

"no doubt that a very competent person may be found to accept the office at a salary of &c.—"

Sir James Dowling, on behalf of himself and brother Judges, states in his rejoinder of the 28th of December:—

"The measure in contemplation by which the Supreme Court is to be no longer an office for the Registration of Deeds, is one which has our entire concurrence—"

As however the Governor and the Judges of the Supreme Court, did not agree as to additional appointments in the Court desired by the latter, the subject was brought under the notice of Lord Stanley by a Despatch, dated, 16th January, 1842. (See Council Papers for 1843, p. 308.) In this Despatch whilst particularising the duties performed by the respective officers of the Court Sir George states,—“At the present moment there is not a single Deed or Instrument registered in the Registrar's Office, that relates to the business of the Court; all these being, as I have already said, recorded in the office of the Chief Clerk.” In the reply of my Lord Stanley, dated 15th December, 1842, the following passage occurs,—“I am of opinion that the office of Registrar of Deeds should be established, not on its present footing, as a branch of the Supreme Court, but as a distinct office, under the immediate control of the Executive Government.”

Thus then the matter stood at the time the Governor sent to the present Council the message already alluded to, accompanied by a Draft of the proposed Bill, and the result was the passing of the Act of Council 7 Vic. No. 16.

In the preamble of this Act under which Mr. Carter was appointed, it is recited that it is expedient “to establish a General Registry Office, independent of, and unconnected with, the Supreme Court of New South Wales.” And following up the views which appear to have been entertained by all parties at the time, the Council in the Appropriation Act for the ensuing year, voted Mr. Carter's salary out of the General Revenue.

It was not until the Session of 1844, that it occurred to the Council that here was a famous opportunity for testing the expansive capacity of Schedule A., and accordingly it was resolved that, Mr. Carter should thenceforth abide in Schedule A, thus acting in direct opposition to their proceedings of the previous year, or as Mr. Wentworth elegantly expresses it—*eating up their own votes.*

After an angry discussion on Tuesday last, the Council again affirmed in effect the proposition that the office of Registrar General did form a portion of the administration of Justice, or at all events that Mr. Carter was properly an inhabitant of Schedule A. The reasons assigned by the different speakers for coming to this conclusion, and the only reasons so far as we could gather, were—

- 1st—That the Documents registered by Mr. Carter, were generally of a legal character, and were consequently connected with the administration of Justice.
- 2nd—That the Council must not be compelled to eat up its own vote.
- 3rd—That Lord Stanley in his Despatch of the 15th December, 1842, had contemplated this expense being borne on Schedule A.

The first argument, if good for anything, goes to prove that every officer in the public service, Police Magistrates, Constables, &c., all included, should also be paid from the same fund, for they are all directly connected with the administration of Justice.

In fact as facetiously observed by Mr. Foster, this argument would also go to prove that the honorable member for Durham, from whom it emanated, and himself (Mr. Foster), should likewise be quartered on Schedule A.

The second argument was that which decided the question; and of the force which should attach to it, we leave every honest noble mind to judge.—We leave it to those who, as manfully expressed by Mr. Darvall, “have the courage to confess that they have erred.”

The third reason demands more attention. Towards the conclusion of the Despatch alluded to, which is one of some length, Lord Stanley treats of several distinct alterations and appointments in the Court, namely,—1st—The appointment of a Prothonotary and Registrar. 2nd—The appointment of a Master in Equity. 3rd—The appointment of a Registrar of Deeds separate from the Court, and 4th—The vacating by Dr. Kinchela of the office of Advising Counsel, and the noble Lord then concludes thus:—

“These arrangements will make but little addition to the existing charge for the Judicial Establishment of New South Wales, and will be provided for out of that part of the Civil List Revenue, which has been appointed by Parliament to this branch of the public service.”

