Oripinal Poetry.

[FOR THE MELBOURNE TIMES]

THE BUSHMAN. Oh? The Bushman's gone with his dog and gun, in the earliest light of the morning sun; His dray well stored, with the Bushman's cheer; And his jovial voice through the glade you hear. His flocks encrease, and the wool pays all. White his gen'zous board's at the traveller's call; By the clear river side he improves his time—
Ou, the Bushman's the stay of Australia's clime—

the Bushman's the stay of Australia's cime.
Then push round the sparkling humper free—
Let the tale and the song pass cheerily;
For the Bushman's a stranger to care or strife;
Then Hurrah, for the Joys of a Bushman's life!

When the summer sun, like an angel's crown, Is sending his brams of glory down,
Oh! the Bushman onward—onward hears,
Through the forest caks of a thousand years; Still he presses on till the summer sun Compels him to halt where some clear waters run; Then he cheers his men with a bowl in the shade And his rifle's echo rings through the glade, Then push round the sparkling bumper free-Let the tale and the song pass cheerily;

For the Bushman's a stranger to care or strife; Then Hurrab, for the joys of a Bushman's life; Wren the glow of the golden sun is gone.; And the starry night comes stealing on, And the bell-birds tell that the water's near; Oh, the Bushman's song is to free, good cheer— Then the bowl passes round, and the fire blazes high, and his faithful dog is a sentinel nigh; Oh, a stranger to envy, care or strife

He pledges the bowl to a Bushman's life! en he pushes the sparkling bumper free, Then he pushes the sparkling bumper tree, Let the tale and the song pass cheerily; For the Bushman's a stranger to care or strife, Then Hurrah, for the joys of a Bushman's life!

ult., respecting the Municipal Bill, alluded

to in our second page. The first clause of the Bill having been read, and the question put pro forma;-The Governor said that he had already acknowledged; and the question was, whether it could be amended so as to anmethod usually adoped to turn objectionable bills out of doors. For his own part.

himself or his representative, gave his individual consent, it would be a robbery to levy a tax upon him,—a principle for which land could not delegate the power of taxseen what they were.

