

ing money. They began to buy things immediately upon their arrival; the Jews who haunted the front of the White Horse Cellar found amongst them their readiest customers for any of their wares, from the annual with the worn-out plates, to the pewter pencil-case with the flawed glass seal at the top. And there were resorts especially appropriated to them, which the Londoners seldom affected. Exeter 'Change and Miss Linwood's were in high favour. Cranbourn-alley was alone thought trustworthy in bonnets, and the corner of St. Paul's Church-yard in books. Alack! Exeter 'Change has retired to the suburbs; its cutlery has cut itself, and its beasts have become denizens of another district. Miss Linwood's cause has yielded in interest to that of more distressed needlewomen: the foot-shuffling quietude of Cranbourn-alley is no more, and the female touters, more or less attractive, appear to shrink from the bustle of the new thoroughfare; and the "Scenes in Europe," "Frank," "Keeper's Travels," and "Evenings at Home," have retired before works of high-pressure forty-Parley power, or philosophy diluted into negus to suit juvenile palates.

We always contrived to send our cousins first to a *Magazin des Modes*. They came up in their rarest costumes, it is true, but still these were of a fashion far behind London ones; and as we usually had to take them about, we did not wish them to be particular in their attire. But we were always glad to show them attention, for they brought us white dainty pork and new-laid eggs, and other rural delicacies. Their taste in theatrical matters was not decided—they were pleased at going anywhere to see anything. All the singers at the opera were equally unknown to them, and they sometimes proffered a quiet petition for a play-bill. The ballet required intense explanation; at times they blushed and looked at one another gravely, neither were they quite at their ease with an opera glass, without they shut one eye with their hand; for the binoculars had not then been invented, and if they had we are sure they would have perplexed them sadly.

The question now arises, what has become, then, of those country cousins? It is soon answered; the race owes its extinction, not, like the North American Indians, to whiskey and small-pox; not, like the thimblegriggers, to Sir James Graham and the police; but, like stage-coachmen, post-horses, and turnpike-trusts—to steam. "Facility of communication," as the newspapers say, has made them almost as knowing as their metropolitan connexions; pictorial papers rapidly brought down to their houses, give them an idea of the theatres and exhibitions, fashions and lions, as soon as the Londoners—nay, sooner, for it is a proverbial fact that the latter are the last to see any thing in their own city; periodicals of every kind put them up to that norological knowledge, popularly known as "the time of day," and London lecturers whisked down to their literary institutions from the Polytechnic and Adelaide Gallery, and up again in time for the stated hours of exhibition, leave no fresh point of scientific discovery a novelty. The visit to London has become a "little go," to which they come up as perfectly "crammed" in one way as the collegians are in another.

The nearest approach to the country cousins of other days is the country visitor—partly sporting man, partly farmer, triflingly gentleman—who still visits London as he did with them formerly. There is a pretty geological tradition that the nautilus and the ammonite were once companions, but, in some great convulsion, the ammonite ceased to exist, whilst the nautilus lived on—a truth fully borne out by organic remains. The country cousins were the ammonites; the present country visitor is the nautilus; the convulsion was the establishing of railways.

The last-mentioned individual appears in great force at the time of the cattle-show; and thus only during the day is he to be seen. As night he is safe to be at one of the harmonic taverns, where suppers and singing go on after the theatres. This he thinks is "going it," "being up to a thing or two;" "coming it," and "seeing a bit of life." But he is a dull, "gent"-like fellow for all that; and sneers at the simplicity of the country cousins of old without acquiring more real knowledge of London habits and manners than they possessed.

Two or three gasping advertisements are even now sometimes wildly headed "To Country Cousins," as a last resource to attract. But it is a futile attempt. The race, as we have stated, are altogether gone: possibly, as they were kind and honest folk, whose warmth of heart had not been spoiled by over refinement, and whose simplicity was pleasing, because it was real and unaffected, the more's the pity. (*London Atlas*.)

Theatricals.