Now it is not difficult to understand that this sentence refers more particularly to the appointment of a Prothonotary and a Master; to those items, in short, which *increased* the expenditure, than the appointment of a Registrar which we have just seen, was to be distinct from the Court, or to the secession of Dr. Kinchela, which was in fact a direct *increase* of the funds available under Schedule A, to the extent of his pension. But were it not so, it is sufficient to say that Lord Stanley's Despatch was written long before the passing of the Registry Act in this Colony,—and to crown all the arguments on this head, the Council were in possession of this Despatch when they voted Mr. Carter's salary for the year 1844 out of the General Revenue!

Upon this précis of the case, we leave our readers, each for himself, to judge whether the Executive or the Council is to blame in this unseemly squabble, by which a good citizen will in all probability be brought to ruin.

VAN DIEMEN'S LAND.

EMIGRATION OF EMANCIPISTS.—A few days ago 70 passengers, under the new regulations for permitting persons holding conditional pardons to emigrate to the Australian Colonies, left our harbour in the three-masted schooner *David*, for Port Phillip, having their passages paid by agents here, (Messrs. Hopkins and Brown,) appointed to make proper selections for the additional supply of useful labour to that flourishing settlement in New South Wales. Several of the emancipists had families. They were highly recommended by gentlemen in whose service they had been when in bondage, as skilful trades-

men, and sober and industrious men. There were several sawyers and shoemakers, and experienced stock-keepers and farming men. These useful emancipists have emigrated from our shores from the impossibility of obtaining remunerative employment in this colony, owing to the overwhelming influx of probation labour. The persons who thus emigrate, it may be useful to state, are subjected to a rigid supervision of the police, when on board, under direction of resident District Constable Watkins, to see that none depart under fictitious pretences, and who have not previously obtained the requisite permission.—*Hobart Town Advertiser.*

SENTENCE OF DEATH.—Yesterday, Francis Maxfield was convicted of an attempt to murder Joseph Ellis, sub-overseer of the crime class at Port Arthur, by wounding him with an axe in the most savage manner. He was immediately sentenced to death, with an intimation that he will suffer at Port Arthur, and his body be hung in irons there on a gibbet.—*Ibid.*

CONSTABLE SHOT BY A BUSHRANGER.—On the evening of Sunday week, as Constable Murray was proceeding across the Quoin, in the Bothwell district, he came in contact with a person who is known to have committed several felonies, a free man as we are informed, who has taken to the bush. Both men were armed, and Constable Murray was the first to fire, but missed, and got behind a bush to reload. Whilst in the act of doing so, the other man fired, and shot Murray in the thigh. The ball had not been extracted a few days ago. Murray, who is disabled in the right hand by a shot from a bushranger, and obtained his conditional pardon in consequence, now lies at Bothwell in a dangerous state.—*Ibid.*

“THE BARON DE BERZ.”—This very accomplished swindler has been again before the public in his usual character, but upon rather an extended scale of plunder. The particulars of the case, as far as we can gather them, are as follow:—The worthy “Baron,” who after his last sentence to the roads, had found an asylum at Mr. Crouch's Temperance Hotel in the capacity of a hired third class passholder, obtained, as it would seem, some intelligence to the effect that a rich old man, named Squires, had died, bequeathing some £70,000, and an estate worth £1200 a-year, to his heir. This heir, it was said, was in Van Diemen's Land, nay, in Hobart Town, and the worthy “Baron de Berz” was deputed to discover him, or at all events he declared he could do so. With this view he kindly selected an elderly gentleman of the name of Squires, a Quaker, we believe, and residing in Argyle-street. It was proposed to this gentleman, that on the execution of the necessary documents to be transmitted to England, he should give him £1000 for his information, the worthy “Baron” it seems, being cognizant of the fact, that Mr. Squires was possessed of some few, or perhaps not a few, hundred sterling pounds. To perfect his purpose in a business-like manner, and the “Baron” is quite a man of business, he proposed to a young gentleman who is in a solicitor's office, to share the fee with him, if he would prepare the requisite writings; this young gentleman, however, very properly preferred giving information to the police, when the Baron was apprehended, and eventually sent to the roads again for nine months.—*Ibid.*

LITERARY REGISTER.

