proach with extreme reluctance another scene in which the worthy Doctor shines "strikingly intelligent countenance" last century. This young man, after "holding forth" in some of our Author's This young man, after choicest slang, and with some of his most profound reflections—is sent for by the Doctor, at whose instigation he had been Hogged the previous evening. He prothan the writer's words.

" So, you've been playing cards below, and kicking up the devil's own row, sir," said the doctor to the youth.
"With Charles the Twelfth of Sweden." replied he, in the tone and manner of a deaf man
The ductor repeated, in a louder key, what he

o count Piper and Maz-ppa," said the other, sing, and orediting himse f with a discovery.
In the battle of Pultowa," quith the

had said at first.

other, unmoved. Come with me, sir?" said the doctor. going towards his cabin. The youth looked up in his face, with the most pitcous and idioic east of countenance imaginable and followed him like a lamb. The doctor shut the cabin-door closely, drew up the Venetian blinds; sat upon-the locker, and crossed his arms. The youth. who threw of his desiness and idio cy at once. stood and leant on the corner of the sofa. loked very composedly around the cabin, as though he was about to express his admiration, or otherwise, of the arrangements therein. His quick eye fell upon the "Navy List," which was lying on the table; and, taking it up, he began to look into it with apparent earnestness and curiosicy. The doctor was a tonished, and regarding him for some time. came to a conclusion that he was mad : -" Must be-of course he A silence ensued, in which they noth took It length the doctor, in a tone which part. At length the couldn't make him cut, en-

quired, "What are you, air ?" To which the youth, cutting the leaves with his fore-finger, replied, "Who, me? why, no-

Doctor-What were you, then? Youth-[reading] A private. Doctor - What ! Private what !

Youth-[apparently absent, and astonished at ns in the list] A private—soldier. Doctor-[smiling] I don't believe you. Youth-[solemnly, and offering the Navy List

for the purpose] Swear me, then?
"Devilish add?" thought the doctor, who "" Devilish odd?" thought the doctor, who she had, moreover, a very good knowledge of was fond of the marvellous; "I'll humour him. character, and knew when any one was laughing

The Doctor continues the conversation up a pistol 'which he had his eyes on for a long time,' and which by another most rich; and the boys knew it-also the girls. extraordinary chance happens to be loadguard upon the Doctor, and actually relong time—in fact until the vessel is only three days sail from Sydney-when SMITH vacates his post, and is permitted by the kindness of the Doctor to remain nnounished-notwithstanding his unheard which is enforced on board of a Convict Ship!

Is this the improbable trash which we bona fide circumstance, occurring on board observed, in 1836—our author proceeds. a convict ship on her passage to New South Wales? Here we have the Surcrew, who has just undergone the punish- and a cock too.") ment of the lash. The party sent for, SMITH, is all of a sudden seized with the bright idea that he will enact the part of is lving ready at his hand—he takes it up -risks the chance of its being loaded, and therefore effective—and with a full consciousness of the unpleasant consequences of failure, he presents it at the head of the Doctor-retains him as a priis-FORGIVEN! Yes! we repeat that this man, notwithstanding the managecircumstances of the matter, this JOHN actually secures him, SMITH, a comfortable situation on arrival of the vessel when into port, and breathes not a syllable to the authorities of the monstrous conduct To lash the rascal naked through the world !which had taken place towards him per-Pandora's voyage.

agencies to be brought into requisition, dents of common life—and ends as it should end, with the literary damnation or their services.

| Author the dents of common life—and ends as it should end, with the literary damnation of its author. | Author the world knows, are a kept two accounts in my life; I only kept one bank account for my private and my public sories of songs, written by one Thomas Moons that the Bank of Australia and adapted to airs which had existed in the books on the table include all my banking of its author. | Author the literary damnation of its author. | Author the literary damnation of its author the literary damnation of its author. | Author the literary damnation of its author the liter

With one more extract, we must take our leave of the Legends of Australia. forth as a conspicuous character. Among and in doing this, we depart in some the inmates of the Pandora is one John | measure from our original intention, SMITH—a young man with the usual which was to expose seriatim the gross The nautical drama, as the play-bills term it which has figured in all the novels of the offensive, because untrue delineations of performed at this theatre on Saturday nightabundantly sprinkled. We are led to this determination, partly on account of the ceeds to the cabin, and the following its present unfinished state, it is not likely such a character, which is certainly unfitted to "strikingly" original dialogue takes place, to be re-published in London, and whether display the particular talent which Mr. Nessire which is too good to be repeated in other this be the case or not, we have given a is said to possess. Not, however, that his porpenso of companionship with an amount man who can realiso, even in a tolerable way, such &1 18s.; John Byrne, £7 10s.; William Ford in he same moner as before.

'You're a—devil!' queth the doctor, dirres— as we have never witnessed before this is lowered by the performance of such a charactime in all our experience or knowledge ter as that of William in the nautical drama of colonial authorship.

SMITH, the mock-madman, is assigned as gooom and coachman to a magistrate the public a fresh proof of his desire to consult are discribed in a tono of unsufferable inhave suited the earlier times of the Colony-but we say that it is not a correct picture of Colonial Society in 1836. We the following flattering language.