We have promised to keep a kind eye on the Drama, and its professors may rely upon us for keeping our word. It has been with regret we have felt, for some time past, that influences have been at work which have tended to depress the cause of the Sydney stage—that it has ceased to display the vigour of maturity, and to those, who looked beneath the surface, it has begun to wear the appearance of exhaustion and decline. Its sluggish surface has seemed "to cream and mantle like a standing pool," but it is our earnest hope that it may be healthfully revived and freshened by the motions of the breeze which shall be wafted from the *Atlas*. In another column we have adverted to certain important points in connexion with those by which the progress of decline may probably have been accelerated; and, we shall now indulge in a fit of looking still further below the mere surface—peeping, in fact, into the inside of the drum, as the child did to see what made the noise.

"Pour avoir du goût, il faut avoir de l'ame," is one of those just remarks of Vauvenargues which increases the regret with which we reflect upon his early death. Without heart and kindness there can be no elevated nor even useful criticism. The soaring inventive imagination of the poet is not necessary to the critic; but that loving heart is essential, which enables him to step beyond the narrow circle of individual, or even national habits and tastes, to follow the dramatist or the actor with a firm step over the "vast abrupt," and through the regions where they marshal the way—to acknowledge the power of genius, though presented to him under unaccustomed forms, and to interpret its revelations with whatever novelty of language they may be uttered.

To this gift must be necessarily allied the possession of ready sympathy with human nature and its generous feelings; for as the imagination teaches us to apprehend the beautiful, the heart enables us to appreciate the true. The full beauty of those reflections, which, being based on the everlasting nature of man, are felt at the present day as they were in the days of Homer—those strokes of feeling which, like an electric chain, make the world kin, can be thoroughly perceived by those who, in a country of incipient civilization, have preserved something of their youthfulness of spirit and earnestness of feeling.

Under the peculiar circumstances of the present times, its critical tendencies (in so far as the Drama is concerned) must not be dictatorial, depreciating, or negative—it must be less occupied with faults than with beauties—less intent on particular than on general

views. Something must be done to infuse fresh vigour into the exhausted condition of our stage, and the critic must approach his task in the spirit of kindness and sympathy. We have said that we should indulge in a fit of looking below the mere surface in our present consideration of "things theatrical," and in carrying out this intention we cannot do better than submit the following remarks from the pen of an esteemed friend, from whom, in matters of criticism and taste, we differ only on one point; namely, his determined adhesion to the Wakefieldian system. We may probably enlighten him at no distant date upon the "Wagaries of Wakefield" in return for our present adaptation of his "Miseries of Mirth."

"People never come close enough to work in concert without continually treading on each other's toes—punching each other with their elbows, metaphorically as well as literally. One thinks his colleague too slow, who in return thinks him too quick; or they quarrel about the share of the burden which each takes upon him to lift. The master of the works is never satisfied with the exertions he gets out of those under him; and the labourers think the easiest taskmaster too hard. Hence come peevish exclamations and rejoinders, which are apt to expand into formal arguments, as these inevitably terminate in scolding-bouts. Man, it may be remarked in passing, ought to be defined as a quarrelling animal; for in all positions and connexions of life he finds wherewithal to feed this propensity. The uneasy, cat-and-dog sort of alliance just described, is universal; but these little outbreaks of temper are merely the biting and scratching of the feline race when at play—the "dulces Amaryllidis iræ" of the poet, so long as the work prospers and wages are forthcoming. But when men find themselves engaged in an undertaking where there is no prospect of success—or when danger and destruction is impending which their most strenuous efforts cannot avert—then the devil that lurks in human nature breaks out, and all the spleens and spites against comrades, engendered in happier days, become animated with the mad energies of despair, and they who have long toiled for one common aim turn upon and rend each other.

