Collector of Customs, Messrs. Campbell, Berry, Jones, Baxland, H. and J. Macarthur, and Sir J. Jamison.

The Collector of Customs, as chairman of the committee on the Sugar Company's Bill, brought up the report of the committee, and stated that the committee had received a letter from Mr. Childs, to the effect that he was willing that that part of the bill which related to distillation should be struck out.

The Governor said that after the bill had been sent to the committee he had discovered that it was stated in the preamble that the company intended to carry on distillation from molasses. If it were passed in that state he could not refuse them a license to distil if they applied for one. He had, therefore, ordered his private secretary to write a note to Mr. Childs, stating that it would be impossible for him to present the bill in that shape. Mr. Childs was willing that the words should be struck out, but there was still no specific provision in the bill that the company should not carry on distillation, and he now gave notice that at the second reading he should propose a clause to that effect.

The bill was ordered to be read a second time on Tuesday next.

Mr. J. Macarthur wished to say a word by way of explanation in reference to the extract which his Excellency read yesterday from Sir T. Mitchell's book respecting the rencontre with the natives on the river Bogan. He had read the same extract himself in company with several intelligent natives of the Colony, who were well acquainted with the customs of the aborigines, and they were all of opinion that Sir Thomas Mitchell was wanting in knowledge of those customs. It was well known, that whenever they approached each other's waterholes, they always cooeed to give notice of their approach. This was a formality observed amongst them, something similar to the custom among Europeans of sending their cards, and they expected the same formality to be observed by the whites. It was extremely dangerous to approach them without it, and a great number of the mishaps which had at various times occurred were to be ascribed to the neglect of this formality. With respect to the waterholes mentioned by Mr. Allman, he had been informed by a gentleman who knew the district well, and who was a disinterested party, that there was plenty of water there. It was also to be observed that Mr. Allman was a stranger to that part of the country.

The Governor was not acquainted with the habits and customs of the aborigines; he had found the passage in Sir T. Mitchell's book; he thought it was applicable to the case, and therefore he had read it to the Council. With respect to the water he had merely read the statements made by Mr. Allman; that gentleman says, that the water was so scarce in the district that on their return they were obliged to kill a bullock in order to drink the blood. The discussion, however, could not be again gone into.

The Attorney-General presented a petition from the inhabitants of Patrick's Plains, praying that a court of requests might be established there. He thought as they were more than thirty miles from Maitland or Scone, and had a population of more than 2,000 persons, they had strong claims upon his Excellency's consideration, he would, therefore, move that the petition be read.

The petition was read and received accordingly.

The Appropriation Bill was read a second time, and ordered to be read a third time on Tuesday next.

The Attorney-General said, since the Courts of Requests Bill was last under consideration, he had prepared a clause which he hoped would meet one of the suggestions of his honor the Chief Justice. He felt some surprise at the objection which had been made to the bill, on the constitutional ground that it took away the right of trial by jury. The rule of the Su-

preme Court was, that certain cases should be tried by assessors, and if parties wished for a jury they were obliged to make affidavit that the case was one which required it; there were no applications in cases under 30l., and he apprehended if there were they would be refused, so that the objection would apply to the Supreme court itself equally with the Courts of requests, which it was proposed to establish. As the jurisdiction was to be raised to 30l., he was not prepared to recommend the exclusion of attorneys; but a very moderate scale of fees should be drawn up for the judges to remunerate them if they attended. They attended the country courts in Scotland, and the expense was seldom more than 4l. or 5l. He would not make it compulsory on parties to appear by attorney. He would rather that every man should be the guardian of his own claims; but he would press upon the Council the necessity of allowing these clauses to remain. The clause which he had altered to meet the suggestion of his honor was to the effect, that barristers of three years' standing of the English or Irish bar should be appointed to preside in such courts as his Excellency might think expedient. He had carefully gone through thirty or forty acts of a similar nature, and had endeavoured to gather from them what he thought was best adapted to the wants of this Colony.

The Governor said that the clause if he understood it rightly would compel him to do what he had said the other day he would not, to appoint barristers as commissioners. He had made up his mind on that subject, and should therefore object to the clause. The present circumstances of the colony he would not sanction the creation of new and expensive offices. For a salary of 500l. a year they would only be able to get the junior members of the profession, who, though they might be men of high attainments, still wanted experience. With respect to attorneys practising in these courts, as the expense would not fall upon the government, he would not object to it altogether, but they would deceive themselves if they thought 4l. or 6l. would be all the expense. He wished to correct what he had said the other day respecting attorneys who attend the circuit courts charging their travelling expenses on each of their clients. He found that he was wrong in making that statement. Their practice was much worse than he had stated, as they charged two guineas per diem to each of their clients, and divided their travelling expenses among the whole of them. If they had twenty clients, and charged each of them two guineas a day, that made forty guineas a day, and then they divided amongst them their travelling expenses. An attorney in Sydney had been appointed by the government to go to Maitland to defend the prisoner there, and on his bill being sent in, there was a charge of fourteen guineas for seven days attendance. This he thought somewhat high, and he had therefore applied to Mr. Dillon, the crown solicitor, on the subject, who informed him that this was the invariable practice.

The Chief Justice said the case to which his Excellency had alluded was that of a most respectable attorney, Mr. G. Allen, who had been appointed to go to Maitland to defend a man there. He had no other business at Maitland; the trial did not come on till towards the end of the assizes; and he had to wait there seven days. If a jury of twelve citizens had been called on to assess damages in the case, they would have given him every farthing he claimed. Attorneys were not like common laborers; they had gone through a course of education which was very expensive, and it required at least 1000l. to fit them for their profession. This bill was supported by an hon. member opposite, on the ground that it would enable people to get justice without law. He would ask, however, what cause could be judged without law? In the most ordinary transactions of life an appeal was made to some standard. The clause now introduced by the Attorney General removed one of his objections to the bill. He had not made any stand on the question of trial by jury, as he believed two assessors and a legal gentleman would be competent to try the cases which might come before them. But his learned friend had not removed his (the Chief Justice's) objections respecting the right of appeal; if a clause were in-

troduced, giving the Commissioner a power to reserve any difficult case for the judgment of the Supreme Court, that would perhaps meet his objection. He would rather see the experiment tried in the remote parts of the colony, than in the county of Cumberland, which was so near to the Supreme Court. It might be all very well to have a Court for the recovery of 10l., but this bill would have the effect of creating a Court analogous to the Supreme Court, and they would thus have two Supreme Courts in the county of Cumberland. The expense in some instances would be rather increased than diminished, and he was of opinion that the people would rather have things as they were than otherwise. If the bill was to be confined to the county of Cumberland, he would only say that there it was not wanted; if it was to be tried in the remote districts of the colony he would have gentlemen to preside over the courts who were qualified by their legal education; and without the assistance of legal practitioners in the court, he feared in many cases justice would not be done.

Mr. J. Macarthur said that there was a spirit of litigation amongst the people, and it was to check that spirit that these courts were proposed; but if legal practitioners were admitted, the time of the court would be taken up in the discussion of abstruse questions, instead of looking at the merits of the case.

Mr. Jones said he hardly knew whether the Chief Justice intended to oppose the bill or not. He still thought there was a great difference between law and justice, and he wanted these courts to be courts of justice and not of law. One-fourth of the cases tried in the Supreme Court were under 30l., and he would venture to say that each of them had cost 30l. or 40l. more. He hoped, therefore, notwithstanding the objections of the Chief Justice, the Council would pass the bill.