THE CREEK OF THE FOUR GRAVES.

A TALE OF THE BUSH.

BY CHARLES HARPUR.

(Concluded from our last.)

Frémont, transfixed,
Saw this, then turned and fled! fast—but as fast
His deadly foes came thronging on his track!
Fast—for the merciless yelled on the chase!
And as he fled, the forest beasts as well,
In general terror, through the brakes ahead
Crashed scattering, or, with madning speed, athwart
His course came frequent. On, on, on he flies—
Flies for dear life! and still behind him, yea,
Now in diminishing distance, hears the dig
Of many feet—And now, what should he do?
Abruptly turning, the wild Creek lay right
Before him! But no time was there for thought;
So on he kept, and plunging from its brink,
Sunk to the middle in the flashing stream:
And strongly wading through, and clenching hard
A root protruding from the opponent bank,
'Gan climb it in his breathless hurry;—when—
Oh, God has a peculiar care for those
For whom the prayers of spotless womanhood,
And helpless infancy, are offered up!—
When, in its face, he found a cavity,
The upper earth of which was held fast bound
By the close implication of the roots
Of two old tea-trees. Into this he crept,
Just as the dark forms of his hunters thronged
The brink whence he had plunged.

Thereon a space
They paused, to mark what bent his course might take
Over the further bank, so to hold on
The chase more surely. Naught there stirred!
Wherefore they argued that their prey was yet
Somewhere between; and the whole group, with that,
Plunged eagerly down, and the vexed waters boiled
Amongst their crowding trunks, as searchingly
They passed athwart the cavity;—so near,
That as they waded by, the fugitive
Felt the strong odour of their wetted skins
Pass with them. But the search was vain. And now
Those wild men marvelled, and in consultation
Coupling the Whiteman's vanishment with one
Of their crude superstitions, suddenly,
And fearful, they withdrew. And when the sounds
Of their receding steps died from his ear,
Our Friend slid forth, and springing up the bank,
Renewed his flight, nor rested from it, till
He gained the welcoming shelter of his home.

Return we, for a moment, to the scene
Of recent Death. There the late flaring fire
Now smouldered, for its brands were strown about,
And four stark corpses plundered to the skin,
In brutal mutilation, seemed to stare
With frozen eyeballs up into the pale
Round countenance of the moon; who, high in heaven,
With all her multitude of stars, looked down
As peacefully as on a bridal there
Of the warm Living—not on they who kept
Untimely sponsals with a Desert Death.
And this should teach us that the empyreal Things
Of God, in their creation, were designed
To witness, sympathisingly, alone
The offices of Unity and Love.

Afterwards, there, for many changeful years,
Within a glade that to the steeper bank
Of that wild mountain Creek sloped down, even there,
In partial record of a terrible hour
Of human suffering and cruelty,
Four grassy mounds, stretched lengthwise side by side,
Startled the wanderer;—four grassy mounds
Overstrown with skeleton boughs and bleaching leaves,
Striped by each winter winged gale that roamed
Those solitudes, from the old Trees that there
Moaned the same leafy dirge that took the heed
Of dying ages: these were all; and thence
The place was called, passingly called, the Creek
Of the Four Graves.—What think you of my Tale
Of an Old Settler in the wild Old Times?

BIOGRAPHY.

PASCAL.

BLAISE PASCAL was born June 19, 1623, at Clermont, the capital of Auvergne, where his father, Stephen Pascal, held a high legal office. On the death of his wife in 1626, Stephen resigned his professional engagements, that he might devote himself entirely to the education of his family, which consisted only of Blaise, and of two daughters. With this view he removed to Paris.