"All this is true of conjoint labours which produce something that exists independently of the labourer, and which is regarded as a necessary of life. But when, as is the case with mimetic and other ministers to amusement, all this anxious toil goes but to prepare the labourers to make a public exhibition of themselves, the misery is infinitely multiplied. Let us only transport ourselves in fancy to the interior of the Victoria Theatre. The precarious prospects of such an establishment must be kept constantly in view. Then, first comes the manager, the financier of the concern, with his thought constantly gnawing at his heart, while he has to watch incessantly the whole process of scene-painting and machine-construction—to drill and dress awkward supernumeraries—to coax and wheedle, and, at the same time check, the overweening opinionativeness of all kinds of performers—to have an eye even to the house-drudge duties of keeping tidy and comfortable the places of the audience. Then, on the other hand, are scene-shifters and machinists, dancers, singers, and actors, printers, gas-light contractors—all weighed down also by the precarious prospects of the concern—all dubious whether their wages may be forthcoming, or how long. Add to this the jealousies and discontents of the artists, each of whom thinks himself or herself unduly kept back and others unduly pushed forward. The world of cares and fears, and intrigues and enmities, enclosed within the walls of a theatre are often lightly spoken of; as if the human being excited by them had no more sense of annoyance than the canvass and pasteboard which are their fellow-exhibitors; as if their means of supporting life were not at stake; as if every pang were not exaggerated by the tendency of the profession, the end and aim of which is personal exhibition, to concentrate all the actor's thought and cares upon self. To all this must be added the dull mechanical iteration of tones, gestures, speeches, and actions, at rehearsals, which must make the parts performed more tedious than a twenty-times told tale. There is no more wonderful instance of the buoyancy and elasticity of human nature, than that actors, after all the wear and tear of preparation, should be able to go through their public exhibitions with any show of spirit.

"The elements of pathetic or hilarious mimicry, which make the actor, are, like all our instincts, a source of pleasure in their first exertion. So long as there is any thing of spontaneity in their exercise, this pleasure continues. The itinerant who gets up his extemporized exhibitions in a barn—the ingenious gentleman who relieves his monotonous daily toils at the desk by enacting Lord Brougham of an evening at a 'free-and-easy': his yoke-fellows of the 'Judge and Jury Society,' may be supposed to have intervals of pleasure in their scrambling lives: but your regular legitimate actor has become a mere item of the 'properties'; he is bound up with them into one faggot—the living chained to the dead. He is compelled to repeat mechanically, parts which he once studied with pleasure; the lassitude of the task heightened by the contrast of his remembered feelings, and the spur which pricks him on to work—'Do this or starve.'

"We have somewhere read of bird-fanciers who blinded singing-birds with a burning needle from an idea that their singing was improved by blindness. So, at times, the most mirthful chuckle of an actor sounds to us like an exclamation wrung from him by tortures mental and physical. This is doubtless, a one-sided view of his condition; for bounteous Nature has always some compensating principle at work to alleviate suffering. The reflection, however, may not be without its use, if it teaches the critic to pause before he expresses aloud his disapprobation of the worst actor that ever trod the boards."

Music and Musicians.

It is with pain, for dear Music's sake, that we are compelled to acknowledge the impossibility of finding subject-matter wherewith to occupy the space we would willingly assign to the "art divine" and its professors. We appear to have reached a low point of decline in the musical taste of Sydney; and Euterpe, as if conscious that the hour is at hand when her sweet but solemn accents will be drowned in the roar of political commotion, seems to collect her last breath for an earnest farewell.

We had written so far when we were pleasantly reminded how very careful we should be in using the word *impossible*. It is very true if a man says there is no impossibility, he contradicts himself. For there must be an impossibility if there is no impossibility, inasmuch as there is the impossibility of the impossibility. The fact, however, is that the human mind cannot conceive an impossibility, and when we thoughtlessly declared the impossibility, in the present dearth of musical movements amongst us, of finding subject-matter for a little gossip about Music and Musicians, we had no idea of being agreeably surprised by receiving from Mr. Nathan a comprehensive theme in the shape of a lively Prospectus of a series of Lectures on Music which he proposes to publish in Sydney, by subscription.

We have been much amused with this little *discours*, and, its somewhat severe attack on the mania for "Singing for the Mil-

lion," now raging so furiously in London under Hullah and other professors: But on this point let the learned author of the "*Musurgia Vocalis*" speak for himself:—

"When I first heard that Parliament had made a grant of £30,000 for public education, and that a Normal School of Music was established in London, in connection with the national schools, in which teachers, as far as practicable, were obliged to graduate, and the head professor of this institution, Mr. John Hullah, a scholar, and a gentleman of considerable musical taste, I was in hopes to see music rise like a phoenix from its ashes, to redeem its fallen state; but to my horror and mortification, I saw the London papers teeming in praise of the extraordinary genius of Hullah teaching the millions to sing by the joints of his fingers; the papers rivalling each other in their endeavours to produce the best sketches of these extraordinary musical fingers in wood cuts, which is, in fact, no more nor less than *the harmonic hand*, invented by Guido, in the 11th century, before his introduction of the staff of four lines: it was the figure of a left hand, with the syllabic signs of the intervals of the three hexacords marked on the joints of the fingers. This, when written music was in its infancy, without either notes or staff, but only letters of the alphabet for symbols of sounds, was considered an ingenious contrivance; but in the present day a most insignificant and unworthy bauble to amuse children."