The Governor had hoped that at the last sitting the medium course which had been pointed out would have met with the support of all, but now they were told that these courts were not wanted in Cumberland. It was urged that the supreme court was always open, but that was very much like the old joke that the London Tavern was always open, and persons might go in; but they could have nothing without paying for it. They would be obliged either to establish a court of this kind or, if possible, reduce the expenses of the Supreme Court. Who were the proper persons to do that, he was not prepared to say. He would not persist in the bill in opposition to the opinions of the Judges, and yet he did not wish to withdraw it unless strongly advised to do so.

The Attorney-General said if the bill was necessary anywhere it was in the county of Cumberland, and they had a petition from the inhabitants of Sydney calling loudly for it. If the bill was not first tried in the county of Cumberland, there was little prospect of its beginning anywhere. Perhaps, under all circumstances, the wisest course to pursue would be to postpone, but not to abandon the bill. He owed it to that community, of which he had so long been the servant, to devise such a measure as would meet their wants, but as he could not calculate on the support of the Judges, the best way would be to let it lie over for a time; and he should at least have the consolation of knowing, that at some happier period of legislation, it would be passed into a law.

The Council adjourned to Friday.

A PROTESTANT GLANCE ON THE BY-GONE "DAYS OF OTHER YEARS."

Behold the man of God, by Rome accurst—
By Babylon the mystical condemned,
Approach the Martyr pile to slake the thirst
Of health Rome, whose wrath could not be stemmed.
Behold the congregated human mass,
Whose breath suspense arrests, and silence seals—
Behold the guard, through which he has to pass,
Or ere his frame, the dreadful torture feels.
He looks around composed—with glowing eye
He sees the cannon, on the castle wall,
Guarding the martyr, who has to die.
From which in ashes soon, his frame must fall.
He sees the lordly cardinal repose
His limbs voluptuously, in pillowed ease;
Glutting his eyes with those unhalloved woes,
Which he and Rome, now bid the martyr seize.
Bold and unflinching Wisdom mounts the pile,
With all the martyr in his looks displayed;
No dizzy dread could make him there recoil,
From that fell load, which Rome upon him laid.
Fearless, triumphant, in the Truth's blest cause,
He waits, unmoved, the dread consuming fire;
This rather choosing, than to break God's laws.
Against this, oh! what was Rome, with all her hellish
At last the faggots crackling throw around [form—
The smoke, which thickening, shades the Martyr's
The flames burst forth—the drum and trumpets sound—
And down the multitudes low murmuring storm.
Oh! that it would outburst, and break the bands
Of death, and bid them all to fly down,
But ah! it is the scarlet-coloured wreath, still stands
In state triumphant, and with hellish frown
Throws darkness all around, and high commands.
"This done," 'tis finished—ended ere the pains
Of him whose form is now but ashes white,
His pains are ended, for him now remains
A gleam of glory with effluence bright. I. N.
Sydney, August 25, 1842.

SUPREME COURT.—CIVIL SIDE.

TUESDAY.

Before Mr. Justice Burton, and a special jury.
Collins v. Elyon.—The evidence in this case was resumed this morning, and occupied the court during the remainder of the day. The counsel for the plaintiff were the Attorney-General, Mr. Winder, and Mr. Darvall; for the defendant, the Solicitor-General, Messrs. Foster and Broadhurst. The case as opened by the plaintiff's counsel was as follows:—"There were certain counts in the declaration. The slander complained of, was, that at various times, and to various persons, the defendant had, with a view to injure the good name and fame of the plaintiff, and to create doubts as to his solvency, concocted and spread reports which were untrue, and which had the effect intended. That the plaintiff was engaged in partnership with one William Hart, of London, in an extensive concern—sawing and felling mills, and that at various times he had had occasion to draw upon his said partner in England for various large sums of money to enable him to complete the building, &c., necessary to carry on this concern; that Messrs. Irving and Lamb had purchased such bills of the plaintiff to the amount of nearly 4000l., and were in treaty for the purchase of 1000l. more; but that the defendant had prevented the completion of the bargain by the slander complained of, by causing it to be believed that the plaintiff was in embarrassed circumstances, and that the bills which had been purchased by Messrs. Irving and Lamb would not be met when they came to maturity. The various counts recited that the defendant had said that 'not one of the bills,' meaning the bills drawn by the plaintiff on Mr. Hart 'would be met;' that he had said to Mr. Irving, 'What amount have you taken?' and on being answered, had added, 'not one will be paid;' that on another occasion the defendant had said, 'Hart is not a partner of his—Hart is no more a partner of his than I am, but he will come in as a principal creditor,' and lastly, 'all the bills will be dishonoured.' The declaration went on to state, that in consequence of these slanders the plaintiff's good name had been destroyed, and his credit ruined, and that in consequence he had been obliged to make an assignment of his property to his creditors, and declare himself insolvent.—The damages were laid at 10,000l. The defendant pleaded first, not guilty; and secondly, that the plaintiff was not jointly interested with Hart, and these were the issues for the jury to try. His Honor summed up. The jury retired for about 20 minutes and returned a verdict for the plaintiff, damages 1,000l.—The Judge certifying for a special jury.

Before Mr. Justice Stephen and a special jury.
Jones v. Young.—An action brought to recover a sum of money from the manager of the Auction Company for neglect of duty. Verdict for the plaintiff, damages 2,448l. 6s. 4d.

Before Mr. Justice Stephen and a special jury.
Ros v. Gibbs and another.—An action of trover to recover the value of a quantity of wine which had been sent to the plaintiff, a partner in a merchant. The entries had been passed in the usual manner at the Custom House, and the duty paid upon the value set down on these entries. Afterwards the Collector of Customs, who did not appear to have acted exactly on his own judgment, but rather as prompted by some officious persons, seized this wine. An interview took place, and at the suggestion of the Custom-house authorities, an amended entry was made, and the value of the wine was set down at 4l. 10s. per pipe, instead of 3l., as at first, and the duty was paid on this amended entry, and accepted by the Custom-house authorities, and the persons who were placed in charge removed it. After the wine, however, had been removed to border stores, the Custom-house authorities again took possession of it. This action was brought to recover the value of the wine.

The Attorney-General for the defendant, said if his honor ruled with him on a point, which he would presently state, the time of the jury need be occupied but a very short time. That point was, that this matter had already been dealt with in another court having competent jurisdiction, that the mis-called Benecarlo wine had been condemned by the Court of Vice-Admiralty, and therefore that the plaintiff could not bring the matter into this court to try the decision of the Vice-Admiralty court; and that, the proof of the condemnation by the Vice-Admiralty Court would be sufficient to bar the plaintiff from coming into this Court at all. He would prove that this Benecarlo wine had been condemned, that it had been seized for the Queen, and that the plaintiff had therefore no property in it, and could not recover its value from the officers of the Customs, who had merely done their duty. After hearing evidence at some length, Mr. Justice Stephen put the case to the jury, who having retired returned the following verdict:—"They found that the matter had already been dealt with in a court of competent jurisdiction, and they could not disturb its decision; and they found a verdict for the defendants. His Honor certified for a special jury.