The elder Pascal was a man of great moral worth, and of a highly cultivated mind. He was known as an active member of a small society of philosophers, to which the Academie Royale des Sciences, established in 1666 owed its origin. Though himself an ardent mathematician, he was in no haste to initiate his son in his own favourite pursuits; but having a notion, not very uncommon, that the cultivation of the exact sciences is unfriendly to a taste for general literature, he began with the study of languages; and notwithstanding many plain indications of the natural bent of his son's genius, he forbade him to meddle, even in thought, with the mathematics. Nature was too strong for parental authority. The boy having extracted from his father some hints as to the subject matter of geometry, went to work by himself, drawing circles and line, or, as he called them in his ignorance of the received nomenclature, rounds and bars, and investigating and proving the properties of his various figures, till, without help of a book or oral instruction of any kind, he had advanced as far as the thirty-second proposition of the first book of Euclid. He had perceived that the three angles of a triangle are together equal to two right ones, and was searching for a satisfactory proof, when his father surprised him in his forbidden speculations. The figures drawn on the walls of his bed-chamber told the tale, and a few questions proved that his head had been employed as well as his fingers. He was at this time twelve years old. All attempts at restriction were now abandoned. A copy of Euclid's Elements was put into his hands by his father himself, and Blaise became a confirmed geometrician. At sixteen he composed a treatise on the Conic Sections, which had sufficient merit to induce Descartes to attribute the authorship to the Desargues.

Such was his progress in a study which was admitted only as the amusement of his idle hours. His labours under his father's direction were given to the ancient classics.

Some years after this, the elder Pascal then in his nineteenth year, invented his famous arithmetical machine, which is said to have full answered its purpose. He sent this machine with a letter to Christina, the celebrated Queen of Sweden.

It should be remarked that Pascal, whilst he regarded geometry as affording the highest exercise of the powers of the human mind, held in very low estimation the importance of its practical results. Hence his speculations were irregularly turned to various unconnected subjects, as his curiosity might happen to be excited by them. The late creation of a sound system of experimental philosophy by Galileo had roused an irresistible spirit of inquiry, which was every day exhibiting new marvels; but time was wanted to develop the valuable fruits of its discoveries, which have since connected the most abstruse speculations of the philosopher with the affairs of common life.

There is no doubt that his studious hours produced much that has been lost to the world; but many proofs remain of his persevering activity in the course which he had chosen. Amongst them may be mentioned his Arithmetical Triangle, with treatises arising out of it, and his investigations of certain problems relating to the curve called by mathematicians the Cycloid, to which he

turned his mind, towards the close of his life, to divert his thoughts in a season of severe suffering. For the solution of these problems, according to the fashion of the times, he publicly offered a prize, for which La Loubère and our own Wallis contended. It was adjudged that neither had fulfilled the proposed conditions; and Pascal published his own solutions, which raised the admiration of the scientific world. The Arithmetical Triangle owed its existence to questions proposed to him by a friend respecting the calculation of probabilities in games of chance. Under this name is denoted a peculiar arrangement of numbers in certain proportions, from which the answers to various questions of chances, the involution of binomials, and other algebraical problems, may be readily obtained. This invention led him to inquire further into the theory of chances; and he may be considered as one of the founders of that branch of analysis, which has grown into such importance in the hands of La Place.

His fame as a man of science does not rest solely on his labours in geometry. As an experimentalist he has earned no vulgar celebrity. He was a young man when the interesting discoveries in pneumatics were working a grand revolution in natural philosophy. The experiments of Torricelli had proved, what his great master Galileo had conjectured, the weight and pressure of the air, and had given a rude shock to the old doctrine of the schools that "Nature abhors a vacuum;" but many still clung fondly to the old way, and when pressed with the fact that fluids rise in an exhausted tube to a certain height, and will rise no higher, though with a vacuum above them, still asserted that the fluids rose because Nature abhors a vacuum, but qualified their assertion with an admission that she had some moderation in her abhorrence. Having satisfied himself by his own experiments of the truth of Torricelli's theory, Pascal with his usual sagacity devised (or if we believe M. de Feller, Descartes suggested to him) the means of satisfying all who were capable of being convinced. He reasoned that if, according to the new theory, founded on the experiments made with mercury, the weight and general pressure of the air forced up the mercury in the tube, the height of the mercury would be in proportion to the height of the column of incumbent air; in other words, that the mercury would be lower at the top of a mountain than at the bottom of it: on the other hand, that if the old answer were the right one, no difference would appear from the change of situation. Accordingly, he directed the experiment to be made on the Puy de Dôme, a lofty mountain in Auvergne, and the height of the barometer at the top and bottom of the mountain being taken at the same moment, a difference of more than three inches was observed. This set the question at rest for ever. The particular notice which we have taken of this celebrated experiment, made in his twenty-fifth year, may be justified by the importance attached to it by no mean authority. Sir W. Herschell observes, in his discourse on the Study of Natural Philosophy, page 230, that "it tended perhaps more powerfully than any thing which had previously been done in science to confirm in the minds of men that disposition to experimental verification which had scarcely yet taken full and secure root."