" Miss Maria was rather tall, stout, and pretty: large loving blue eyes, and a very pretty dimple in one cheek (the left ) She didn't possess an atom of intellect, and couldn't be per-sunded the earth went round, for she never felt it move. Nor was she lively, but withal, pleasing and good-natured. Caroline was a girl of the eyes which invited you to come and talk with her, and when you did so you cou'dn't get away; and sisters . she was vain, but not conceited: until his original suspicions of the young man's madness are confirmed, and he is out of bucks. Jane was the most beautiful of on the point of leaving the cabin to call for the family, and a perf c' love; tall and grace. assistance, when by the most extraordi-like, and snimated. The father had been a Liu-ance in the world SMITH snatches coinshire yeoman, and the mother the daughter

We say nothing of the contradictions ined, and armed with such a potent means volved in all this-such as Miss Charlotto of ensuring obedience, he forthwith mounts "a girl of first-rate talent, and some genius," who knew forsooth "when any one mains with him as the co-tenant of his was laughing at or drawing out the ignorcabin for a period of time that is not ance of her brothers and sisters"(!)—we montioned, but which we infer is a very pass over the miss-mollyism, the want of masculino energy and vigour which reduces our author to such lamontable platitudes as that of a "perfect love" by way of description of his female characters-we pass all this to reach something of breach of the necessarily strict discipline still more offensive—and which is con-

vessels represented, in the first instance, why she liked him, and, therefore, wouldn't think the audience was dissatisfied, and Mr. as an intensely selfish and cruel scoun- acknowledge that she did so. Jane liked him drel. He sends for one of his degraded because he was so kind to her pets (three parrots

Here then, we are content to stop, and we think long before he attained this of befitting admiration, the fine singing of Mrs. We think long before he attained this offensive and shaderous point, our author's good-sense and regard for truth (if his work, indeed, did not prove him possessed of neither,) should have stopped him also. The due between this lady and Mr. Simions application at the office.

This indeed is the crowning act of his delinquencies—for he talks in a style of also very good. Mr. Brunning and Mrs. Simions and order that I may refer to them, and also that wr. Manning may refresh his memory, so as not to commit himself on the several questions I shall have to ask him, relative to the receipt and expenditure of moneys belonging to Intestate Estates. I suppose they can be produced, on application at the office.

Mr. Kerr presumed that the books were attached to the Registrars' office, and he had no produced. a madman! He enters the cabin upon offensive and slunderous point, our author's the purest speculation—discovers at a good-sense and regard for truth (if his glance (strange coincidence!) that a pistol work, indeed, did not prove him possessed delinquencies-for he talks in a style of common-place, yet disgusting familiarity, (as if it were a common occurrence) of the liking (!) which the innocent daughters soner in his own cabin for we know not bow many days, and finally, within three days sail of Sydney, resigns ation which supposes all the distinctions of three days sail of Sydney, resigns atton which supposes an the distinctions of the Maxager will repeat this performance, prohimself to the expected punishment, and moral and virtuous conduct to be broken the Maxager will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the Maxager will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the Maxager will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the Maxager will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken the will repeat this performance, prohimself to the expected punishment, and large and discrete virtuous conduct to be broken to the will repeat the performance and shortly returned to the performance of th down and disregarded-an insinuation. which, if true, hints in a very few words ment of the loaded pistol, and the minor at the awful influences for evil which the convict system bears in its train-which SMITH is FORGIVEN by the Doctor, who if false, should place the slanderous writer actually secures him. SMITH, a comfort

--- " every honest hand shall bear a whip,

And what is the conclusion at which we sonally during the greater part of the arrive, after wading through one hundred and twenty-four pages of the work before It is indeed attempted to be shown by our us? We have already seen that it is no Author that the fear of ridicule operated part of the author's design to present us with his model Doctor-and that the with facts in connexion with the convictnaturally savage disposition of the man system. Equally clear is it that he has was effectually restrained by his dread of departed from the original title of Legends 'inextinguishable laughter." This may for nothing have we of the earlier history be very natural in the Author's idea of the colony to accord with the designasire of revenge-but we conceive that the in the following words :- " OF ALL THE circumstances of obtaining possession of Agents that the Devil has, he has the cabin are so improbable that, until NOT ONE SO POWERFUL AS DEBT!" This this impression be removed, we are enti- then is the simple proposition, to provo The sword having already done duty, it supersede those grave and important puris one of the Doctor's pistols which is poses which we have pointed out as wornext to serve the Author's purpose. It thy of the writer who first details under is very possible that the pistol was lying the semblance of fiction, but in the subat hand in a natural way; but how was stance and reality of truth—the numerous SMITH to know that it was loaded? The evils which have grown out of that fatal risk which he ran was not in proportion system which to a certain extent has to the after be lefits enjoyed by the fel- already demoralized this unhappy land. low-for how in the world was he to Can we be surprised under such circumforesee that the fear of ridicule was to stances at the failure of the book, and at overcome the sense of vengeance, and that the apathetic manner in which it has been he, SMITH, was eventually to be forgiven? received by the Colonial public? Bagun In these improbabilities we have a viola- with a complete misconception of the subtion of the old rule, which forbids swords ject, it is carried through, with a most and pistols, as well as more important painful ignorance of the details and inciagencies to be brought into requisition, dents of common life—and ends as it

## THE THEATRICAL EXAMINER.

THE VICTORIA THEATRE.