BIRTHS.
At Nithsdale, St. Vincent, on the 16th instant, Mrs. Hugh Wallace, of a son. On the 21st instant at Clinton, the Lady of W. S. Deloitte, Esq., of a daughter.
At Williamson, Ross, on the 16th instant, Mrs. William Learmonth, of a son.
MARRIED.
On Tuesday, the 23d August, by special license, by the Rev. Dr. McGhie, Mr. Thomas Ailes, of the matter to Miss Martha Ailes, second daughter of Mr. Thomas Ailes, a laborer of the Debtors' Prison, Sydney, New South Wales.
DEATHS.
On the 12th inst. at her father's residence, Sussex Street South, Janet Orr, third daughter of William Orr, Engineer.
At Streeter House, Cuthberts, N. B., on the 14th April last, Alexander Henderson, Esq.

WANTED TO BORROW, £3,000,

ON first-rate property in the centre of the town of Sydney, now yielding a moderate rental of Five Hundred a-year. As the Security is exceedingly good, no higher rate of interest will be given than TEN PER CENT., and the loan will not be taken for a shorter period than four or five years.

IMPORTANT SALE.—CATTLE AND SHEEP.—Eight Hundred Head of Segenbo and Piper-bred CATTLE.—Four Thousand of improved Leicester and Teeswater SHEEP.

NOTWITHSTANDING "the times," it is quite manifest that it only requires a careful calculation with pen and ink to convince Capitalists that SHEEP and CATTLE, with STATIONS, &c., are beyond all comparison the best property in the colony (with industry and economy) to make money by, and so long as grass grows and wool is worn, they must continue to be so.

MR. STUBBS has been favoured with instructions from Messrs Nichol, Brownlow, and Macdermott to arrange the sale, and bring unserved to the hammer, at the Auction Mart, King-street, on Wednesday, the 21st day of September, 1842, at Twelve o'clock precisely,

400 Head of CATTLE and 4000 SHEEP and (RAMS in proportion) With Stations, &c. The former partly Segenboe breeds and crossed again carefully by Piper's bull's. The latter from Johnson's Teeswater and O'Brien's imported Leicesters.

THE BEAUTIFUL BRED COWS.

- Lot 1. 50 head of cows
2. 50 ditto
3. 50 ditto
4. 50 ditto
5. 50 ditto
6. 50 ditto
7. 50 ditto
8. 50 ditto

THE HEIFERS.

- 9. 25 head
10. 25
11. 25
12. 25
13. 25
14. 25
15. 25
16. 25
17. 25
18. 25

MALE STOCK, STEERS, &c.

- 19. 25 head
20. 25
21. 25
22. 25
23. 25
24. 25
25. 25
26. 25

TO SHEEP FARMERS land all settlers, versed and known as distinguished flock masters in the colony, these carefully bred sheep must bring to their recollection the many years of labour and expense spirited proprietors have been at since the arrival of those per Diadem, in 1829; imported purposely to improve the stock, by throwing in the best blood, both from the Escorial and Saxony flocks. It is natural to suppose that the descendants of that breed, at subsequent periods, required a further change, reinvestigating the constitution of the animal, so liable to falling off in shape and unity of proportion.

ON MONDAY, the 19th day of September, at noon, at the residence of the defendant, Clarence River, the Sheriff will cause to be sold a quantity of Household Furniture, about four hundred and thirty-five, consisting of Cattle, eight Horses and Mares, four Working Bullocks, &c., unless this execution is previously satisfied.

MEETINGS OF CREDITORS. Special meetings will be held to-day at the Supreme Court House, in the estates of George Blacket, and of Joachim Antony Curtos.

Colonial Secretary's Office. Sydney, 27th August, 1842. COUNCIL.

HIS EXCELLENCY THE GOVERNOR is pleased to direct that the general objects of the undermentioned Bill now under consideration of the Legislative Council be published for general information.

By his Excellency's command, E. DEAS THOMSON. "A BILL to continue for a limited time an Act passed in the fifth year of Her Majesty's reign, intituled, 'An Act to authorise the Governor of New South Wales, to detain at hard labour any Male offender under second sentence or order of transportation.'"

UNCLAIMED GOODS. A QUANTITY of Jewellery, Watches, &c., having been left for repairs during the last ten years, but have never been called for. All persons having any articles at the undersigned for repairs, are requested to call for them as early as possible, as he is retiring from business, and intends finally closing in a few weeks, when all goods remaining unclaimed will be sold by Auction and the proceeds given to the Benevolent Asylum.

AGRICULTURAL FARM TO LET. TO LET, for such time as may be agreed on, the Farm of Prospect Hill, being part of the estate of Dunmore, Paterson's River, and consisting of 341 (three hundred and forty-one) acres of ground, of which upwards of 200 (two hundred) are alluvial land, all cleared and of the first quality; one hundred and forty acres being at present under crop.

ARRIVALS. August 25.—The barque Brilliant, Captain Richie, from Port Nelson, having left the 16th ultimo, in ballast. Passengers—Capt. Stobo and Master Sisk. 25.—The ship Earl Durham, Captain Cabel, from Valparaiso, having left the 4th June, with wheat, &c. 25.—The big Hind, Captain Maughan, from the Loyalty Islands, having left the 8th instant, with sandal wood.

DEPARTURES. August 25.—The brig Governor Phillip, Captain Boyles, for Norfolk Island, with stores. Passengers—Mrs. Farrelly family, Messrs. Sims and Simpson, Lieut. Riley, 80th regt., Lieut. Nicholson, 80th regt., twelve rank and file 86th regt., and twenty-one rank and file 89th regt.

PROJECTED DEPARTURES. This day.—The Thomas Lord, for Port Phillip; the Dorset, for South Australia; the Wilmot, for Java; the Earl Durham, for Calcutta. To-morrow.—The Jupiter, Honduras, and Clarinda, for London; the Regia, for Port Nicholson; the Jacta, for the Bay of Islands; and the Europa, for Valparaiso.

YESTERDAY'S GOVERNMENT GAZETTE. Richard Hamner Bunbury, Esq., of William's Town, Port Phillip, is appointed a magistrate of the territory, and superintendent of Water Police for the town of Melbourne, the town and port of William's town, and all other parts of the harbour of Port Phillip, except that part known as the harbour of Geelong.

THE COUNCIL.—We could hardly help being struck with the sense of indignity which some of the more high-minded members of Council exhibited the other day when the Governor read a passage from the instructions drawn up for his guidance, in regard to the Aborigines, by a committee of Parliament. A Council of Nominees is described in the passage referred to as occupying an invidious position above their fellow subjects, to which they have no better title than the preference of the Crown.

THE BEAUTIFUL BRED COWS. Dropping their calves, and all to be given in.

TO THE EDITOR OF THE COLONIAL OBSERVER. Sydney, 26th Aug., 1842. SIR—I feel quite ashamed in being called to notice the pitiful and persevering attempts of the Rev. W. M'Intyre, of Maitland, to fix upon me, as a Minister of religion, the charge of wilful, direct, and deliberate falsehood. Even though I had been guilty of all he attempts to prove against me, he himself would be far guiltier still, from the ferocity with which he assails me, and the scandalous and disgraceful epithets with which he attempts to overwhelm me.

LEGISLATIVE COUNCIL.

FRIDAY, AUGUST 26.