Whatever may be the value of the fruits of Pascal's genius, it should be remembered that they were all produced within the space of a life which did not number forty years, and that he was so miserably the victim of disease that from the time of boyhood he never passed a day without pain.

His health had probably been impaired by his earlier exertions; but the intense mental labour expended on the arithmetical machine appears to have completely undermined his constitution, and to have laid the foundation of those acute bodily sufferings which cruelly afflicted him during the remainder of his life. His friends, with the hope of checking the evil, sought to withdraw him from his studies, and tempted him into various modes of relaxation. But the remedy was applied too late. The death of his father in 1651, and the retirement of his unmarried sister from the world to join the recluses of Port Royal-des-Champs, released him from all restraint. He sadly abused this liberty, until the frightful aggravation of his complaints obliged him to abandon altogether his scientific pursuits, and reluctantly to follow the advice of his physicians, to mix more freely in general society. He obtained some relief from medicine and change of habits; but, in 1654, an accident both made his recovery hopeless, and destroyed the relish which he had begun to feel for social life. He was in his carriage on the Pont de Neuilly, at a part of the bridge which was unprotected by a parapet, when two of the horses became unruly, and plunged into the Seine. The traces broke, and Pascal was thus saved from instant death. He considered that he had received a providential warning of the uncertainty of life, and retired finally from the world, to make more earnest preparation for eternity. This accident gave the last shock to his already shattered nerves, and to a certain extent disordered his imagination. The image of his late danger was continually before him, and at times he fancied himself on the brink of a precipice. The evil probably was increased by the rigid seclusion to which from this time he condemned himself, and by the austerities which he inflicted on his exhausted frame. His powerful intellect survived the wreck of his constitution, and he gave ample proof to the last that its vigour was unimpaired.

In his religious opinions he agreed with Jansenists, and, without being formally enrolled in their society, was on terms of intimate friendship with those learned members of the sect, who had established themselves in the wilds of Port Royal.

The controversy between M. Arnauld and the Sorbonne on the subject of free will was now at its height. Espousing the cause of his friend, Pascal put forth under the name of Louis de Montalte the first of that series of letters to "a friend in the country"—à un provincial par un de ses amis—which, when afterwards collected, received by an absurd misnomer, the title of the Provincial Letters of Pascal. In these letters, having exhibited the doctors of the Sorbonne in a light irresistibly ludicrous he proceeds with the same weapon of ridicule, all powerful in his hand, to hold forth to derision and contempt the other chief opponents of Jansenism—the Jesuits. For much of his matter he was undoubtedly indebted to his Port Royal friends, and it is equally certain that he was taught by them

to reproach unfairly the whole body of Jesuits, with the faults of some obscure writers of their order; as well as to distort many of the passages quoted in support of his positions; yet although this was clearly shewn at the time, and although the "Provincials" produced in reply a work of nearly equal genius and spirit from the pen of the celebrated Père Daniel, nothing could efface the first impressions created by the author's irresistible power of ridicule. They more than contributed to the subsequent destruction of that once powerful and learned society. The questions discussed in the "Provincials" are now obsolete, and it is to be regretted that such incomparable wit was exhausted in an ephemeral dispute; still we must admire the force of genius which has enabled the work to survive the interest attached to the subject, and to hold, as it ever must hold, a high place among the French Classics.