After an amusing exposition of the reasons which urged him to consent to appear as a lecturer at the Sydney College and to prepare his lectures for publication, Mr. Nathan adds, that a kind of patriotic pride, to send home to our mother-country our own produce of science, as well as sheeps'-wool and mutton-fat, induced him to make an effort to publish his lectures in Sydney, and hence the Prospectus before us.

He proposes to publish the first Lecture—royal quarto size—as a specimen of the whole of the work, which he promises shall, when completed, form a perfect Cyclopaedia of Music; "a work of instruction for the student, and of reference for the master."

We cordially wish him every success; the wand of true genius is an Ithuriel's spear:—

"No falsehood can endure
Touch of celestial temper, but returns
Of force to its own likeness."

And as we are certain that where true genius exists, it must be accompanied by the power, and must feel the necessity of giving a high finish in language and imagery to all its works, so we are assured, that the talented composer before us will not fail to produce in comparative perfection the object that he loves and labours to realize.

LEGISLATIVE COUNCIL.

WEDNESDAY, NOV. 27, 1844.

The Council met, pursuant to adjournment, on Wednesday last, at half-past three o'clock.

RESIGNATION OF JOHN BLAXLAND, ESQ.

The Speaker reported that he had received a letter from the Colonial Secretary, of date the 12th instant, transmitting a letter from John Blaxland, Esq., addressed to his Excellency the Governor, of date the 13th September last, resigning his seat in the Legislative Council.

On the motion of the Colonial Secretary, leave of absence was granted to Edward Hamilton, Esq., for three weeks from that date.

MESSAGES FROM THE GOVERNOR.

The following Messages from his Excellency were presented to the Speaker by the Private Secretary, and, having been read, were ordered to be printed, and taken into consideration on future days:—

Message from His Excellency the Governor to the Legislative Council, replying to an address of the Council, dated the 11th October, 1844, wherein His Excellency was requested to transmit to Her Majesty's Principal Secretary of State for the Colonies, a Resolution passed by the Council on the 8th October, respecting the extension of the Elective Franchise to Leaseholders.

Gentlemen,—I will transmit to Her Majesty's Principal Secretary of State for the Colonies, a copy of the Resolution adopted by the Council on the 8th of October last, to the effect, "That it is the opinion of the Council, that the Elective Franchise ought to be extended to all Leaseholders occupying land of not less than £20 of annual value, and holding leases of five years or upwards, on condition of actual residence thereon for a period of at least six months previously to the last registration of Electors in the District."

GEORGE GIPPS.

Government House, Sydney, 27th November, 1844.

Message from His Excellency the Governor to the Legislative Council, transmitting to them two projects of Laws connected with the Administration of Justice in the Colony.

Gentlemen,—Agreeably to the 30th clause of the Act for the Government of New South Wales, 5th and 6th Victoria, c. 76, I herewith submit to your consideration the two following projects of laws:—

1.—"A Bill intitled, An Act to authorize the payment of certain allowances to Witnesses attending the Courts of Justice in the Colony of New South Wales."

2.—"A Bill to remove doubts in respect of the application of Fees taken in the several Courts of Requests in the Colony of New South Wales, towards the support of the Courts wherein they are respectively taken."

In connexion with these two projects of laws, I have directed copies to be laid before you, of a correspondence which has recently taken place between the Executive Government and their Honors the Judges of the Supreme Court.

In submitting to you these proposals, I also think it right distinctly to assure the Council that I have no funds at my disposal, which can be made applicable, wholly or in part, to the Administration of Justice in the Colony, save those which now are, or may hereafter be, specially appropriated to that service by law.

GEORGE GIPPS.

Government House, 27th November, 1844.

Message from His Excellency the Governor to the Legislative Council, replying to an Address of the Council, dated the 18th September, 1844, wherein His Excellency was requested to take the case of the commuted pensioners in this Colony into consideration, and take such steps as may be most expedient to procure them the same indulgences as have been extended by Her Majesty's government to commuted pensioners in Canada.