Present—The Governor, the Chief Justice, the Commander of the Forces, the Auditor-General, the Colonial Secretary, the Collector of Customs, Messrs. Campbell, Berry, Jones, Blaxland, H. and J. Macarthur, and Sir J. Jamison.

The Colonial Secretary brought up the report of the committee on Immigration, which the Bishop had promised to present on Thursday. There had been no meeting of Council on that day, and the Bishop could not attend to-day. He had therefore presented it to the Council at his request.

The report was ordered to be printed, and the Colonial Secretary gave notice of a resolution to be moved on Tuesday next, to the effect that the report should be adopted, and his Excellency requested he transmit it to the Secretary of State.

The Governor said that though the session was now far advanced, he hoped honourable members would not be alarmed when he informed them that he had still one short bill to bring forward. It was but a very short one, and could soon be disposed of. At the same time it was one of great importance, and it was desirable that it should be passed before the termination of the session. He would only offer a few words in explanation. It had reference, not indeed directly, to Norfolk Island, and the system that had been pursued there for the last two years and a half, under the direction of Captain Machonochie. An Act had been passed in the last session of Council to enable the Governor to detain certain male convicts within the Colony. The Council may remember the reasons he had then given in favour of the plan he proposed, but he would on the present occasion shortly recapitulate these. Since the adoption of the experimental system he had received repeated instructions from the Secretary of State to send no more of the class of double convicted felons to Norfolk Island. At the same time Moreton Bay ceased to be a penal settlement, and was open to colonization. He thus found it impossible to carry out the law of the Colony contained in the act, usually styled the summary punishment act, there being no penal settlement to which that class of convicts could be sent. In these circumstances he had looked towards Van Dieman's Land as the only quarter open for them, but a difficulty arose as to how the convicts were to be disposed of there, and he then came to this Council, impelled by the necessity that he foresaw would arise, to receive their authority to detain such convicts within the Colony, at such places as might be deemed expedient. He had been also required by his instructions to recal from Norfolk Island such prisoners of this class as were there; but they had no where else to send them, and this part of his instructions he had not been able to carry out. In this embarrassment he had made a reference to her Majesty's Government; but in the mean time some steps should be taken until the further instructions of the Secretary of State should be received. He would guard himself in the outset against his being understood as expressing any opinion on the success or failure of the system pursued by Captain Machonochie, as it was not at present called for. That system had been in operation since 1839; during that time several tickets-of-leave had been issued by him, acting under the instructions of the Secretary of State. The greater number of the holders of these tickets were now living on the island, and it must be admitted that it was no easy matter to keep them within proper restraints in this novel and anomalous state. The expense of the establishments there had consequently increased, and was likely to increase much more. He did not offer any opinion on the general merits of the system. He proceeded wholly on the question of expense, and on this consideration alone he had written a despatch to the Secretary of State, (which was at present signed and sealed, though it had not yet left the Colony,) proposing that the prisoners referred to should be transferred in the month of March next from Norfolk Island to Van Dieman's Land. This would of course bring the experimental system to an end, unless other prisoners arrive in the meantime from England destined for

that settlement. This he considered very unlikely, for though he had not certain grounds for such an opinion, he believed that her Majesty's Government had some doubt of the expediency of its continuance. He had not brought forward the present bill last week, in order that the intelligence might not be carried to the settlement by the *Governor Phillip*, which sailed a few days ago. He considered it prudent and necessary that Captain Machonochie should have the opportunity afforded him of making the announcement himself, and in the way that he might judge most expedient; and he had therefore forwarded him a copy of the despatch referred to by the *Governor Phillip*. The instructions which he might expect in reference to his former communication to the home government, could not therefore relieve him from his embarrassment; and the act passed last session would expire on 21st September next. The Lieutenant Governor of Van Dieman's Land had objected to receive them; and though he (the Governor) believed that the law authorised him—on issuing a proclamation declaring that Island the sole receptacle of prisoners from this Colony, without distinction of class—to send them there, he was not disposed to employ the powers the law gave him for this purpose; and he had therefore made an arrangement with Sir John Franklin to retain at Cockatoo Island all whom it was safe to retain, sending to Van Dieman's Land those only whose intimate acquaintance with the country rendered it impossible to retain them here with safety.—This number had not exceeded 40 or 50 a-year; and this arrangement he proposed to continue. It would, therefore, be necessary that the act of last session should be further continued for a limited time. The effect of the arrangement now proposed would be to restore Norfolk Island to the circumstances in which it stood before the year 1840. It would still be necessary, he believed, to have such a station for the purpose of primary transportation in one or other of the Islands of the Pacific, and he had made representations on that subject to the Home Government, as it was a subject entirely for their consideration. He would guard himself once more against this being taken as an expression of his opinion as to the success or failure of Captain Machonochie's system. That officer had expressed an objection at the first to the locality and character of the Island, as being unsuited to his purpose. And he (the Governor) now concurred entirely in that opinion. The success or failure of the system was not to be judged by anything that had occurred at Norfolk Island. The result must be tested by the conduct of those on whom it had been tried when they have passed into another society; and although much had been said of the danger to this community of bringing back expirers, or rather those who left Norfolk Island before the expiration of their sentences, under the operation of the act 2 Victoria, No. 1, known as the Norfolk Island act, to work on the roads in this Colony, he was happy to say, that on inquiry he was satisfied that the danger was exaggerated. The whole number of persons so returned to the Colony, under the operation of the Act was 783, who had been brought in 17 importations, averaging 46 each. The first were brought on the 12th February, 1839, and the last on the 16th July, 1842; of these 209 were now totally free; 196 in the condition of ordinary prisoners of the Crown; and 378 are serving out their commuted sentences. The offences committed by the first two classes which had been detected and punished was only 37, and the greater number of these were cases of larceny; the number of the second class who had absconded and were now at large was only 13. These facts gave little sanction to the outcry that had been raised against the operation of the Norfolk Island Act. In reference to Cockatoo Island, he considered it eminently adapted to the purpose for which it had been employed, no escape had been effected from the Island since it had been made a penal settlement. Several attempts had been made, but all of them had failed. The place was certainly no play ground, and the system of discipline could not be blamed with being too lax: it had also the advantage of being

under the eye of the Government, so that any evil could immediately be remedied. This was the greatest inconvenience in the case of Norfolk Island. He believed not one of the Governors of New South Wales had ever visited that settlement. Were he to institute a new prison for convicts it would be as immediately as possible under the control of Government, and sufficiently near for that control to be efficiently exercised. He would propose a large prison on the plan of the American Penitentiaries.

The bill was read a first time and ordered to be read a second time, on Tuesday next.

For its general objects see another column.

The second reading of the bill for the distribution of the fines imposed on drunkards was then proceeded with. Several amendments were proposed and adopted, placing it at the discretion of the magistrates to distribute a portion to all the benevolent and charitable societies and institutions within the district in which they were imposed; such as the Goulburn hospital and the Parramatta benevolent society.

The third reading of the bill in its amended form stands over for Tuesday next.

The second reading of the Court of Requests Act was then called.

As the views of members on this bill are already expressed in the debate of the previous sitting, in the second page, we shall only take a very cursory review of the proceedings of yesterday.

