

Original 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;

SYDNEY.

The following is a report, copied from the
Australasian Chronicle, of the proceedings in
the Legislative Council, on the 31st 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
stated that he had some explanations to
make with regard to the bill, and he
thought the stage of proceedings at which
they had now arrived was the most proper
for that purpose; there was no time so
well adapted as the commencement for the
discussion of the expediency and policy of
the whole bill. They might go through
with it, and make a number of good clauses
which might be afterwards found contra-
dictory and of no avail; it was necessary,
at some stage of the proceedings, to look
at the general question, and he knew none
better than the present. That Sydney
wanted a corporation every one readily
acknowledged; and the question was,
whether the bill would provide such a corpo-
ration as would suit the wants and
wishes of the inhabitants, or, if not,
whether it could be amended so as to
answer that purpose. If not—if the bill was
altogether bad, or so infested with faults
and defects as to admit of no amendment,
then the proper course would be for some
hon. member, if he (the Governor) did not
withdraw the bill, to move that it be read
that day six months; as that was the civil
method usually adopted to turn objection-
able bills out of doors. For his own part,
however, he thought this bill deserved a
better fate, and a little more consideration.
He would endeavour, as briefly as he could,
to go through the objections which had
been made against it. In the first place,
it had been said that the council was in-
competent to pass the bill; the usefulness
of the measure was acknowledged, should
it be passed by another body, but the
power of this council was doubted. The
hon. member who presented the petition
had said that it was respectfully worded;
but, although it certainly contained an
innuendo (the word "lawful" being applied
to other bodies, in contrast with the coun-
cil), yet he should not on that ground
have opposed the receipt of the petition;
had they actually said that they consid-
ered the proceedings of the Council
unlawful, he would at once have put a
stop to the reading of the petition. With
respect to the main question, he had no
hesitation in declaring his conviction
of the competency of the council to
pass the measure, and the objection ought
to be treated as one long since decided.
Again, it was said that taxation and re-
presentation must go together; and this
and other truisms were urged to show that
the council had not power to pass the bill;
as a general principle, nobody admitted it
more readily than he did; but if these
general principles were to be applied with-
out exception, the result would frequently
be disastrous. If the council had no power
to pass a taxing bill, everything they had
been doing for the last twenty years was
unlawful; if they were prepared to adopt
this doctrine, they must abdicate their
functions altogether, and he could only
advise them to take their hats and sticks,
make their bows, and walk out of the
council chamber. As a general principle,
it must be admitted that taxation and re-
presentation should go together, but to say
that it admitted of no exception in the
various intricacies which must arise in the
government of such an empire as Great
Britain was downright nonsense; and it
was equally nonsensical to put forth a
principle which every one now admits
under such high-sounding names as Lord
Camden and William Pitt; but in the
hands of such men as those, these truisms
were safe; they were men of sense, and
therefore there was no danger; but look
what had been done with them in the hands
of other individuals,—look at what Tom
Paine had made of them, and he had taken
up the argument and used the very words
of Lord Camden, 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 representative,
was guilty of a robbery; but if that was
universally carried into practice, to what
aburdities would society be reduced, and
what would become of the universal rule
that the majority should overrule the mi-
nority; and unless every man, either by

himself or his representative, gave his in-
dividual consent, it would be a robbery to
levy a tax upon him,—a principle for which
Tom Paine contended. It was equally
absurd to say that the parliament of Eng-
land could not delegate the power of tax-
ing to the council; the British parliament
had always delegated such a power, and did
so to the present day; and Mr. Hustler,
and those gentlemen who thought with
him, should quarrel with the house of
commons, and not with the council. Mr.
Hustler, who appeared in his petition to
approve so much of corporations when
created by "lawful" authority, mentioned
Canada, Guiana, and Jamaica; but un-
fortunately for him and the other gentle-
men who were with him, some of whom
he believed were lawyers, although they
might be well acquainted with the laws of
their own country they seemed to have but
little knowledge of others; and it would
perhaps have been as well if Mr. Hustler,
before making these the subject of remark
in his petition, had looked into them and
seen what they were.