Colonial Society, with which the book is the part of William, by Mr. Nasserr, being his second appearance in that character. If we may venture to hint at what we believe to be author's absence fron the Colony, but mainly because we do not anticipate a continuation of the work in question. In ance, it is, that Mr. Nasaure is out of place in sufficient specimen of the back to do away formunes, even of this inferior part, was otherwith its bad effects on the mind of the wise than good; on the contrary, it was effectplanation we proceed to the extract, and degree of attention which induced us to regret gladly dismiss both book and author with that the character which he sustained was so gia my dismiss both book and author with a feeling that we have honoured him with a great deal of notice, but at the care little worthy of his acknowledged powers. The £3 17s.; W. H. Goddard, £16; James Bonn, with a great deal of notice, but at the care of importinence, slang and vulgarity, such conceptions as those of Richard and Machath, above referred to. On Monday night, the MANAGER afforded

of the Territory, who lived near Parra- the popular taste, and gave Mr. Nessitt an opmatta." This magistrate and his family portunity of appearing to some advantage, in the operatic drama of Rob Roy,-founded upon solence-and the description moreover is WALTER Scorr's immortal fiction bearing the not in accordance with truth. It is possible that this offensive description might very full house—the pit and the gallery being crowded, while the dress circle was occupied by a very fair proportion of the constitupass over what is doubtless believed to be outs of a respectable audience. We are glad in acute sketch of the male portion of the of this, because it shows the desire of the public family, and what the reader who knows to encourage what is really good. Nevertheless, no better will take to be the general aver- with every wish to speak favorably of the perage of our better class of society, and formance, we cannot but look upon it-the come to the ladies who are represented in singing excepted as somewhat of a failure How the subordinate characters were filled. need not be told. Mr. NESBITT was, undoubtcilly, one of the chief attractions; and in this gentleman's acting, we must confess ourselves greatly disappointed. Every one sees that the successful performance of such a character as first rate talent and some genius; neither hand that of William, in Black-eyed Susan, is tosome nor preity, but there was an expression of tally inconsistent with the successful performance of the higher characters in the tragic drama. Not so with the character of Rob Roy, which has been worthily filled by MACREADY—the last surviving representative of the tragic drama in England. In this therefore, a character by no means unworthy of Mr. Nesbitt, we expected much from that gentleman, and have been proportionately disappointed. He appears to us, entirely to have misconceived the character, and, instead of Rob Roy, as we have him in Scorr, and to whom our sympathics are unchangeably wedled, we have a Rob Roy of Mr. NESBITT's manufacture, who gots through passages of mingled fire and pathes, with an artificial intonation of voice, first up and then down, until we lose all recollection of the character in the unvarying and studied monotone of the actor. We make these remarks with no unfriendly feeling to Mr. NESBITT; on the contrary, we are anxious for his reputation, and would suggest to him, whether Mac Gregor is not more appropriately represented as speaking in the storn tone, and using the bitter sarvoyed in the following extract. After casm of a desperate man who has lost everystating the admiration and regard of the male portion of the family for their it:—we would suggest whether he is not thus with the chedule, but I have them with me, if are called upon to acknowledge as a real and futher's assigned servant—and this, be it more appropriately represented, than by the they are required; studied and artificial graces of language, which "Miss Maria liked him-he was so respectful Mr. NESHITT introduces into his personation of goon-Superintendent of one of these and unpresuming. Miss Caroline didn't know the character. As the affair was managed, we

> NESBITT was not honoured with so much of the applause as he usually receives from the dress circle, as well as from the pit and the gallery. Much more pleasant is it to notice, in terms of bofitting admiration, the fine singing of Mrs. also very good. Mr. Bushelle either sang carelessly, or A famous man is Robin Hood, is not in Mr. Bushelle's style, as it cortainly is not the characteristic of his performance. Nevertheless, as fine singing goes very far to redeem indifferent acting, it is to be hoped that vided always that Mr. Nesnitt be at the pains to read the original Rob Roy, and amond his conception of that character forthwith.

# NEW MUSIC.

. NATHAN.

ried to immortal music-a rule to which this I might, but I cannot remember that I did; I Poet and Composer may view their performance though we doubt whother the fear of tion. We look to the work for the requisite chorus for four voices, and on the whole is a very

With respect to the Poetry, as by a very al powable courtesy the words are termed, the verses are very pretty process are very pretty—very pretty verses are very pretty—very pretty indeed—such thousand sheep six or seven years age, and he verses, in short, as a lady may write without has since purchased six or seven thousand more damage to her reputation, and a composer set to sheep at auction from Mr. Polack; I did not music without any very favourable accession to furnish him with the means of paying for them; his own. Looking upon it however as an Aus-purchase; to the best of my belief all my trakan melody, it is as great a misnomer as tradesmen's bills are included in my schedule; that of the so-called Legends of Australia, and I never kept any private account of money the reasoning which applies in the one case, applies—mutatis mutantis—in the other. The litish melodies, as all the world knows, are a kept two accounts in my life; I only kept one

improbabilities of incident, as well as the of Black-eyed Susan, or All in the Downs, was tinguished patronage, into the style and title of Australian Melodies! The Public have had quite enough of this sort of pretension and quackery, and we say reform it altogether.