The Attorney-General expressed his sense of the difficulty of his position; unwilling to proceed with the bill in the face of the expressed disapprobation of the Judges; and unwilling, on the other hand, to withdraw a bill so urgently called for by the public. He would therefore postpone the bill, but not abandon it. The Council, he understood, after the close of the Session, was to meet again after a short interval, about the first of next year; and he should therefore recommend the appointment of a committee, who could in the mean time give the bill their attention, so that it might be brought forward in such a form as might meet the approbation of the Judges.

The Chief Justice objected to the establishment of a new Court of Record. The powers of such a court extending to fines, imprisonment, and other punishments of a similar kind. The Commissioner might commit any one, and no redress could be obtained; for being constituted a Court of Record their decisions were final. It was therefore, not only trespassing on the province of the Supreme Court, but conferring on the Commissioner dangerous powers. It was proposed to establish a low scale of fees, if attorneys were admitted at all; but although no advocate for dear law, he was opposed to such a proposal, for it would lead to the admission into these courts of an inferior class of attorneys—inferior both in character and standing. The bill was also objectionable, as there was no appeal, and it was at the option of the Commissioner to grant a new trial. The public eye was not so likely to act as a check to the improper exercise of his authority by the Commissioner, as by the Judges of the Supreme Court, on whom the eyes of the community were more directly fixed; and abuses would thus creep into the administration of justice. The Chief Justice at the same time had no wish to prevent his hon. friend the Attorney-General from enjoying the honorable reputation which his assiduous efforts on the present occasion to serve the public eminently deserved. He only wished to point out the danger involved in the measure now before the Council.

The bill was at last, after much hesitation proceeded with by the Attorney General, on the understanding that the various clauses should be amended to meet the views of the Chief Justice.

The 1st, 2nd, and 3rd, clauses were then read and passed; but on the third the question of the qualification of the Commissioner for the Courts in the County of Cumberland arose. The Attorney General expected the Chief Justice to make such an amendment as would meet his views, but the Chief Justice replied—He was not prepared; the bill had never been shewn to him; he had never seen it till laid on the Council table; he was taken by surprise.

The Attorney General explained the seeming neglect. And the clause being governed in so far as regarded qualification by one of the succeeding; it also was passed.

Some further discussion took place on the fifth clause, which was re-committed.

The measure on the whole seems to make its way through the Council with great difficulty.

Council adjourned to Tuesday next.

THE AUSTRALIAN COLLEGE.—We have much pleasure in stating that this institution is already exhibiting something of renewed life. The number of pupils is gradually increasing; and from our own observation of their progress in their studies, we entertain the hope that the day of its complete revival is not far distant.—The Female Seminary is also now in full operation, and an admirable institution it promises to be. The internal arrangements for the boarders, and the educational department, now finally arranged, are both in the highest degree creditable to the parties concerned. The moral influence which such an institution is calculated to exercise, if maintained in permanent operation, as we have no doubt it will, is sufficient to commend it to the warmest support of an enlightened community. The classes were opened on Monday last, as previously announced.

BUSHRANGING.—We regret to learn that our esteemed fellow-colonist, Mr. Bigge, while proceeding from Maitland to Darling Downs, with fifty mares, was attacked on Sunday last, between Muswellbrook and Aberdeen, by a party of armed bushrangers, and dangerously wounded. On the first attack Mr. Bigge being armed, fired on his assailants, but without effect; and before he could re-charge, he was fired at, and shot in the arm. Mr. Allman is in pursuit of the desperadoes, but we have not learned his success.

WATER POLICE.—Michael Farrell, a settler at Pittwater, appeared on Wednesday, to answer the charge preferred against him by Mr. Jeffrey of the Customs, of being concerned in concealing the contraband spirits, lately seized on the Hawkesbury; but the charge was dismissed on account of Mr. Jeffrey's not appearing in time. R. Henderson, residing in Erskine-street, Sydney, was also brought up, charged with being an accomplice in the same transaction. The defendant had been seen and overhauled by Captain Browne on the night of the seizure, coming from the direction where the spirits were afterwards found, in the stern sheets of a boat pulled by two men. A witness named Michael Sullivan, had also seen him at Cowan Creek on the rocks in company with two men, in the middle of June last, with a boat at hand containing casks apparently of spirits. The witness deposed that the defendant had offered him 50l. to say nothing about having seen him there. Some further evidence was gone into, but the case was dismissed on the ground that no evidence had been brought to prove that Cowan Creek was in the colony of New South Wales, as alleged in the information. A fresh information was filed against the defendant which stands for trial to-day.

OUR PORT PHILLIP CORRESPONDENT.

We regret exceedingly that a correspondence from Port Phillip of a violent tenor should have passed into the hands of the printer and into the columns of our last publication without the exercise of the usual censorship; an extraordinary press of business of another kind requiring our absence from the office on the past night. We certainly give no countenance whatever to the improper epithets our correspondent has most injudiciously applied. We are quite astonished, considering the usually temperate character of the writer, that he should have foolishly sent us a letter for publication, containing such intemperate language. We give it our own unqualified condemnation, but it was not observed till too late to be remedied.

WHEAT.—By the arrival of the *Earl Durham*, from Valparaiso, 22,000 bushels of wheat have been thrown into the market. Another considerable cargo is on the way.

CHINA.

CHRISTIANITY IN SIAM.
(From Gutzlaff's Voyages.)

"When the Portuguese first came to this country, in 1622, they immediately propagated their own religious tenets. The French missionaries came to the country some time afterward, by land. They had high anticipations of success from the assistance of Cephalonian Phaulkon; and as soon as the French embassy arrived, and French influence gained the ascendancy, they increased the number of able labourers. Two of them even shaved their heads, and conformed to the customs of the Siamese talapovs or priests, under pretence of learning the Bali language. But, when the treachery of Phaulkon had been discovered, he himself killed, and the French expelled, the influence of the priests vanished; the number of their converts, instead of increasing, rapidly diminished; and the two individuals, who went to live with the Siamese priests, were never more heard of. Though the French missionaries have maintained their station here to this day, yet at times they have been driven to great straits, and subjected to frequent imprisonments.

"It is astonishing that, while in all other countries where Romanists have entered, their converts have been numerous, there have never been but a few in Siam. At present, only a small number—mostly the descendants of the Portuguese, who speak the Cambojan and Siamese languages—constitute their flock; they have at Bankok, four churches; at Chantibun, one; and lately, a small one has been built at Jutaya, the ancient capital. Yet all this would be of little consequence, if even a few individuals had been converted to their Saviour, by the influence of the Holy Spirit. But, to effect this change of heart and life, seems, alas! never to have been the intention of the spiritual guides, or the endeavour of their followers. I lament the degradation of people who so disgrace the name of Christians; and would earnestly wish that never any convert of such a description was made.

"The labours of the protestant mission have hitherto only been preparatory, and are in their incipient state. However, the attention of all the different races of people who inhabit Siam has been universally roused; and we may predict the approach of the happy time, when even Siam shall stretch forth its hands to the Saviour of the world."

COMMERCIAL OPENINGS IN SIAM.