It seems that Pascal had formed a design, even in the height of his scientific ardour, of executing some great work for the benefit of religion. This design took a more definite shape after his retirement, and he communicated orally to his friends the sketch of a comprehensive work on the Evidences of Christianity, which his early death, together with his increasing bodily infirmities, prevented him from completing. Nothing was left but unconnected fragments, containing for the most part his thoughts on subjects apparently relating to his great design, hastily written on small scraps of paper, without order or arrangement of any kind. They were published in 1670, with some omission, by his friends of Port Royal, and were afterwards given to the world entire, under the title of the Thoughts of Pascal. Many of the thoughts are such as we should expect from a man who with a mind distinguished for its originality, with an intimate knowledge of scripture, and lively piety, had meditated much and earnestly on the subject of religion. In a book so published, it is of course enough to find matter for censure and minute criticism; but most Christian writers have been content to bear testimony to its beauties and to borrow largely from its rich and varied stores. Among the numerous editors of the Thoughts of Pascal are found Condorcet and Voltaire, who enriched their editions with a commentary. With what sort of spirit they entered on their work may be guessed from Voltaire's well known advice to his brother philosopher. "Never be weary, my friend, of repeating that the brain of Pascal was turned after his accident on the Pont de Neuilly." Condorcet was not the man to be weary in such an employment; but here he had to deal with stubborn facts. The brain of Pascal produced after the accident not only the Thoughts, but also the Provincial Letters, and the various treatises on the Cycloid, the last of which was written not long before his death.

He died August 19th 1662, aged thirty-nine years and two months.

Equity.—An eccentric old gentleman being waited upon with his surgeon's bill, cogitated some time over its contents, and then desired the man who called with it to tell his master that the medicine he would certainly pay for, but as for the visits which he had received he would return them.

Draft of the Bill to repeal the Preferable Lien Act.—By Punch.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales, intitled, indifferently, "An Act to give a Preferable Lien on Wool," or the "Squatters' Friend," which said Act hath effected immense advantage by inducing persons to lend their money without putting the borrowers to the awkward necessity of offering any security for the repayment of the same; and whereas the Right Honorable Lord Stanley, cherishing an interest in the moral welfare of the colonists of New South Wales (which they themselves do not feel, or affect to feel), is apprehensive that the effect of the working of the said Act will be to produce an unusual degree of forgetfulness on the part of borrowers under the provisions of the said Act, thereby tending to much immorality and fraud; and whereas the said Right Honorable Lord, for the reasons aforesaid, hath intimated his intention of disallowing the said Act on the approach of the 22nd day of July, 1846, unless the said Act shall in the meantime have been repealed by the said Governor and Legislative Council; and whereas it is very expedient that the said Legislative Council should always be a little ahead of the said Right Honorable Lord Stanley, and with this view that the said recited Act should be repealed, by the authority aforesaid, before the day fixed for the disallowance of the same by my Lord Stanley; but doubts have arisen as to what is to be considered the approach of the 22nd July, 1846, as triumphantly shewn in a recent number of a certain journal called the *Sydney Morning Herald*—Now, for the quieting of such doubts, be it enacted by his Excellency the Governor, without the advice or consent of the framer of this Bill, that the approach of the 22nd July, 1846, shall be deemed to be any day between the said 22nd July and any other day previous thereto.

II. And be it further enacted, by the authority aforesaid, that from and after the day previous to the approach of the said 22nd July, 1846, the said recited Act shall be and the same is hereby repealed; except as to any matter or thing which has already commenced to be done, or may at any time hereafter commence to be done under the provisions of the same.

City Council.

MONDAY.

The Mayor laid upon the table a return to a motion by Mr. Thurlow, of the number of houses in the City of Sydney assessed under £20.