### INSOLVENT COURT.

MONDAY .- Before the Chief Commissioner. The following claims were proved. In the estate of Robert Oaborno, J. W. Brown

£12 14s.; Jamas Robinson, £33 19s. 9.1,; D ones, £379 10s. 9d.; Robert Musgrove £113 8s. 11d. the estate of R. G. Hadden: Thomas most credulous reader. With this ex- ive, and he was listened to by the house with a Paty, £16 4s. 11d.; John Jones, £33 11s. 11d.; f. Mitchell, £3 4s. 9d.; Noah Bushby, £3: 10s. 2d.; Henry Isler, £47 3s. 3d.

In the estate of II. Ward ; David IIill, £12 5s Foss and Lloyd, £25. In the estate of John Staple.—Thomas Trend

£19 11s. 8d.: Robert Campboll and Co; £75 8s. 1d.; Foss and Lloyd. £35; Street and Beaumont, £16 6s 6d.; Lloyd, £6 17s 6d.; Jaques, £44 12s. 10d. In the estate of Thomas Turner-Joseph Sly

In the estate of Duncan M'Pheo, D. Jones In the estates of John Crane and Macalister

In the estate of George Faughtly Wright—John Thom. £21 17s. 6d.; George Rattray, £18 6s.; Joseph Walford, £56 4s. 10d.; C. Sandeman, £315 9s. 8d.; Campbell, Bell, and Co., £41 10s.; William Brown, £34 15s. 9½d. Mr. Micnik appeared to examine the Insolvent, and Mr. Dillon objected, that it was no Mr. Dillox took his objection on the terms of the 67th clause of the Act, which especially provided that the Commissioner should examine the Insolvent on oath, and Mr. Dillox conten-ded that this clause vested the power sololy in the Commissioner, to the exclusion of Council whose fees might eat up thomsets to the injury of the Creditors independently of introducing very voxatious and tolious process into the

The Commissioner gave a contrary meaning to the clause quote I, and the insolvent was examined at considerable length by Mr. Michig, but nothing more than had appeared on the former examinations was elicited.

In the estate of J. E. Manning; Arthur Baxland, £581; Francis Paulwitch, £349 158 5d : II. I. Pilcher, £19 8s. : harles Meredith £1740; imothy Maher, £29 6s. 8d.; Henry Perrier, £1515; W.lliam Murray, £131 7d. Auction Company, £136 15s.; Thomas Kit £348 4s. 7d.; II. II. Macarthur, £2878 18s, 12d John Harris, £100; J. W. Howey, £663 1s. Chambers and Thurlow, £17 10s.; William

Byrnos, £313 3s.

Mr. Rourss appeared for the main body of the Creditors, and proposed Major Lockyer, Mr. George Crawley, and Mr. Francis Mitchell, as Trustoes, who were accordingly nominated.

Mr. J. E. Manning was then sworn, as stated that he had not yet sworn to his chedule which had been filed for the information of the Creditors, and he now wished to make some alteration in it, the necessity for doing which courred by his having found documents which ad escaped his former search.

Mr. Darvall, who appeared to oppose Mr. M. suggested that, as making those alterations, would occupy some time, the case should be postponed until 2 o'clock, which would allow vir. M., time to carefully examine the Schedule hefere he swere to it, so that he might not com-

plain that he had been taken by surprise.

The hearing was accordingly postponed until two o'clock, at which time Mr. Manning, attended by Mr. Nonron, appeared, and being . was examined By Mr. DARVALL. The Shedule I have now ( a number of Bank Books, a Cash Book, and

several smaller one's, with a variety of papers, solvent Estates are up stairs in the Registrars

necessary that those books are produced, in order that I may refer to them, and also that

power to enforce their production. Perhaps, Mr. Manning could procure them.

Mr. Manning said he had no controll over the ooks, but he doubted not if application was made to Mr. M'Phorson, that gentleman would consent to their production.

The Clerk left the Court to apply for the

EXAMINATION CONTINUED .- There is an item in my Schedule of promises in Queen's Place Sydney, mortgaged to the Loan Company, for £5,000; that Mortgage has not been redeemed in any shape. There is a second Mortgage on that property, to the amount of £17,00 which has not been redeemed; In the statement of my assets, I value that property at £12,000; The Eagle Chief, an Australian melody, re- as a matter of rumour, I heard that it had been specifully inscribed to Lady O'Connell, the poetry by Mrs. E. II. Dunlor—the music by sale of it; I don't know what for; I have heard nothing a rout the sale, except by public report, IF music be rarely "married to immortal for; I believe both the Sheriff and Mr. George Cooper Turner came to me about it before the

corse," it is certain that verse is as rarely mar- sale; I don't know if I stated any value to them; pieco is by no means an exception, so that did not mention the incumbrance that was upon it ton of the bond by Mr. Edye Manning, on my it to Mr. Turner, because he knew it, but I did oath I cannot say that I was not solvent; I have Poet and Composer may view their performance with an equal degree of complacent satisfaction.