trent from those expressed in it. petition Mr. Hustler's and the gentlemen THE following is a report, copied from the tell Mr. Hustler and these gentlemen that lice was about £12,000 a year, and the they had been very much mistaken in government would be thus contributing Australasian Chronicle, of the procedings thinking that the corporation act in Canada about £7,000 a year. He should not obtain the Legislative Council, on the 31st had been passed by a representative assembly, for that was not the case. The two tion, but as the act could not be perpetual, latest of these bills—those of Quebec and and in order that the corporation might Montreal-were passed by a special council have an opportunity of getting more, if who appointed them; and they were ap stated that he had some explanations to make with regard to the bill, and he those bills. The houses of assembly were thought the state of make with regard to the bill, and he those bills. thought the stage of proceedings at which at that time suspended, and the whole That was the substance of the bill he they had now arrived was the most proper power was vested in these special nominees should introduce, and it was much more for that purpose; there was no time so of the crown. Hence it was quite clear liberal than any of the English acts. The well adapted as the commencement for the that this act, which was one of the most council were aware that the water police discussion of the expediency and policy of recent, had been passed by the crown no- were supported by a separate rate, and the whole bill. They might go through minees, as the house of assembly was not there were various reasons why it could with it, and make a number of good clauses at that time in existence. He would say not be included with the other; the act which might be afterwards found contra- nothing m re with respect to the compedictory and of no avail; it was necessary, tency of the council to pass the measure, at some stage of the proceedings, to look but would come now to the question of at the general question, and he knew none an endowment, which it was objected the it was. So far as it regarded the police better than the present. That Sydney bill did not provide. He would ask gen- With respect to public works, for the carwanted a corporation every one readily tlemen to say when they had heard of such a thing as the endowment of a corporation askel, he could see no reason whatever whether the bill would provide such a cor- by any government. He had looked through poration as would suit the wants and a great number of acts, but he had not part, he wished to have no more to do wishes of the inhabitants, or, if not, been able to find a word upon the subject. There could be no question but some of streets; he was completely wearied with swer that purpose, If not-if the bill was the old corporations in England had pro- it; and he did not see that the council altogether bad, or so infested with faults perty; but these corporations were made were called upon to contribute one sixpence and defects as to admit of no amendment, not by representative hodies, but by royal towards it; for, if they looked at what had then the proper course would be for some charter; and it was not until 5 and 6 Wilhon. member, if he (the Governor) did not liam IV. that legislative bodies had at all inwithdraw the bill, to move that it be read ferfered in the matter : previous to that all government had expended about \$25,000 that day six months; as that was the civil corporations had been made by royal char- on the tunnel for conveying water to ter; and he did not find in any of the acts which had passed since for corporations however, he thought this bill deserved a either at home or in the colonies, that any better fate, and a little more consideration, endowment whatever had been made, or He would endeavour, as briefly as he could asked for. He had already stated, that neicompetent to pass the bill; the usefulness but he could have no objection to give the dowed, to the amount of atleast £100,000, of the measure was acknowledged, should corporation some assistance, especially and endowment might with equal jusit be passed by another body, but the with respect to the police. One principle tice have been asked by Melbourne, and power of this council was doubted. The hon, member who presented the pe ition had said that it was respectfully worded; but, although it certainly contained an innendo (the word "lawful" being applied to other bodies, in contrast with the council), yet he should not on that on that or that councils were the should not on that or that councils with the councils, yet he should not on that or that councils with the councils, yet he should not on that or that councils with the councils, yet he should not on that or that councils with the councils with the councils. It was true councils to the corporation. There was also the cil), yet he should not on that ground under its own control. It was true, some to the corporation. There was also the have opposed the receipt of the petition; of the old boroughs in England still con- water rate, and two local acts, the Slaughhad they actually said that they con- tinued to maintain their own police, and tering Act and the Building Act, from the sidered the proceedings of the Council they had the entire control of it. He was latter of which about £300 i year was now unlawful, he hould at once have put a prepared to admit the abstract principle, derived. All he was fearful of was that he stop to the reading of the petition. With that where the corporation paid the whole should be giving the corporation too respect to the main question, he had of the expense of police they had a right no hesitation in declaring his convice to have the control of it also; and he plain. It had been said that he had introtion of the competency of the council to should have no objection to such being the pass the measure, and the objection ought case here, if the corporation would be pre- with which his government was surrounded to be treated as one long since decided, pared to take the whole of the expense up on but it should be remembered that these Again, it was said that taxation and re- themselves; but when government assist- bills were before the council two years presentation must go together; and this ance was asked for and granted, he was a20, so that he could not, at all events, be and other traisms were urged to show that quite sure that the police were always influenced by any embarrassment which the council had not power to pass the bill; under government control. This principle as a general principle, nobody admitted it pervaded the Metropolican Police Act; the fact was, the government was under more readily than he did; but if these several acts of parliament had been passed no embarrassment, and last year there was general principles were to be applied with granting assistance from government to this out exception, the result would frequently force, and he found that the proportion in had been said, too, that he had not the same be di-astrous. If the council had no power which this as sistance was given was when the discretion with this as with other meato pass a taxing bill, everything they had corporation raised a rate eight-pence in the sures, but that he was tied down by the been doing for the last twenty years was pound, the government contributed two. Secretary of State to pass these bills in toto, unlawful; if they were prepared to adopt pence; so that the assistance given was in or withdraw them; but that was not the this doctrine, they must abdicate their proportion of one to four, and the govern-case. One gentleman, he was particularly ment then took the police under its control. advise them to take their hats and sticks, In Ireland, where the police had done so discover that the bills were not the same make their bows, and walk out of the much to restore tranquility that nearly but that considerable alterations had been it must be admitted that taxation and representation should go together, but to say the government contributed another third, that it admitted of no exception in the which was applied to form a reserve force various intricacies which must arise in the to be sent to any part of the kingdom. He government of such an empire as Great was quite ready to adopt the most liberal bill was peculiarly his own, and the only Britain was downright nonsense; and it principle which he found in those acts, and correspondence he had with the home was equally nonsensical to put forth a even to go beyond them, but he was not government was the document which he reprinciple which every one now admite ready to allow the control of the police to under such high-sounding names as Lord Camden and William Pitt; but in the hands of government; he hands of such men as these these training that it hands of such men as these these training to the hands of such men as these these training to the hands of such men as these these training to the hands of such men as these these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as these training to the hands of such men as the suc hands of such men as those, these truisms colony it would be highly injurious to do was so far approved of that it had been were safe; they were men of sense, and so, and he would sooner eacrifice the bill recommended from the home government therefore there was no danger: but look than consent to it; at the same time he to the Governor of New Zealand, but no what had been done with them in the hands of other individuals,—look at what I om Paige had made of them, and he bad taken should have the right of control in their up the argument and used the very words of Lord Canden, who said that whatever was a man's own was absolutely his own, and that whoever took it from him without his consent. or that of his consent, or that of his consent, or that of his consent.