"A country so rich in productions as Siam, offers a large field for mercantile enterprise. Sugar, sapan-wood, beche-de-mer, birds' nests, sharks' fins, gamboge, indigo, cotton, ivory, and other articles, attract the notice of a great number of Chinese traders, whose junks every year, in February, March, and the beginning of April, arrive from Hainan, Canton, Soakah (or Shankeo, in Chau-chow-Foo), Amoy, Ningpo, Seang-hae, (or Shang-hea-heen, in Keang-nan), and other places. Their principal imports consist of various articles for the consumption of the Chinese, and a considerable amount of bullion. They select their export cargo according to the different places of destination, and leave Siam in the end of May, in June, and July. These vessels are about eighty in number. Those which go up to the Yellow sea take mostly, sugar, sapan-wood, and betel-nut. They are called Pak-tow-sun, (or Pih-tow-chuen, white headed vessels), are usually built in Siam, and are of about 290 or 300 tons, manned by Chau-chow-men, from the eastern district of Canton province. The major part of these junks are owned either by Chinese settlers at Bankok or by Siamese nobles. The former put on board, as supercargo, some relative of their own, generally a young man, who has married one of their daughters; the latter take surety of the relatives of the person whom they appoint supercargo. If anything happens to the junk, the individuals who secured her are held responsible, and are often very unjustly thrown into prison. Though the trade to the Indian archipelago is not so important, yet about thirty or forty vessels are annually dispatched thither from Siam."

CHINESE NAVIGATION.

"Chinese vessels have generally a cap-

tain, who might more properly be styled a supercargo. Whether the owner or not, he has charge of the whole of the cargo, buys and sells as circumstances require; but has no command whatever over the sailing of the ship. This is the business of the Ho-chang or pilot. During the whole voyage, to observe the shores and promontories are the principal objects which occupy his attention, day and night. He sits steadily on the side of the ship, and sleeps when standing, just as suits his convenience. Though he has nominally the command over the sailors, yet they obey him only when they find it agreeable to their own wishes; and they scold and brave him, just as if he belonged to their own company. Next to the pilot (or mate) is the Tokung (helmsman), who manages the sailing of the ship; there are a few men under his immediate command. There are, besides, two clerks; one to keep the accounts, and the other to superintend the cargo that is put on board. Also, a comprador, to purchase provisions; and a Heang-kung, (or priest), who attends the idols, and burns every morning, a certain quantity of incense, and gold and silver paper. The sailors are divided into two classes; a few, called Tow-muh (or head men), having charge of the anchor, sails, &c.; and the rest, called Ho-ke, (or comrades), perform the menial work, such as pulling ropes, and heaving the anchor. A cook and some barbers make up the remainder of the crew.

"All these personages, except the second class of sailors, have cabins; long, narrow holes, in which one may stretch himself, but cannot stand erect. If any person wishes to go as a passenger, he must apply to the Tow-muh, in order to hire one of their cabins, which they let on such conditions as they please. In fact, the sailors exercise full control over the vessel, and oppose every measure which they think may prove injurious to their own interest; so that even the captain and pilot are frequently obliged, when wearied out with their insolent behaviour, to crave their kind assistance, and to request them to show a better temper.

"The several individuals of the crew form one whole, whose principal object in going to sea is trade, the working of the junk being only a secondary object. Every one is a shareholder, having the liberty of putting a certain quantity of goods on board; with which he trades, wheresoever the vessel may touch, caring very little how soon she may arrive at the port of destination.

"The common sailors receive from the captain nothing but dry rice, and have to provide for themselves their other fare, which is usually very slender. These sailors are not, usually, men who have been trained up to their occupation; but wretches who were obliged to flee from their homes; and they frequently engage for a voyage before they have ever been on board a junk. All of them, however stupid, are commanders; and if any thing of importance is to be done, they will bawl out their commands to each other, till all is utter confusion. There is no subordination, no cleanliness, no mutual regard or interest.

"The navigation of junks is performed without the aid of charts, or any other helps, except the compass; it is mere coasting, and the whole art of the pilot consists in directing the course according to the promontories in sight. In time of danger, the men immediately lose all their courage; and their indecision frequently proves the destruction of the vessel. Although they consider our mode of sailing as somewhat better than their own, still they cannot but allow the palm of superiority to the ancient craft of the "Celestial Empire." When any alteration for improving is proposed, they will readily answer—"If we adopt this measure we shall justly fall under the suspicion of barbarism.

"The most disgusting thing on board a junk is idolatry, the rites of which are performed with the greatest punctuality. The goddess of the sea is Ma-soo-po, called also Teen-how, 'queen of heaven.' She is said to have been a virgin who lived some centuries ago in Fuhkeen, near the district of Fuhchow. On account of having, with great fortitude, and by a kind miracle, saved her brother who was on the point of drowning, she was deified, and loaded with titles, not dissimilar to those bestowed on the

Virgin Mary. Every vessel is furnished with an image of this goddess, before which a lamp is kept burning. Some satellites, in hideous shape, stand round the porly queen who is always represented in a sitting posture. Cups of tea are placed before her, and some tinsel adorns her shrine.

"When a vessel is about to proceed on a voyage, she is taken in procession to a temple, where many offerings are displayed before her. The priest recites some prayers, the mate makes several prostrations, and the captain usually honours her by appearing in full dress before her image. Then an entertainment is given, and the food presented to the idol is greedily devoured. Afterwards the good mother, who does not partake of the gross earthly substance, is carried in front of a stage, to behold the minstrels, and to admire the dexterity of the actors; thence she is brought back, with music, to the junk, where the merry peals of the gong receive the venerable old inmate, and the jolly sailors anxiously strive to seize whatever may happen to remain of her banquet.

"The care of the goddess is intrusted to the priest, who never dares to appear before her with his face unburned. Every morning he puts sticks of burning incense into the censer, and repeats his ceremonies in every part of the ship, not excepting even the cook's room. When the junk reaches any promontory, or when contrary winds prevail, the priest makes an offering to the spirits of the mountains, or of the air. On such occasions, (and only on such,) pigs and fowls are killed. When the offering is duly arranged, the priest adds to it some spirits and fruits, burns gilt paper, makes several prostrations, and then cries out to the sailors—"Follow the spirits!"—who suddenly rise and devour most of the sacrifice. When sailing out of a river, offerings of paper are constantly thrown out near the rudder. But to no part of the junk are so many offerings made as to the compass. Some red cloth, which is also tied to the rudder and cable, is put over it; incense-sticks in great quantities are kindled; and gilt paper, made into the shape of a junk, is burnt before it. Near the compass, some tobacco, a pipe, and a burning lamp are placed, the joint property of all; and hither they all crowd to enjoy themselves. When there is a calm, the sailors generally contribute a certain quantity of gilt paper, which, pasted into the form of a junk, is set adrift. If no wind follows, the goddess is thought to be out of humour, and recourse is had to the demons of the air. When all endeavours prove unsuccessful, the offerings cease, and the sailors wait with indifference."

CITY OF NINGPO, NEAR CHUSAN, THE PRESENT SEAT OF WAR IN CHINA.

"To a mandarin boat which had come up with us we gave a report of our ship, and passed on undisturbed towards Ning-po, situated about eleven miles up the river: The noise of junk-building, and the large quantities of timber which were piled up on both sides of the stream, announced the neighbourhood of Ning-po. The people looked very disdainfully at us, and repeatedly called out hi-h-kwei, 'black devils.' In the middle of the city the river divides into two branches, neither of which has fresh water. The junks here were larger and more numerous than at Fuh-chow. While in search of the principal office we passed a broad street, well lined with the most elegant shops, which even exceed those at Canton. European manufactures, as well as Chinese, were here displayed to much advantage. Mirrors and pictures also, with the most splendid silks, embellished and decorated the scene.