Gentlemen,—I regret that I have no authority to afford indulgences, or assistance, to the commuted pensioners in this Colony; but I will transmit to Her Majesty's Principal Secretary of State for the Colonies a copy of the Address which you have presented to me respecting them.

GEORGE GIPPS.

Government House, Sydney, 27th November, 1844.

Message from His Excellency the Governor to the Legislative Council, proposing additional appropriations of the public money for the service of the year 1845.

Gentlemen,—As it appears to me desirable to make the following appropriations of public money for the service of the year 1845, I have to submit the same to your consideration:—

	£	s.	d.
1. For the employment of the dredging machine for the River Hunter	1000	0	0
Purchase of additional punts for the same, not exceeding four in number.	600	0	0
2. Aid to the Mechanics' Institution at Melbourne	150	0	0
3. Aid to the Benevolent Asylum at Maitland, to meet an equal amount of private subscriptions, which are to be in addition to those which may be met by sums derived from fines on drunkenness, or any other sources of public income	200	0	0
4. For the repair of the Cook's River Dam, damaged by the late floods	300	0	0
	£2250	0	0

GEORGE GIPPS.

Government House, Sydney, 27th November, 1844.

Message from His Excellency the Governor, to the Legislative Council, replying to addresses of the Council, dated the 1st October, 1844, wherein certain resolutions were communicated to his Excellency which have been adopted by the Council, in reference to the insecurity of life and property in the City and neighbourhood of Sydney.

Gentlemen,—Agreeably to your desire, I will transmit to Her Majesty's Principal Secretary of State for the Colonies, a copy of an address which you have presented to me, on the subject of the insecurity of life and property in the City and neighbourhood of Sydney: also a copy of the report made to the Council, by a Select Committee appointed by the Council, to enquire into the causes of this insecurity.

I regret that it is not in my power to remove from Hyde Park Barracks the convicts in that establishment, for the purpose of employing them on the Roads and other Public Works in the Colony. Whilst in Hyde Park Barracks, these men are fed, clothed, and entirely maintained, out of the funds voted by parliament for the support and control of convicts; but if removed from that establishment, and employed in the Rural Districts, they must be lodged, fed, clothed, and maintained, at the expense of the Colony—an expense, which I regret to say, the funds of the Colony are not in a condition to bear. Independently, moreover, of any consideration of expense, I cannot but greatly apprehend that in the Rural Districts of the Colony, they would have far greater facilities for committing aggressions on life and property, than they now possess in Hyde Park Barracks.

Tickets-of-leave for the City, or neighbourhood of Sydney, have for several years past been issued very sparingly; and I have recently still further restricted the conditions on which they are granted.

GEORGE GIPPS.

Government House, Sydney, 27th November 1844.

Message from His Excellency the Governor, to the Legislative Council, in reply to an Address of the Council, dated 10th October, 1844, wherein His Excellency has been requested to carry into effect certain measures recommended by the Council, with respect to the Education of youth in the Colony.

Gentlemen,—The subject of Education is one, which, since the day of my arrival in the Colony, has never ceased to engage my anxious solicitude; it is well known that I have long been desirous to see established a system of Education for the poorer classes of our community, which should comprehend persons of all religious denominations, without interfering with the tenets or doctrines of any; and I have on various occasions pointed out to the public what I consider to be the disadvantages of the system, on which schools receiving aid from the General Revenue are now conducted in the Colony. But whilst I declare my entire adherence to the opinions which I have thus repeatedly expressed, I feel bound also to acknowledge that I cannot but continue to entertain doubts, whether the time be yet arrived, at which an attempt to introduce a better system is likely to be successful.

The apprehension of increasing religious differences has twice within the few last years induced the Government to abandon proposals in respect to Education, brought forward by itself; and the opposition which the Government, or I may say, which I myself, declined to encounter on these occasions, is, I greatly regret to say, in no way diminished.

Without the co-operation of the Ministers of Religion, it seems to me scarcely possible to establish any system of Education, with a prospect of its being extensively useful, and I need scarcely remark, that the Clergy throughout the Colony, are at present even less disposed to co-operate in the establishment of a general system, than they were on the occasions which I have referred to.