those promises; and that there ought for, but her Majesty was to nominate he had got that from Canada, too, and as he therefore to be a bill to secure to the corporation whatever it was intended to give Tom Paine contended. It was equally them. When he read that he said it was absurd to say that the parliament of Eng- but fair and just, and he would accordingly present such a bill on as early a day as posing to the council; the British parliament sible. He was not prepared to say what had always delegated such a power, and did would be the exact amount he should give, so to the present day; and Mr. Hustler, but there was what might be called a and those gentlen en who thought with police revenue, consisting of fees and fines; him, should quarrel with the house of he had spoken of giving both to the corpocommons, and not with the council. Mr. ration, but, on further consideration, he flustler, who appeared in his petition to thought it would not be right to give up approve so much of corporations when he fines. It was a part of the prerogative created by " lawful" authority, mentioned of the grown to enforce or remit fines, and Canada, Guiana, and Junaica; but un- he did not think it would be well for the fortunately for him and the other gentle-crown to give up its prerogative of mercy said rather pettishly, "well, you may arguments could be based upon the promen who were with him, some of whom in the power it had of remitting fines strike out the clause, but I will never ap-ceedings of other councils, unless it could he believed were lawyers, although they when necessary; and he should be sorry point a magistrate who is not so recom- be shown that they were similarly conmight be well acquainted with the laws of that any olas should be formed for enforctheir own country they seemed to have but ing the fine in order to augment a revenue. little knowledge of others; and it would He thought it right, therefore, not to give perhaps have been as well if Mr. Hustler, up the fines; but the fees, being legitimate before making these the subject of remark charges for work and labour done, they in his petition, had looked into them and might fairly be given, and they might amount to perhaps about \$2000 a year. Mr. J. Macarthur said he was extremely Then in the next place, there would be the sorry to interfere, and it was with great rate fund; he believed that sixpence in the respect that he asked his Excellency pound would be the maximum, and the whether it was altogether fair to treat the rental of Sydney was estimated at about petition as Mr. Hustler's, he having merely £500,000 per annum; but, supposing it signed it as chairman of the meeting, and it to be only the half of that, a, rate of sixmight be that he entertained opinions dif- pence in the pound would give a revenue of about £5000 a year; and he proposed that, The Governor said it made but little when the corporation had raised that difference; however, he would call the sum, the government should also give them an equal amount as they did with who had acted with him ;-and he must churches. The expense of the Sydney pohad been passed by a representative assem- jet to making this a perpetual appropriawho were all nominees of the crown, or they could from the representative assemrather of the governor of Lower Canada, bly, he proposed to pass the bill for five years, should the countil continue so long, yond the cessation of the present council. itself had not yet been allowed by the home government, and that alone was a suffi cient reason for allowing it to remain as rying on of which an endowment had been why one should be given. For his own with levelling, cleansing, and lighting the fication in England, but he believed that no Sydney; a large sum had been expended in constructing sewers, levelling the streets, and on the works at the circular wharf; and besides this the streets were now lighted