The air is arranged for the Piano-forte, with a characteristic produced; I heard that it was sold with other produced; I heard that it was sold with other property at the Sheriff's sale; I remember to spent my legitimate income, and even then I chorus for four voices, and on the whole is a very tolerable composition, and is as good as the generality of such productions, but we think it might have been written by any single individual out of the thousand and one who manufacture music, just as well as by Mr. Nathan—of whose powers is a very property at the Sheriff's sale; I remember to have heard that a property at Melbourne was also sold; the one for £30 and the other for £40, but I cannot remember which was which; I never gave my son instructions to buy the bank, but drew indiscriminately for my private and public oxpenses; all my private and public oxpenses; all my private and public oxpenses; if property at Melbourne was also sold; the one for £30 and the other for believe I over drew over my salary and income; I don't have been written by any single individual out of property; I mortgaged sheep to a Mr. Joseph Pye, to raise money to pay off my incumbrances; I put overbeard all my private income, and even then I put overbeard all my private income; I don't have been written by any single individual out of property; I mortgaged sheep to a Mr. Joseph Pye, to raise money to pay off my incumbrances; I never kept any separate account at the bank, but drew indiscriminately for my private and public oxpenses; all my private and public money went together; there is an item in my schedule, Mr. Curtis, for the funeral expenses though we doubt whother the fear of ition. We look to the work for the requisite chorus for four voices, and on the whole is a very have heard that a property at Melbourne was ridicule be sufficient to overcome the de- explanation, and find its moral conveyed tolerable composition, and is as good as the gen- also sold; the one for £30 and the other for tlod to the same benefit in respect of the operating motives, as if these motives had never been called into existence by the originating act. We have already seen board of a convict-ship, or the style in which it is got up—the impression of the same benefit in respect of the uncle, and the reader, by consequence, is of Mr. Nathan—of whose powers still as by Mr. Nath consequently must have been drawn on the 18th of August; I only gave him one bill, at least that Mr. FREDERICK CHARLES HOWARD and tormented with this writer's incrediation, upon indifferent paper, being a very inferior them about a thousand ewes each; I never gave on the occasion of his memorable interview with Crater finds the Doctor's sword with Master Smith. The sword having already done duty, it is one of the Doctor's pistols which is poses which we have pointed out as worthe date will show that I could not have given tates; I believe those sheep are at Darling Downs; He has none at Port Phillip; I have not

rather think not; Mr. Moore died in May and

before paid; I certainly included i

and reputation of the Irish poet. But in the present case, Mrs. Dunlop writes some very pretty verses—which are without a single loca! association—and Mr. Nathan makes a tune for them, and forthwith they are exalted, under distinguished patronage, into the style and title of lustralian Melodies! The Public have had a numerous family, I am satisfied that I never spent more than my salary, my per centage, and my private income; Mrs. Manning's fortune was about £11,000, part of which is invested in the colony and part in high and it might have been true, as I might have paid the money invested in the colony was so invested by me in trust for Mrs. M., by desire of lustralian Melodies! The Public have had my private income; Mrs. Ms. My desire of lustralian Melodies! The Public have had my private income; Mrs. Ms. My desire of lustralian Melodies! The Public have had my private income; Mrs. Ms. Drawity here stated that he was my brother Sergeant Manning, who was executor to the will; the money was originally invested in sheep, and was subsequently partly invested in two houses at Melbourne, and partly in sheep; it was originally invested in 1835; the money came to me and I invested it in sheep and give bonds to wife's trustees (my sons James and William); to secure the amount, which was required by my brother who was sole executor for my mother-in-law; the bonds were not common money bonds: there were conditions in them; the security of the sheep was given two or three years after the bonds were given; the bonds are in possession of my son as a trustee. [Mr. Darvall said it would be necessary to produce the bonds, and Mr. W. M. Manning said that they were at his chambers, and if the examina-tion was stopped for a short time he would bring them. Mr. Manning shortly returned with the bonds.] The terms of the bonds were that my son James (as trustee for my brother) was to hold certain flocks specified, the shepherds named, and the stations where they were running, in trust for my brother, to secure my wife portion, which I had invested; I have paid the expenses of depasturing those sheep, and have received the weel, to which I considered myself entitled, as myself and Mrs. Manning were living together, and it was part of her income; they were certainly considered estensibly as my property in the eye of the law; I have not in-cluded either of the bonds in my schodule, because they were satisfied by the transfer of the sheep; about nine months ago I exchanged other sheep for those which were held as security; I made the exchange with my sons James and William as trustees for my brother; the original lot of sheep that were in trust, were at Cubramatta; afterwards I sent others to Molbourne : they were sent to satisfy the trust for my ,wife, and other monies, connected with the trust, due to my son James; I have not communicated with the trustees at home relative to the exchange, but I believe my son William has done so; I have not heard that the exchange has been ratified by the trustees; one of the bonds is for £950 due to my brother as executo to Mrs. Cook, my mother-in-law, and the other riage settlement, to secure to her the sum of tlement; there was no power given to me to vest the money in the colony; I did it on my own responsibility, and my brother was uneasy at my doing so; he considered it somewhat in the nature of a breach of the trust, and I gave the bonds to satisfy him; the first sheep trans action was only conditional to secure the amoun of the bonds; the second was an absolute sale eight months ago, when the precise number of the sheep to meet the claim of the trustees at myself and my sous; the transfer of the pro-perty was drawn by Mr. Mock, attorney, who is