"We were first shown to the office of the Cheheen, a magistrate of a small district, several of which make a Foo. Our names were noted down, the particulars of our voyage inquired into, and this, as well as all the other accounts, delivered in writing. As soon as we had duly reported, the Che-heen, who was an elderly man, and wore a white button, came out, and offered to introduce us to the Che-Foo. We followed him at some distance amidst a numerous crowd, and finally came to a large hall with many books, destined for the examination of the lowest graduates, the Sew-tsee. The police runners belonging to this office are very numerous, but by no means kept the people in order who

thronged the passage, and could not be prevailed on to leave their stations.

"The Che-Foo, a stout man, of a very pleasing countenance, with a blue button, soon made his appearance. Mr. Lindsay formally delivered his petition. He began immediately to read it; and after having finished it, he turned towards us and said, 'This matter deserves our attention; we ought to deliberate upon the subject. In the mean while I shall provide you with a lodging and board. Don't you think this is right?' Upon receiving answer in the affirmative, he immediately ordered his servants to conduct us to our lodgings. We crossed a floating bridge, and arrived at the leen-kung, Fuhkeen hall. This was an extensive building, with spacious rooms, adorned with Chinese pictures and idols. A very sumptuous supper was served up in the evening, and every attention shown us to make us comfortable. We were fully sensible of this uncommon degree of kindness, and made no remarks upon the dirty room where we were to pass the night. In front of it were different idols, all gilt; one of them was inscribed with the name of the emperor, and received his regular supply of incense with much more attention than his neighbours.

"May 27.—During the whole night the vociferating crowds had never wholly left us. To-day they re-assembled, and were not less anxious to satisfy their curiosity than yesterday. Yet they observed decorum towards us, and one hint from us would silence the most clamorous crowd. Several merchants made inquiries after the prices of our merchandise. Some of the inferior officers asked us what were the countries bordering on our territories in Asia, and how far our power extended. We were upon the point of going out to view the city when we received a visit from several mandarins, both military and civil. Two of these were Turkomans by descent, and Mohammedans by profession. Ma, one of them, was a tall man, with a blue button, and had passed some time at Macao and Canton. He was a very intelligent man, well acquainted with the customs of foreigners, and versed in all the diplomatic arts of mandarins. The mandarins in general are exceedingly ignorant of all the concerns of foreign countries which are either not immediately under the sway of the Celestial Empire, or bordering upon it. They were astonished to hear that our India possessions were separated only by forests and mountains from the Chinese province of Yunnan, and could scarcely believe that we were so near them. Ma, however, waived these topics of petty alarms, and entered into a full discussion upon the European powers which traded to China. He referred to Arabia and Persia as the cradle of Mohammedanism, and tried to repeat some Arabic phrases to show his adherence to the system of religion which was delivered in that language. He was ample in his praise of European character, highly extolled the advantages of a trade with them, and frequently addressed the other mandarins upon the subject with true Persian flattery, and empty Chinese compliments. Yet his conversation was most interesting, and would have been valuable but for being intermixed with too palpable adulation. We received apparently the most cordial farewell of the mandarins, who, whilst we were going to the long boat, came down towards the river, and bowed as long as we were in sight. The people, who by this time had read our "Pamphlet" on the English nation, were highly gratified with such an exhibition, and showed us the utmost attention. We bought several articles from the shops, inquired after others for exportation, and answered all the numerous questions of the natives.

"Returning by a circuitous rout to our boat, we came to the city wall, a very massive structure, but overgrown with weeds, and in a state of decay. We had here a view of the whole city. In extent it may vie with Fun-chow, and in population is not inferior to many of the large trading towns of Europe. It surpasses any thing Chinese which we have yet seen, in the regularity and magnificence of the buildings, and is behind none in mercantile fame. The Portuguese traded to this place as early as the sixteenth century. They found here a ready market for European products, and they exported hence to Japan

a great number of silk. After being once expelled they renewed it again, and other European nations participated with them in the trade, till the extortions became so great as to limit the foreign merchants to Canton. The English East India Company maintained a factory here till the last century. Whilst we were at Ning-po, we received a list of the ships which had formerly been at this port. They seemed to be very numerous; but at the present time no traces of the foreign trade are to be seen, though the old people retain still a faint remembrance of the foreigners. Here the celebrated Jesuits from France, near the end of the seventeenth century, landed, and obtained permission to settle at Peking. Two of them became the constant attendants on the emperor, Kang-he, in all his travels, and were the partners of his dangers in the Tartarian war. What great results might one have expected from such an opportunity, both to benefit the highest personages in the empire, and to impart to the people the blessings of Christianity! In these hopes we have been greatly disappointed. Instead of introducing the reign of truth, they created intrigue; in lieu of pure religion they spread popery. Though possessing the greatest talents, they never devoted them simply to the glory of their Saviour; they never employed them in giving to the benighted heathen, in their own language, the blessed Gospel of our Lord Jesus Christ. This is truly lamentable; that they should bestow such labours, encounter such sacrifices, and defend their tenets with such heroism, to found an earthly religion, which confers few blessings in this life, and leads to a doubtful eternity. In offering these sentiments, there is no design to depreciate their talents, or to vilify their religious zeal; but it is the language of deep regret to see the salvation of the soul neglected amidst the best opportunities of securing it; and the most trifling ceremonies predominate over the eternal welfare of men, which should have been the prime object in all their operations.

CAPE OF GOOD HOPE.

The papers from Hobart Town contain a few additional particulars relative to the affairs of the Cape and the military operations there, brought by the Surry convict ship.

Intelligence of the appointment of Sir Benjamin D'Urban to the command of the army in India, in the room of Sir Jaspas Nicholls, had been received.

The proposal to render the Cape a convict colony was meeting with strenuous opposition. The Governor, the Attorney-General, and all the members of Council had declared against it.

It would appear, from certain transactions in the Legislative Council, that all colonial governments are pretty much alike. The members of the Cape Council indeed seem to pay still less attention to Parliamentary usage and etiquette than the members of our own—and that is certainly little enough. The Zuid African of the 21st June contains a report of a debate, in which even the President of the Council is replying to the remarks of an hon. member, use the direct and unparliamentary form—You, referring to the individual speaker, instead of addressing the house.

A discussion took place on the 18th June on the subject of the estimates for 1843. The estimates were brought forward for the consideration of the Council without previous publication. Their consideration was opposed by Messrs. Ebden and Cloete. The Governor's speech on the occasion, if not caricatured, is as extraordinary a specimen of dictatorial assumption, as the debates of any colonial council could furnish.

The Governor—"You say, you have only cursorily looked at the estimates, although they were sent to you some days ago, and you are not prepared to consider them because you supposed that a certain course would be adopted. Why should you suppose that the Government would enter upon an entirely new course, and depart from the rule by which they have always hitherto acted? I do not see that you have any reason to suppose such a course would be adopted; and I am opposed to it totally."

Another amusing specimen of the queer proceedings of this queer Council is the following:—

Mr. Ebden.—"As my hon. and learned friend

does not rise, I venture to say for him, that he will not object to the addition of public works, as proposed. And on my hon. friend here, (Mr. Hendrik Cloete), uniting with us, I shall be too happy to join him in requesting you, Sir, to recommend the measure to the favourable consideration of her Majesty's Government."