with gas, at the expense of the government more wards than one should have a vote it as an infringement on the prerogative of to go through the objections which had been made against it. To the first place to go through the objections which had been made against it. In the first place, it had been said that the council was in
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it had been said that the coun much, and that o her towns would comand that whoever took it from him without his consent, or that of his representative, was guilty of a robbery; but if that was universally carried into practice, to what absurdities would society be reduced, and what would become of the universal rule that the majority should overrule the minatority; and unless every man, either by liberally, he or his successor might forget places than Sydney were so called, He the government, their write of execution was fearful that he had been somewhat issued thereupon.

for, but her Majesty was to nominate them. They had no power whatever to recommend any person to the office, and how the mistake occurred he was at a loss to conceive, especially when he recollected that Mr. Hustler and some of the gentle-men who were with him were lawyers. men who were with him were lawyers.

mended.' clause referred to in the English Corpora fundamental principle of the British contion Act, and stated that every one of the stitution, that no Englishman could by right twenty-seven magistrates under the Metro be taxed except by his representative. The politan Police Act had been appointed by council was bound by the letter of the the Queen, and it was further necessary English act, which was one of expediency, that they should be barristers of five years' and the council could not controvert any

standing. but they were not so in any of the new cor opinion remained unaltered. porations, though they were in some of The Governor said it appeared to him the old boroughs of England; indeed that to assume that the power of the counwhen the bill was brought into the house cil to pass the bill depended upon the act of commons aldermen were altogether left which created it was inconsistent with the laws, but the bill was in this respect precisely the same as in England and Ireland He now came to a more important ques tion, namely, the amount of qualification cation was various; one of the oldest was people. what was termed a pot-wolloping one, which term was derived from the old Saxon, and meant that every man who to vote; that he believed was the most ancient and constitutional qualification, but he thought there were few gentlemen who would advocate the pot wollopping qualifi be raied to the poor was a sufficient qualihouses were rated to the poor that paid s less rent than \$10 a year; but as there were no poor rates in this colony he had originally inserted a qualification of £10 should prefer a qualification of £20 to one of £30. There was another thing to which an objection had been made, and in which perhaps to give more weight to property, but it would be as well to adhere to the borough here would take in the whole of to life own sat sfaction. the town, whilst in London it was confided The council then adjourned till Tuesday. to the city, in which only the lord mayor the 7th instant. took precedence; consequently, if he had given the mayor precedency, he would probably have taken it of him (the Gover nor), and also of the Chief Ju tice, whose precedency was secured by charter, so that the fact was, he did not know where to give him precedency, and he thought in council would tell him where. With respect to a qualifying residence, the council was approved. a convenient way of getting rid of a question which he hoped would never again be discussed within those walls. He was agreeable if the council thought proper that it should be only one year, though This, the humble petition of the underthe English Act required two years exclusive of the year for which the party was rated. It had been asked why he had called Sydney a town, and not a city, or at least a borough. He had fixed upon the word "town," because no one could deny that Sydney was a town, but objections might have been raised had he called it a city. He did not like the term "borough," tain fees were to be received. us it seemed to convey about it some associations of roftenness, and he did not wish was a place where there was a cathedral, preme Court of New South Wales, were and which had been, or was, the residence paid to government.

clause which he had inserted, and make them, a present of one.

and on that occasion Lord Melbourne he to discuss them. The council must be believed, with great respect to his lordship, bound by the act which created it, and no stituted to this. He considered that the The Attorney General here rend the council could not act contrary to the great constitutional principle further than was The Governor said another objection there laid down. He contended for the which had been made was that the alder same principle two years ago; he had men were not to be magistrates ex officio; fully considered the subject since, but his