with the weight and experience of forty years on its shoulders, we expect, at the very least, corhome were sold; the sale was effected in rectness in the newspaper requisite of—Gram-sydney; no person was present at the sale but mar. But what shall we say to the following. mar. But what shall we say to the being the latest specimen of the kind, from our being the latest specimen of the Gazette? We perty was drawn by Mr. Mock, attornoy, who is venerab's contemporary of the Gazette? We now at Melbourno; the sheep so sold were taken by me in exchange for some cattle, my own shall also have a few words to say, at the same by me in exchange for some cattle, my own property, some months before I sold them; the principal reason for exchanging the sheep for the cottages was, that my son thought there impulent and assuming manner has attached upon the cottages was, that my son thought there impulent and assuming manner has attached upon the following the strength of the cottages was, that my son thought there impulent and assuming manner has attached upon the following the strength of the cottages was, that my son thought there impulent and assuming manner has attached upon the following the strength of the cottages was, that my son thought there impulent and assuming manner has attached upon the following the strength of the cottages was, that my son thought there is not the cottages was, that my son thought there is not contage. The cottage was the cottage. were too many sheep for one concern, and that in a strain peculiarly ITS own." So that acthe money would be much better invested in the cottages; I gave in the first instance, sheep to secure the bonds; 1220 ewes to secure £1,430; to be of the masculine gender, whereas in the 531 and 661 ewes to secure £2,160, and 580 very next breath the said journal is unkindly young owes to secure £550; about 3,000 owes to secure £3,560; my son William did not like so many shoop, so he took the cottages; I am contemp sorry to say that I gave double the value of than the spirit which its writer exhibits—in his them, for the cottages; about eight months ago, at the time the exchange was made, sheep were worth about 13s or 14s a head; I don't know, nor do I believe that sheep were selling at that time for Is 6d a piece, I don't think that I over sold any ewes; I sold the wethers; at that time there was not a bond entered into by any of my family that I should not become insol of my family that I should not become insol which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight where the confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight which we are confident will have all due weight where the confidence and in reply to a most uncalled for the confidence and in reply to worth about 13s or 14s a head; I don't know, with cheated men to whom, excluding the writer in the Gazette, we on that occasion, Paton, and a bond was given by my son; I did with educated men to whom, know at that time that I was not in solvent circumstances, but I thought it better to give the particularly addressed ourselves. bond, to enable me to go on, in hopes that times would improve; Mr. Minithorpo, who was attorney for Mr. Paton, suggested that some of

torney for Mr. Paton, suggested that some of my family should secure the payment, and my son Edye gave a bond guaranteeing the payment if I became insolvent within sixty days from the date of the mortgage: Mr. Payton's also and the mortgage is many.—In Australia, the month of May, as regards the seasons, corresponds with the month of November in the arctic hemisphore, and towards its commencement, agriculturists are gonerally fully employed in getting the sowing of the wheat eron brought to a close the source. EXAMINATION CONTINUED.—These are all the Books I kept, excepting those which relate to my official character as Registrar of the Court.

The returns and looks a sequence of the court satisfy his claim, it was not a sale but a mort. satisfy his claim, it was not a sale but a mortgage; I valued the sheep at 8s a head; I had
been buoyed up with the hope that times would
improve; he did not take possession of the
sheep (Mr. Norton—Oh! yes, he did!); I was
not aware that he dul; I don't know that Payton sold the sheep; I have heard that he sold
his claim upon them to Mr. Salting and to my his claim upon them to Mr. Salting and to my ley carried on. This month is also regarded as son: I lost considerably by the Vermont Estate: the best for grubbing, as the ground is generally the rent is paid to Mr. Wentworth who has a soft, and considerable assistance in bringing mortgage upon it; it is ronted to my son-in-law, Captain Forbes, at the advance rent of £100 Captain Forbos, at the advance rout of £100 the strong westerly winds which generally prefor the first five years, £:50 for the second five vail about that time. This is also the best years, and £250 for the last seven years; I month for stripping hark, as well as for felling have heard that the principal part of the proporty was sold by the sheriff, at what was considered a sacrifice; I do not know it for a fact; although I have applied several times to the heriff for an account of the sales, I cannot get it; I heard it from my sons and through the public papers; I don't know whether those sales stand; I have heard that they were given up; there is an item amongst my assets of nightly there is an item amongst my assets of ninety shares in the General Steam Navigation Com-pany, valued at £2,980; I do not know what the present value of shares in the Company now is; I have put them down at what they cost me; I cannot say that they are not worth more than 2080s; I am sorry to say that I was the largest shareholder; there is also an item of £100 for Brisbane Water Steam Navigation Company's Shares; they are also stated at what I give for them; I cannot say how this Company is progressing; I do not know that it was a bubble Company and that it is now extinct; there is an item of £350 for Auction Company's Shares; that is what they cost me; all these form portions of my assets and are stated at what they cost me; George Townsend, who is stated to owe me £300, is insolvent; so is Hipkiss £175; also Gooch and Warne; at the time of the sale of the cottages, property had greatly depreciated in value; at the time of the execu-

ONE HUNDRED POUNDS REWARD, OR A FREE PARDON AND PASSAGE TO ENGLAND .- Whereas i has been represented to the government, that on the night of the 23nd of February last, a party of six or more Europeans surprised a number of aboriginal natives, sleeping in a tea-tree scrub, in the immediate vicinity of the station of Mossrs. Smith and Osbrey, in the Portland Bay District, and then and there barbarously murdered three aberiginal females and one male child, by gun or pistol shots, besides wounding a fourth female ;-His Excellency the Governor directs it to be notified, that a reward of one hundred pounds will be paid to any free person or persons (except the actual perpetrator) shall give such information as shall lead to the conviction of the parties guilty of the above crime; and if the party giving such information be a prisoner of the Crown, application will be made to Her Majesty for the allowance of a free pardon and passage to England, to such prisoner of the Crown.—Government Gazette.