Mr. Cowlshaw, moved—"That the City Solicitor be instructed to prepare a Bill, to be presented to the Legislative Council, for extending the limits of the Building Act (8 William IV, No. 6), to the boundary of the City of Sydney."

Alderman Macdermott seconded the motion.

Alderman Wilshire said, that there could be no doubt that the extension of the Building Act was required, and he had intended to bring the matter forward, and suggest also that the fines and forfeitures recoverable should be made over to the Corporation. He had had honour of seeing His Excellency the Governor this morning to present a peti-

tion of the Council, and the subject of the Building Act was spoken of, and from what fell from His Excellency, he had no doubt that he would at once accede to the extension of the Building Act; and he thought that His Excellency would not hesitate to transfer the fees, fines, and forfeitures, recoverable under this Act, to the Corporation; he would move as an amendment on the motion, that the City Solicitor be instructed to introduce a clause transferring the fees, fines, and forfeitures, recoverable under the Act, to the Corporation.

Mr. Jenkins seconded the amendment, which was put and carried without opposition.

Alderman Wilshire moved, that a Committee be appointed to prepare a petition to the Legislative Council, praying that honorable body, in considering the Message of His Excellency the Governor on the subject of forming a new Cemetery for the City of Sydney, to recommend that the land proposed for that purpose be vested in the City Corporation, in trust for the Citizens generally, on condition that it shall be open equally to persons of all religious persuasions; and that all fees for the construction of vaults, the erection of tomb-stones, and the costs of interment, shall be payable to the City Council for behoof of the City; and under such other conditions and restrictions as the Legislature may deem expedient.

Alderman Macdermott said, that if the resolution were in order, which it was suggested to him that it was not, as no notice of motion had been given, he should be happy to second it.

After some discussion on the point of order, the Mayor decided that the motion was not in order.

The Council resolved itself into Committee for the consideration of a By-Law for regulating the proceedings and conducting the election of Mayor, Aldermen, and Councillors, and Corporation officers.

On the clause providing "that the election of Mayor shall at all times be the first business transacted at the Quarterly Meeting in November every year, to be followed by the election of Aldermen," Mr. Holden contended that this would be repugnant to the Act of Council, when there were no Aldermen to be elected; but when there were Aldermen to be elected, the election of Aldermen must, according to the Act of Council, precede that of Mayor.

Mr. Cowlishaw moved an amendment to the effect, that the election of Aldermen should be the first business transacted at the Quarterly Meeting of November, to be followed by that of Mayor.

Mr. Driver seconded the amendment, which was put and carried, and the Council resumed, and adjourned to Monday next.

Legislative Council.

TUESDAY.

A message was received from his Excellency the Governor, transmitting accounts in detail of the public expenditure in the year 1844. Also a message from his Excellency the Governor stating, in reply to an address of the Council, that he would accede to their request, by placing £1000 on the estimates for the expedition to Port Essington, and that the same would be placed at the disposal

of the Surveyor General, if he should be still willing to engage in the enterprise.

Certain returns having been laid on the table by the Colonial Secretary,

Mr. Lamb begged leave to enquire of the Colonial Secretary whether any steps had been taken, or would be taken, by the government, to enable parties possessed of land, subject to quit-rents, to redeem the quit-rent upon a portion of the land, in the event of a sale or lease of a portion being effected.

The Colonial Secretary replied that no measures had hitherto been taken by the government of the nature alluded to, although the subject had on several occasions been under consideration. What steps might eventually be taken he was unprepared at that period of time to state. The subdivision of land into small portions had been productive of great inconvenience and expense in the collection of the quit-rents; but if the parties desirous of redeeming the quit-rent due upon any portion of their land could do so without increasing the labour and expenses of collection, there could be no objection on the part of the government, which was fully impressed with the importance of extending this aid to the parties concerned.