The Governor, (rising).—"Before proceeding to the vote, I would adjourn till another day, as I have other business."

Adjourned till Wednesday, the 25th.

The settlers of Port Natal now claim our notice. A second despatch had been received at the seat of Government from the scene of hostilities, where a second attack on the part of the Boers had been made, but the particulars had not transpired. The English had received a reinforcement of 100 men. The pennant adopted by the Boers is a square red, white, and yellow flag.

Mr. King, by whom the despatch had been brought to the Cape, very narrowly escaped being stabbed on his way by a native, who had mistaken him for one of the Boers, who are in remarkably bad odour with the native tribes.

The French are suspected to have some connection with the Port Natal Independents; and the late seizure of the Marqueses by them, is said to be part of a general system of territorial extension in the islands of the Southern and Indian Oceans.

The following brief extracts from the Zuid African contain all that is interesting from that quarter.

[From the Graham's Town Journal, June 23.]

We have now the painful task of recording, that on Tuesday a communication from Natal reached town by the overland route, but which by the date appears to have been three weeks in making the journey. This communication, we deeply lament to say, confirms our worst fears for the safety of the little band of men who had been left in circumstances of such eminent danger. From the information now received it would seem that there was an attack by the Boers on the party which had been left to defend the stores, then recently landed from the Pilot, which Captain Smith had not had time and opportunity to convey from the landing place to the entrenched camp, about a mile and a half distant. These stores had been deposited in a strong stone building, and were protected by a small-arms party and a few British volunteers from among the civil residents. Amongst the materiel was one of the two eighteen pounders, sent round by the Pilot. There was also a large supply of shot and ammunition, as well as a considerable quantity of biscuit for the use of the troops. The whole has fallen into the hands of the Boers.

The point at Port Natal has been taken by the Boers on the 26th, (May); on which occasion two men were killed, and two wounded. Nearly all the stores brought by the Pilot, are taken and a large gun. It is thought that Captain Smith must surrender in a short time."

He states that the Boers were very numerous, and had completely invested the entrenched camp in which Captain Smith and his men then were. All communication from the camp is cut off, and which is said to be very short of provisions.

The despatch was brought from Captain Smith to the Lieutenant-Governor by Mr. R. King, who has been for 12 years a resident at Natal. He volunteered in the most handsome manner to perform this service, and was, we believe, the only individual at Natal who was willing to undertake the task. Mr. King accomplished the journey in ten days. Two horses carried him to the Umgazi; and the Miskojans enabled him to perform the remainder of the journey. We should mention that he acted as guide to the troops in their meditated attack on the Boers, and that a ball went through his hat, and his horse was shot under him during the murderous onslaught. He appears to have run some risk in coming hither. About 12 miles from Natal, he saw the spoor of 12 horses going in the direction of the colony, and on calling at one of his places afterwards, he was told by the natives there, who are in his service, that some Boers had been enquiring of them if any Englishmen had been that way, and stating that they had killed all the English.

The Dutch schooner, of which mention has been made before, had left the Bay, we hear, before the arrival of the troops. We are informed that it has been stated in a recent English paper, that a number of discontented Batavian officers had determined to offer their services to the Natal Boers. The arrival of this vessel is thought to have been the means of strengthening the determination of the Boers to resist the troops.

The Dutch encampment contained about 600 men when the troops arrived, and a reinforcement of 200 has since been received. The Dutch emigrants are said, however, to be able to muster 4,000 fighting men. We are informed, has sent to Captain Smith to offer his services, but they had not been accepted, though it is possible that this will now be the case. This chief can muster perhaps 10,000 warriors. The chiefs Faku and N'Capu, with their followers, will, we believe, be glad of an opportunity of falling upon the Dutch. Faku offered to escort Captain Smith to Natal with a number of his followers, but the offer was declined. The Boers, it is said, since the arrival of the troops, held a meeting at Natal, in which the question of peace or war was debated, and only three of them were in favour of British authority. A paper was sent round by order of the Volksraad, to all the English residents at Natal, which they were required to sign, binding themselves to oppose the troops; not one of them, however, signed it. Mr. Archbell, the Wesleyan Missionary, is on board one of the vessels in the bay, with his family; and most of the English residents at Natal, whether they have retired for safety. The Dutch

treated the wounded kindly—dressed their wounds, and sent them back to Captain Smith. The bodies of the slain were washed and sent back. The dead body of a Boer, which had been found by the English, was of course, delivered up to his comrades. There are, it is said, several deserters from the 72nd in the Boer's camp.

A man of the name of Joachim Prins, as we hear, has much influence in the Volksraad. He is described as an unprincipled and turbulent character. Pretorius, who is believed to have led the attack upon the British, is represented as prudent in resolve, though determined in action. He is commander-in-chief.

GAS.—Last Sunday evening the Scotch Church at Cape Town was lighted with gas.

The establishment of Depôts of troops at the Cape of Good Hope, to be in readiness for our Eastern dominions, has again been suggested. This is the healthiest station for troops in her Majesty's dominions. It is also the cheapest. If Sir Benjamin D'Urban proceeds to India, we have reason to believe that he will give his voice and influence in favour of this suggestion.

ARRANGEMENTS.—Arrangements are about to be made by the Superintendent-General of Education, for opening evening classes in Cape Town, and in other towns and villages, for the instruction of the liberated Africans. Government cannot pay too much attention to this branch of its duties; in the discharge of which, it is just to add, the present Governor gained a desirable and enduring reputation.

SYDNEY PRICE CURRENT.

IMPORTED MERCHANDISE.

Table with columns for ALES, SPIRITS, WINES, and TEAS, listing various goods and their prices in £ s. d.

Table with columns for SUGARS, COFFEE, TOBACCO, and FRUITS, listing various goods and their prices in £ s. d.

Table with columns for METALS, AMMUNITION AND SUNDRIES, and ROPE, listing various goods and their prices in £ s. d.

Table with columns for PAINTS, SUNDRIES, and ENGLISH MARKETS, listing various goods and their prices in £ s. d.

Table with columns for ENGLISH MARKETS, listing various goods and their prices in £ s. d.

Table listing prices for various goods like Ditto for barrels, Norway Deal Plank, American ditto, etc.

BREAD, FLOUR, AND GRAIN.

Table listing prices for bread, flour, and grain items like Bread per 2lb loaf, Ditto No. 1, etc.

COLONIAL MERCHANDISE—RETAIL.

Table listing prices for colonial merchandise like Butter (fresh) per lb, Ditto (salt) ditto, etc.

LIVE STOCK.

Table listing prices for live stock like Cattle, mixed, per head, Ditto, fat, etc.

DUTIES.

Table listing duties for various goods like Brandy, Gin, B.P. Rum, etc.

EXPORTS.

Table listing exports like Wool, Choice fleeces, Good ordinary, etc.

MELBOURNE MARKETS, AUG. 12.

Table listing Melbourne market prices for flour, wheat, etc.

HOBART TOWN MARKETS.

Table listing Hobart Town market prices for wheat, oats, etc.

LAUNCESTON MARKETS.

Table listing Launceston market prices for wheat, barley, etc.

ENGLISH MARKETS.

Table listing English market prices for sperm oil, southern ditto, etc.