more than one bill; if I stated that the sale of Mr. Moore's effects was not completed at that time, I should have stated correctly; I re-THE BUNYA, OR BANYA BUNYA TREE.-The ceived bills at three, six, and nine mouths, following notice appears in Tuesday's Governfrom Mr. Samuel Lyons, for the sale; I ment Gasette:-It having been represented to the cannot say if they were endorsed by the auc-Governor that a district exists to the northward of Moreton Bay, in which a fruit-bearing tree abounds, called Bunya, or Banya Bunya, and that the Aborigines from considerable distances resort at certain times of the year to this disexists to the northward tioneer; I am pretty sure that two of them were made use of by me; If Mr. Moore died in May, the sale must have taken place in June; I had some cash sent me by Mr. Lyons, but I had some cash sont me by Mr. Lyons, but I can't say how much it was; Mr. Moore's funeral expenses were £80, and I had more than that sum in my possession; It was not my duty to pay cash even when cash sales were made. The Rule of Court provides that I shall not pay over money until the Claims were advertised in the Court ment Gastle. I did not offer my note resert at certain times of the year to the dis-trict for the purpose of enting the fruit of the said tree; His Excellency is pleased to direct that no licenses be granted for the occupation of any lands within the said district in which the Bunya or Banya Bunya tree is found. And notice is hereby given, that the several crown commissioners in the New England and Moreton Bay districts have been instructed to remove Government Gasette; I did not offer my note o Curtis; It was by his desire that I gave him the note, as a matter of convenience to him; I any perion who may be in the unauthorised occu-pation of land whereon the said Bunya or Banya Bunya trees are to be found. His Excellency considered that every claim should be published neral expenses with the other claims: I did not see Curtis about the funeral, nor did I give him Curtis about the funeral, nor did I give him has also directed that no licenses to cut timber orders; the order for the funeral was given by the granted within the said districts.

Mr. Therry and Mr. Broadhurst, with my consent certainly; Mr. Therry came to me and consent certainly; Mr. Therry came to me and reflect to them; I have no recollection of stating to him that I had no money of the Estate, but if I had it might have been true, as I might have paid what I received to other Creditors before he implementation of the Captain and Surgeon of the ship Carthagenian, for an assault on Margaret Aun Bolton, an unmarried female immigrant, was held at the supreme Court, last week, and considered to other Creditors before he immid and beings to light same features.

Mr. DARVALL hore stated that he required in the other Court; that it was getting ate, being then nearly 5 o'clock, and he wished Mr. Manning to be remanded for further examination.

Wr. Manning said that he had to come a Wr. Manning said that he had to come a long way, as he was stopping with his son-in-law, 40 miles distant from town, and it would study the miles distant from town, and it would such that the control of the submission to this inhuman treatment—the woman at the time being in a delicate state of health. A second count charged the prison-law, other time provided he was given a state of the state y, nowever, no would attend on lacendry, or of neatter. A second count charged the contracting day or two's notice.

The Commissioner informed him that when

attend.

### NEWS OF THE DAY.

Burglary.-The house of Mr. Betts. senior, of Sydney Glebo, was broken into by some person or persons, late on Friday night, or early on Saturday morning last. The thieves carried off soveral articles of plate, consisting of sugar bason, spoons, and other articles.

NYDNEY DISPENSARY.—We have received a

copy of the Thirteenth report of this very useful and praiseworthy institution, which since the s, than many institutions of a much nore pretending character. We are glad that it meets with the support which it deserves, not only from the benevolence of private individuals, but from the munificence of the Co-lonial Government, which has presented the Individuals. stitution with a large sum, equal to the sub-scriptions for 1910, and has provided apartments, rent-free, for the accommodation of The report is drawn up with care and ability, and is, as we imagine, the production of the Secretary—the Rev. Dr. M'Garvie, who still continues his valuable services to the Institution. DEATHS OF DISTINGUISHED MEN -DR. BIRKneck, the president of the London Mechanics Institution, died at his residence, Finsbury-square is for £1471 to my son William as administrator on the 1st December. The paper whonce we to Mrs. Cook, and a third to my brother and extract the intelligence describes him "as the

patron, promotor and founder, of Mechanics' Institutions in every part of the country. In him science has lost a devoted student, and the working classes an ardent and affectionate friend. We regret also to notice the death of Sic FRANCIS CHANTREY, who stood confessedly at the head of British Sculptors, and whose death has left a vacancy in that difficult branch of the fina arts, which it is to be feared there is no one at Present to fill.
The Gazette's bad Grammar.—In a journal,

cording to our venerable contemporary, the Examiner is acknowledged in the first instance reduced to the neuter gouder—a consummation no doubt devoutly wished for by our contemporary aforesaid. But what is worse Gazette's bad Grammar, is the bad notice of us—a spirit which descends to the meanness of an implied falsehood, the writer May .- In Australia, the month of May, as re-