Mr. Lowe gave notice of his intention to enquire of the Colonial Secretary whether the government intended to take any notice of the recommendation which had been made last year by a committee of the Council, relative to a reduction of quit-rents?

The Colonial Secretary said that he would answer the question of the honourable member at once. The local government possessed no power to reduce or alter the amount of the quit-rents, which were a portion of the crown revenue, until the pleasure of the home government should be known. He had hoped that such questions as these would have been abstained from, particularly as there was an understanding, assented to, he believed, by both sides of the house, that no matter which required the decision of her Majesty's government should be brought under discussion until that decision had been received.

Mr. Wild presented a petition from a number of jurors and others, resident in the town and district of Berrima, praying that the provision which exempted the residents of Illawarra from serving on the jury at Berrima might be repealed.

Mr. Lamb brought under the consideration of the house the petition of William Carter, Esq., Registrar General, which he had on a previous day presented to the house, and moved that an address be presented to his Excellency the Governor, requesting that the sum of £934 9s. 6d. be placed upon the estimates to defray the expenses of the Registrar General's department, from the 1st January to the 31st December, 1845.

Mr. Cowper moved, as an amendment, that the following address be presented to his Excellency the Governor:—"We, the members of the Legislative Council, have had under consideration the petition of William Carter, Esq., Registrar General of the colony, praying that the Council will take such steps as may seem meet for obtaining payment of the salary of himself and the clerks in his department for the current year. The Council admit the justice of Mr. Carter's claim, and are sensible of the advantage which the public has derived by his office having been kept open since the 1st of January last.

They therefore respectfully request that his Excellency will be pleased to defray the expense of the department out of the surplus of schedules A and B: this course being sanctioned by the despatch of the Right Honorable the Secretary of State, dated 30th August, 1844 (No. 131), and recently laid upon the table of the house, and being in accordance with the directions of Lord Stanley, dated 15th December, 1842, (despatch No. 223,) which provides for the payment of the salary of Mr. Carter, as Registrar of Deeds, out of that part of the civil list revenue which has been appropriated by Parliament to the Judicial Establishment of New South Wales."

Mr. Robinson seconded the motion for the amended address.

The Colonial Secretary said honourable members on the opposite side appeared to be willing to take Lord Stanley's views, now that they suited them; but he could not admit after the Act that the Council had passed, and the office of Registrar General had been separated from the Supreme Court, that the Registrar General's department could be borne upon schedule A, nor upon the miscellaneous expenditure of the administration of justice. It was argued that the expenses of the department should be defrayed out of the surplus of schedule B, because the Secretary of State had permitted that such surplus might be applied according to the wishes of the Council; but this was not a department where there was a deficiency; the department could pay more than its expenses, and could in fact be, as it had been, a source of revenue. The Council indeed had thought differently, from what it appeared now to think, in 1843, when it voted a sum for this department separate from schedule A, and appropriated it in the Appropriation Act. It had been stated that there were different opinions as to whether it was desirable to continue the department of Registrar General. He believed himself that there was an absolute necessity for such an officer, and he was at a loss to know what would be the result to parties possessing and transferring property if there were not such an officer. If the Council thought differently, it was in their power to do away with the office. As he had stated at first, he thought that the most convenient course would be to adopt the first proposition submitted, that of the honorable member from Miller's Point, and thus relieve the schedules from a charge which was never intended to be placed upon them, without injuring the individual who had carried on the office of Registrar General with advantage to the public; and, in short, settling the matter in a way which would be satisfactory to all.

Mr. Windeyer, Mr. Foster, Mr. Lowe and Mr. Wentworth supported the amendment.

The Attorney General and Mr. Darvall supported the original motion.

The amendment was carried by a majority of 19 to 10.

Mr. Windeyer moved for the appointment of a Select Committee to consider the condition of the Aborigines, and the best means of promoting their welfare. He confessed that he did not see his way clear in this matter, nor had any friend of his had the courage to declare that he saw clearly what ought to be done; but this was the greater reason why the exertions of a committee should be brought to bear upon the subject, and he