Mr. J. Macarthur said he was extremely
sorry to interfere, and it was with great
respect that he asked his Excellency
whether it was altogether fair to treat the
petition as Mr. Hustler's, he having merely
signed it as chairman of the meeting, and it
might be that he entertained opinions dif-
ferent from those expressed in it.

The Governor said it made but little
difference; however, he would call the
petition Mr. Hustler's and the gentlemen
who had acted with him;—and he must
tell Mr. Hustler and these gentlemen that
they had been very much mistaken in
thinking that the corporation act in Canada
had been passed by a representative assem-
bly, for that was not the case. The two
latest of these bills—those of Quebec and
Montreal—were passed by a special council
who were all nominees of the crown, or
rather of the governor of Lower Canada,
who appointed them; and they were ap-
pointed for the express purpose of passing
those bills. The houses of assembly were
at that time suspended, and the whole
power was vested in these special nominees
of the crown. Hence it was quite clear
that this act, which was one of the most
recent, had been passed by the crown no-
minees, as the house of assembly was not
at that time in existence. He would say
nothing more with respect to the compe-
tency of the council to pass the measure,
but would come now to the question of
an endowment, which it was objected the
bill did not provide. He would ask gen-
tlemen to say when they had heard of such
a thing as the endowment of a corporation
by any government. He had looked through
a great number of acts, but he had not
been able to find a word upon the subject.
There could be no question but some of
the old corporations in England had prop-
erty; but these corporations were made
not by representative bodies, but by royal
charter; and it was not until 5 and 6 Wil-
liam IV. that legislative bodies had at all
interfered in the matter; previous to that
all corporations had been made by royal
charter; and he did not find in any of the
acts which had passed since for corporations
either at home or in the colonies, that any
endowment whatever had been made, or
asked for. He had already stated, that nei-
ther the council nor himself had any power to
endow the corporation; nor did he think it
would be advisable to do so, if they had;
but he could have no objection to give the
corporation some assistance, especially
with respect to the police. One principle
appeared to pervade the whole of the acts
which had been recently passed either for
England or Ireland, and that was, where
the government had given aid to the corpo-
ration in support of its police, the govern-
ment had uniformly taken the police entirely
under its own control. It was true, some
of the old boroughs in England still con-
tinued to maintain their own police, and
they had the entire control of it. He was
prepared to admit the abstract principle,
that where the corporation paid the whole
of the expense of police they had a right
to have the control of it also; and he
should have no objection to such being the
case here, if the corporation would be pre-
pared to take the whole of the expense up-
on themselves; but when government as-
sistance was asked for and granted, he
was quite sure that the police were always
under government control. This principle
pervaded the Metropolitan Police Act;
several acts of parliament had been passed
granting assistance from government to this
force, and he found that the proportion in
which this assistance was given was when
the corporation raised a rate eight-pence in
the pound, the government contributed two-
pence; so that the assistance given was in
proportion of one to four, and the govern-
ment then took the police under its control.
In Ireland, where the police had done so
much to restore tranquility that nearly
one-half of the troops were withdrawn,
the people raised a rate of two-thirds and
the government contributed another third,
which was applied to form a reserve force
to be sent to any part of the kingdom. He
was quite ready to adopt the most liberal
principle which he found in those acts, and
even to go beyond them, but he was not
ready to allow the control of the police to
go out of the hands of government; he
considered that in the present state of the
colony it would be highly injurious to do
so, and he would sooner sacrifice the bill
than consent to it; at the same time he
would say, that if the people of Sydney
would pay the whole of the expense they
should have the right of control in their
own hands; but he was willing to give
larger assistance than was anywhere else
afforded, and he would now give notice that
at the next sitting of the council he would
present another bill, which might be
termed a subsidiary measure, making over
to the corporation the aid he intended to
give them in support of the police. It was
said by one of the speakers at the meeting
that though the Governor might promise
liberally, he or his successor might forget

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.

That notwithstanding many applications
have been made, your petitioners have not
been able to receive such sums from the
Sheriff's Office, nor from the said Thomas
Macquoid, who is dead, nor from any per-
son representing him.

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