The Governor said it appeared to him out of it, but they were restored by the other ground, which was that no power on

that the act of parliament did not give the council power to pass the bill. When Lord Brougham, in 1833, proposed the had lost money under the following ciract for regulating corporations, Lord Wynwhich was somewhat different from what ford opposed it, on the ground that it would it was in England. In the bill which he be an interference with the prerogative of had originally proposed he had made the the crown; and Lord Brougham replied qualification £10, but the council had in | that the act was only to regulate corporacreased it to £30; this he thought was too tions when they were created. It appeared much, the council appeared to think that to him that the bill was more objectionable £10 was too little, and he had therefore than the one previously before the council left a blank, to be filled up as the council it was an infringement on the prerogative thought proper. In England the qualifi as well as a violation of the rights of the

The G vernor said he was glad the hon member had explained the grounds of his Saxon, and meant that every man who doubts, as he had been under the idea that could wollop or boil his pot was entitled the hon member thought the council incompetent to pass the bill, because it was not a representative body, whereas it appeared that he considered it to be an infringement of the prerogative. He was to cation in this colony. In Ireland the qua-lification was higher than in England; to the council at all for a legislative enact ment, when he ought to have proceeded slap dash, and created the corporation by roval charter.

Mr J. Macarthur said that was not ex actly his objection. He objected first, that but he would leave the matter entirely in it was an infringement of a constitutional the hands of the council, observing that he principle, for he could not admit that the council had power to tax the people, unless that power was expressly given to them by parliament; they were not the representahe must confess he had departed almost tives of the people, and they could not without a reason from the English act, and therefore delegate a taxing power to any that was that persons having property in other body; and, secondly; he objected to his oninion.

The Governor said the council appeard English act, and he would observe that to wish the bill to be suspended for a week there was perhaps no other country where and he had no objection. The hon, meinthe mere profession of wealth was so little ber who had just sat down seem prea test of respectability as this colony; bu pared to fight them with a two edged this might be easily remedied by altering sword; he held constitutional rights in one the bill so as to allow of only one vote. hand, and the premgative of the crown in Another triffing objection was that no pre- the other; but there was but little doubt cedency was given to the mayor, but the that weapons would be found to fight him

SHERIFF MACQUOID.

At a public meeting on the 31 st ult. of those parties who have suffered by the debest to give him none at all; he had no falcations of the late Sheriff, in his official objection to put him somewhere, if the capacity, the following important Retition

themselves had fixed upon three years, as To His Excellency the Governor, and the Honorable the Legislative Council, in Council assembled.

signed sufferers by the default of Thomas Macquoid, Esq. late Sheriff of New South Wales.

That your petitioners are informed, and to introduce any kind of corruption into the believe, that the said Thomas Macquoid, colony. According to Blackstone, a borough as such Sheriff, was by arrangement paid was a place which did or had sent members a salary from the government in lieu of to parliament; but that had never been fees and perquisites of office, which fees the case in Sydney; it might be a borough and perquisites, including poundage and in posse, but it certainly was not in esse. other emoluments arising from carrying cil may seem meet.
With respect to a city, Blackstone said it into effect write of execution from the Su-

of a bishop, neither of which was the That your petitioners were suitors in the case with Sydney, as the right rev. prelate said Supreme Court of this Colony, and sewho was absent was not styled the Bishop verally recovered judgments therein ; and of Sydney, but of Australia, or this difficulty in seeking to carry into effect such judg-might have been obviated; he had there, mehts, your petitioners were compelled to fore thought it best to call it a town, and he place in the hands of the Sheriff, as the would observe that many more important servant and officer of, and appointed by,

prolix, but wished to take up all the object. That the said Sheriff levied under, and tions which had been urged against the by virtue of, such executions, and has febill. An hon, member reminded him that covered and received for your patitionars. he had said nothing about his reasons for the sums set opposite their respective

That the said office of Sheriff being ap-M. J. Macarthur said in some of the recent English papers allusion to this power had been made.

Mr. J. Macarthur said he was sorry that the had been made.