soft, and considerable assistance in bringing down large trees, may now be calculated on from vances. The preparation of charcoal, for malting may also be attended to in this month. In the orchard, May is the best season for pruning the fruit trees, and all useless branches should be cut close off. In the kitchen garden, early in the small sallads, turnips, onions, and peas, may be carthed, and towards the close of the month, greens may be transplanted. In order to secure the potatoe crop, several modes of procedure may be followed, the following is that generally employed where no shed or store is in use, viz. -They are laid when dry in long triangular prism-shaped keaps, having a base of four or five feet, after which, a coating of dry straw or rubbish is spread over the two upper surfaces of the heap. A trench is cut round the whole so as to allow the water to run off, the earth taken from the trench being thrown over the straw to the depth of five or six inches, and the whole is to judicious management. He was also be rendered as solid as possible by being beat round with the spade.—Tegg's Pocket Almanac.

IMPORTANT TO INTENDING EMIGRANTS,—The trial of the Captain and Surgeon of the ship mind, and brings to light some matters relative to the treatment of emigrant passengers, which, we think, cannot fail to be used against the systom in England. The indictment charged the prisoners with having committed an assault on the person of Margaret Ann Bolton by throwing several buckets of water over her, having been After a lengthened investigation, the jury retir-The Commissioner informed him that when any one applied for a special meeting, it would be appointed, and notice given him when to opportunity,

CHARGE OF FORGERY. Yesterday, a young man, named John Robert Raine, was brought before the Police Court and charged with having forged a prommissory note, purporting to be drawn by Charles mith, for the sum of 1230. The note had been discounted by Yr. Roemer, through Ironaide and Rich, brokers, who gave of the bill, and it was afterwards shown to him by Mr. Roemer. 'I he signature was so to his own that he could not have sworn it was not his, had he not been perfectly assured that came to him about two or three months wince; with the bill in question, and he (Mr. kronside)

#### PORT MACQUARIE.

The steamer Maitland arrived here, on Thursday morning last, having on board Colonol Barnoy, Captain Elliott, Police Magistrate at Moreton Bay, the Rev. Mr. Hastings, Horatio Tozor, and \_\_\_\_ Hewett, Esq., two passengers, and eight prisoners of the crown in the steerage.

The arrival of Colonel Barney to this town has created much interest, his visit has been long and anxiously looked for, as there are several very necessary erections and improvements required to be made for the advantage of this place, and we were quite certain it only wanted the presence of this gentleman to see the necessity of our wants, and that he would then favour our views, and speedily put into execution those improvements so absolutely necessary for this flourishing town. Shortly after his arrival, and during the whole of yesterday and to day, he has been actively employed inspecting erections and improvements indispensably nocessary :---

1st.—The erection of a new hospital. The present one being in a most dilapidated state, and several parts of the

building supported by props.

2nd.—The erection of a bridge. This is most essential to be done, as the old one has been for a long time in so dangerous and shattered a state, that it is a miracle it has not fallen in long before. This bridge leads to the whole of the main roads from the town to every part of the colony.
3rd.—The crection of a court-house.

The present police office was formerly a dwelling-house, and stands nearly in the middle of Williams'-street. The new court-house will be built at the junction of Clarence and Williamsstroots.

th.—The removal of the Lumber-yard from its present situation. This will be a great improvement to the town, as at present it forms a most unsightly, unshapen, and shattered appearance to. persons coming to this town by water.

th .- Colonol Barney has also concurred in the necessity of a reservoir being made, which can be done at the lowerend of Bridge-street, and that at a verylittle expense, which will not only be a benefit but a real blessing to the towu.

The above are the principal improvements which are considered requisite for the benefit of this town, and which met with the approbation of Colonel Barney. We are now in firm hopes that it will not be long before these improvements will be commenced, and that, at no very distant period, some of them will be. finished, and then will the town of Port Macquarie vie with any country town in month of May, cabbage, cauliflower, broad beans, the colony in neatness, commodiousness, rogularity, and beauty.

The Colonel expressed, in high terms, is approbation of the cleanliness, comfort, and order exhibited in the different public departments of this town, and passed a high and well-merited encomium, on the assiduity and exertions of our Police Magistrate, W. N. Gray, Esq., while every thing around him so eminently displayed that gentleman's of the town.

Mr. Richard Thompson's first monthly sale of cattle, horses, merchandise, &c., at his Auction Mart. Clarence-street, commenced on the 6th instant. Wa never recollect seeing so numerous and respectable an assemblage of persons at a salo in our town before. We felt pleasure at this his first undertaking, and we hope he will continue to meet with the same encouragement.

COURT OF REQUESTS .- This court oponed on the 5th instant, there was a great number of cases, amounting to I20, but none of any interest, save to the parties thomselves.

POLIOR OFFICE .-- On Friday, a runway, named Martin Kelly, from Lang's road party, New England, was sentenced by W. N. Gray, Esq. and Dr. Carlyle, to be worked in the iron gang for twelve months; he was apprehended at Kurryjong, having in his possession a certificate of freedom belonging to one Chambers. He was forwarded by the Windsor Bench to Port Macquarie to be dealt with.

The Maitland leaves this port for Sydney to-morrow morning, in which Colonel Barney intends to return.

The steamer Sovereign is this morning riding at anchor inside the bar; we hear she has brought a mail but no passengers, April 16, 1842.

× 4#