I feel it right also to observe, that a difficulty in the way of the establishment of a general system of Education, seems at the present moment to present itself, which did not until lately exist. Under the 42nd clause of the Constitutional Act of the Colony, any alterations in the system of our Public Schools, must, I apprehend, be carried into effect through the instrumentality of the District Councils; and these bodies are not yet, I fear, in a condition, advantageously to exercise the functions, with which, (in order to establish a new System of Education,) it would be necessary to charge them by an Act of the Governor and Council.

GEORGE GIPPS.

Government House, Sydney, 27th November, 1844.

PRIVATE SUFFERANCE WHARFS.

MR. LAMB presented a Petition from certain Merchants and others interested in the Private Sufferance Wharfs, situated in the City of Sydney and its vicinity, praying that in framing Regulations for the use of the Circular Quay or other Public Wharfs, the Council will have due regard to the vested interests of Petitioners, and that if it should appear expedient to the Council to continue the present imposts, or to impose fresh burthens upon the property of Petitioners, for the purpose of fostering the Government Wharfs now to be brought into such prominent opposition, the Council will allow Petitioners such compensation as the justice of the case imperiously demands, and that in future no portion of the Wharfage Rates may be exacted by Government from the Private Wharfs, and that Petitioners may be heard by Counsel at the Bar of the House in support of their claims; Petition read and received.

ELECTIVE FRANCHISE.

MR. ROBINSON presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Melbourne, praying that in the Bill now before the Council for the amendment of the Melbourne Corporation Act, provision may be made to confer the Burgess Franchise on parties (if otherwise qualified,) who are in the occupa-

tion of Premises within the Town, rated upon the annual value of Ten pounds and upwards; Petition read and received.

JOURNEYMEN BAKERS.

DR. LANG presented a Petition from the operative Journeymen Bakers of Sydney, praying that a Law may be passed to do away with the custom of Dinner Baking on the Lord's Day; Petition read and received.

BANK LIABILITIES AND ASSETS.

The COLONIAL SECRETARY laid upon the Table, a General Abstract of the sworn Returns of the average Assets and Liabilities, and of the Capital and Profits of the Banks of the Colony of New South Wales, for the quarter ended 30th September, 1844, rendered pursuant to the requirement of the Act of Council, 4 Victoria, No 13.

Return ordered to be printed.

AUCTIONEERS' LICENSING BILL.

MR. THERRY presented a Petition from certain Auctioneers, carrying on business in the Town of Wollongong, in the District of Illawarra, and other inhabitants of the said Town and District, against the passing of this Bill; Petition read and received.

NIGHT AUCTIONS.

MR. W. C. WENTWORTH presented a Petition from certain merchants, dealers, shopkeepers, and tradesmen of the City of Sydney, praying the total suppression of all night auctions; Petition read and received.

MECHANICS IN GOVERNMENT EMPLOYMENT.

MR. W. C. WENTWORTH presented a Petition from certain mechanics of the City of Sydney, now in the employment of Government, praying the discontinuance of Government work by contract, and that petitioners may be employed upon the public works in the same manner as at present, but at a higher rate of daily wages; Petition read and received.

INTEREST BILL.

On the motion of Mr. FOSTER, the second reading of this Bill was postponed, until Thursday, December 5.

TRUSTEES AND CREDITORS OF INSOLVENT ESTATES.

MR. C. W. WENTWORTH presented a Petition from certain merchants and others of the City of Sydney, praying such further provision may be made as may be required for facilitating the completion of sales of real property, sequestrated for behoof of creditors, by removing doubts as to the rights and powers of trustees, and the security of purchasers; Petition read and received.

SCAB IN SHEEP ACT.

DR. NICHOLSON presented a Petition from the licensed occupiers of Crown Lands, in the County of Grant and district of Portland Bay, praying the passing of some more stringent regulations than at present exist, with the view to prevent effectually the spread of this disease; Petition read and received.

COLONIAL STOREKEEPER.

The COLONIAL SECRETARY laid upon the table, a correspondence with the Colonial Storekeeper, respecting the performance of the duties of his department, with the diminished establishment for which the Council has made provision for the year 1845. Correspondence ordered to be printed.

INTESTATE ESTATES.