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Mr. J. Macarthur said he was sorry that the pointed by the government of take their withing which altered his of execution to each officer; they would state the principle of law and reason, to receive they are fully entitled; or grounds of his objection, in order that on a future day members might be prepared at the government of this Calony the said shariff for the government of this Calony the said shariff for a future day members might be prepared by the government of this Calony the said shariff for the government of this Calony the said shariff for the government of this Calony the said shariff for the government of the governme your petitioners.

That in corroboration of the views so taken by your petitioners, they are enabled to refer to the invariable practice of enlightened and just governments in such cases, and at this time to address the following examples of the practice, and the re-corded sentiments thereon of a distinguished statesman, whose authority in such ceses is unquestionable:-

"In 1725, Lord Madelesfield, as Lord Chancellor, was impenched, and it was found that he had sold the offices of masters in chancery to persons who, or some of whom, their hands, died insolvent. The H use of Lords, for the alledged misdementar, fined Lord Macclesfield #35,000, and the House of Commons not only applied to the King, that the fine should be appropriated to the relief of the suffering suitors. but also passed an act for raising £60 000, out of it, but they were restored by the house of lords; they had however nothing to do but sit in the wards and revise the burgess lists. Another mistake appeared to have arisen with respect to the bye Company was compelled to pay the sum of \$50,000 to certain persons who cumstances. In 1799, an act was passed providing that the registrar at Madras should administer the estate of all persons dying intestate in that presidency. In pursuance of that act, one Mr. Rickette, such registrar, did so administer, and finally, with money in his hands belonging to the estates of many intestates, died incolvent. It was held in that case that the East India Company should indemnify the kindred of the intestates, because they had suffered through the misconduct of the Company's public and accredited officer." In support of that act Sir James Mackintosh, on the second reading, said, "that men who suffer by the misconduct of a public officer should be relieved by the public, is a doctrine which I am prepared to maintain, and for which I find very high authorities." Mr. Charles Williams Wynn said, "I think it is very clear that where there is a legislative responsibility, that the legislature is bound to see that a pubhe officer does his duty; and if he does not, to guarantee individuals from loss by his misconduct. As a precedent, in my opinion, the case of the Earl of Macclesfield is decisive, I cannot conceive two cases that, as the legal expression is, seem more completely on all foure," And Mr. Goulburn, then (as he is now) Chancellor of the Exchequer, said, "I confess that upon every principle of justice, and on reference to former precedents, to which allusion has been made, the government is, in my satisfying, even the doubtful claims of persons who have sustained a loss by the negligence of a public officer, does not sustain its cheracter for justice and liberality, if it relies on any technical objection in opposition to the claim of the parties."

> That the fact of the Government of England not being responsible for the acts of the sheriffs of counties and towns in England, (if it be so,) has no analogy to the present case, for the sheriffs in England receive all emoluments and poundages incident to such office, besides being appointed by a process of selection which is calculated to prevent any risks of loss to the public from defalcation.

That the appointment of Sheriff in this Colony, is purely the act of Government, who have it in their power, by calling for security or otherwise to render ultimate loss scarcely possible,

Your petitioners most confidently submit to your Honorable Council their claims to be re-impursed the sums so misapplied by a public officer, on every principle of justice and sound public policy, it being. as your petitioners conceive, the duty of as your petitioners conceive, the duty of a Government to protect and shield the people against the wrongs committed by its own servants, in asis ordered by the Government seeking the collidere of the country can shelter liself from just claims behind technical difficulties. technical difficulties.

That your petitioners, under the circumstances, respectfully pray your Honorable Council, that you may be pleased to look at the case of your petitioners, as one en-titled to every consideration from your Honorable Council, and that such measures may be taken to satisfy the various claims of your petitioners from the funds of the colony, as to your Honorable Coun-

And should your Honorable Council after the foregoing statement, baye and doubt of the justice of your pediciners claims for the beforementioned monies, your petitioners pray they may be permitted to be heard before your Honorable Council in support of the prayer of this petition.

And your petitioners will eyer pray, Dana the thic telling lumber with all

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RYLAND JOHN HOWARD,