The COLONIAL SECRETARY laid upon the table, the return to the address adopted on the motion of Mr. Therry on the 18th September last.

Return ordered to be printed.

WILLIAM PRENDERGRAST.

The COLONIAL SECRETARY laid upon the table, the return to the address adopted on the motion of Dr. Nicholson on the 18th October last.

ELECTION OF BENJAMIN BOYD, ESQ., FOR PORT PHILLIP.

The COLONIAL SECRETARY, as Chairman, brought up the Report of the Select Committee appointed on the 11th ultimo, to whom was referred the Governor's Message of 10th ultimo, transmitting for the decision of the Council, under the 18th section of the Act of Parliament 5th and 6th Victoria, chap. 76, the question whether the seat in Council, lately vacated by Sir Thomas Mitchell, be still vacant, or whether it had been filled up by the election of Benjamin Boyd.

The Report having been read, it was moved by the COLONIAL SECRETARY: "That this Council having taken into consideration the question referred to it by His Excellency the Governor's Message of the 10th October, 1844, it is the opinion of the Council, that the seat in the same, lately vacated by Sir Thomas Mitchell, has been filled up by the election of Mr. Benjamin Boyd as a Member to serve in the Legislative Council for the district of Port Phillip.

The question having been put was carried *nem. con.*

SECTION 70 OF SYDNEY INCORPORATION ACT SUSPENSION BILL.

The Governor's Message of the 10th ultimo, having been read a Bill, intitled, "A Bill to suspend for a limited period, so much of an Act of the Governor and Council of New South Wales, to declare the Town of Sydney to be a City, and to incorporate the inhabitants thereof, as relates to the estimating and levying a rate for the Police of the said City;" was read a first time, ordered to be printed and read a second time on Wednesday, December 4.

ESTIMATES FOR THE YEAR 1845.

The further consideration in Committee, of the Estimates of expenditure for the year 1845, was postponed on the motion of the Colonial Treasurer, until Wednesday, December 4.

APPROPRIATION BILL.

The COLONIAL SECRETARY moved the second reading of this Bill.

MR. WENTWORTH opposed the motion, and after a debate, which occupied some time, the Colonial Secretary obtained leave to withdraw his motion, until Wednesday next.

MELBOURNE INCORPORATION ACT AMENDMENT BILL.

On the motion of Mr. ROBINSON, the Council resolved itself into Committee for the further consideration of this Bill.

Several of the clauses having been discussed and agreed to with some trifling verbal alterations, the House resumed, and the Chairman obtained leave to sit again on the 11th proximo.

SYDNEY INCORPORATION ACT AMENDMENT BILL.

On the motion of Mr. WENTWORTH, the Council resolved itself into a Committee for the further consideration of this Bill.

MR. WENTWORTH proposed a clause directing the collectors to place no person on the citizen roll who cannot produce a receipt for the payment of his last six months Corporation rates, alleging that he wished to prevent a large number of persons from voting who are constantly shifting about from house to house, and compelling the landlords to pay the rates. The clause was opposed on the ground that a person might lose his receipt, and that it

was a new principle in Legislation. After a lengthy discussion, the clause was postponed.

The House having resumed, the Chairman reported progress, and obtained leave to sit again on Thursday week.

LIEN ON WOOL ACT AMENDMENT BILL.

On the motion of Mr. WENTWORTH the House went into Committee for consideration of this Bill.

MR. THERRY remarked, previous to going into the details of this Bill, that the Act had been found of very great public utility, and great credit was due, in his opinion, to the hon. and learned member for Sydney, for his exertions in reference to this subject.

Considerable discussion took place on the second clause of the Bill, which provides that no person who had granted a lien upon his sheep should dispose of those sheep without previously satisfying such lien, and which imposed upon the party removing the sheep under such circumstances the liability of being sued at law for the amount of the lien. The clause was ultimately negatived. The remaining clauses of the Bill were gone through, and the House having resumed, leave was asked to sit again on Thursday week, with the view of affording time for the preparation of a clause, to render the sale of sheep by a person who had granted an equitable lien, and had failed to satisfy it, an indictable offence.

CUSTOMS BILL.

The further consideration of this Bill in Committee, was postponed on the motion of Mr. Windeyer, for a fortnight.

CALL OF THE HOUSE.

MR. WINDEYER moved pursuant to notice, that there be a call of the House, on Friday, December 6.

The question was put and passed and the Council adjourned at a quarter before nine o'clock.

THURSDAY, Nov. 28.

The Council met at three o'clock,

NEW MEMBER.

BENJAMIN BOYD, Esq. having been introduced by Dr. LANG and Mr. Robinson, and taken the usual oaths, took his seat as Member for Port Phillip.

OVERLAND ROUTE TO PORT ESSINGTON.

In reply to a question put to him by Mr. Robinson, the Colonial Secretary laid upon the Table, copies of the undermentioned Despatches on the proposed Overland Route to Port Essington:—

- (1.) Despatch from His Excellency Sir George Gipps, to the Right Honorable Lord Stanley, dated 7th December, 1843, No. 203.
- (2.) Despatch from the Right Honorable Lord Stanley, to His Excellency Sir George Gipps in reply, dated 12th May, 1844, No. 75.

Despatches ordered to be printed.

CAMDEN POLICE BENCH.

DR. NICHOLSON presented a Petition from certain Proprietors, Householders, and Inhabitants of the Police District of Camden and Narrellan, and others interested therein, praying the Council to re-consider their vote abolishing the Police Bench of Camden and Narrellan: Petition read and received.

NEW PENAL COLONY.

DR. NICHOLSON said, he would now beg leave to ask a question of the Colonial Secretary, which he had formerly given notice of, and which was one of considerable interest and importance, not only to honorable members of that Council, but to the country at large; namely, whether any despatches had been received by the Government, relative to the formation of a new colony on the north-eastern coast of New Holland.

The COLONIAL SECRETARY, in replying to the above question, said, that within the last few days a very important despatch upon this subject had been received from Lord Stanley, bearing date so recently as the 27th of July last. In consequence of the large number of convicts at present serving under sentence in Van Diemen's Land, it had been found impossible by Her Majesty's Government to redeem its pledges to many of those convicts who had served their prescribed term of probation in the penitentiary establishments of England. It became necessary that some means should be devised for enabling the Government to perform its promises to those prisoners, and Sir George Gipps was communicated with upon the subject, with directions to confer respecting it with Sir Eardly Wilmott and Mr. Latrobe: and it had been suggested by Lord Stanley that, for the purpose contemplated, it might be necessary to form a separate settlement upon the coast of New South Wales. It was intended that this particular class of prisoners should previously to their departure receive pardons upon their quitting the shores of the United Kingdom, and not returning thereto during the period of their sentences: and it was expected that the wives and families of those persons would be sent out with them at the expense of the parishes to which they belonged. The whole matter was one in which large discretionary powers were vested in the Governors of this Colony and Van Diemen's Land, and in the present state of the matter it would be premature to make public the despatch which had been received upon the subject; but it had not been thought right to withhold from the Council such information as could with propriety be communicated. The number of this class of persons who would be sent out annually would be about five hundred, and the first shipload would sail for Launceston about the middle of September. It had been determined that the Australian Colonies should not only in future receive the class of prisoners before alluded to, but should receive all prisoners sentenced to transportation by the English Courts of Justice: consequently if a settlement could with advantage be formed beyond the geographical limits of the Colony as at present defined, many of the prisoners alluded to would in all probability be at once conveyed there. As the matter was still pending he (the Colonial Secretary) could not at present make any further statement respecting it.

THE CHIEF CONSTABLE OF PARRAMATTA.

DR. LANG gave notice of his intention, on Tuesday next, to enquire of the Colonial Secretary whether any authority had been given by the Government to the chief Constable of Parramatta to take what was vulgarly termed "tip" from parties engaged in attempting to practise frauds upon the revenue, for the ostensible purpose of winking at such frauds, but with the real object of inducing them to continue in their illegal acts, so as to lay themselves open to an information and conviction. The honorable and reverend member also gave notice of his intention on the same day to ask whether the chief Constable of Parramatta had been authorised by the Government to spile the casks of Mr. Cadell, of Windsor, who had complained of this having been repeatedly done, and of both the quality of his ale and his own reputation having suffered in consequence.

DISTILLATION.

The ATTORNEY-GENERAL gave notice of his intention, on Tuesday next, to move for leave to bring in a Bill for the amendment of the Distillation Act.