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THE ALIENATION OF WASTE LANDS.

We remember, in the time of the glorious days of Reform, that a dustman could not thrash a potboy without being abused for an oligarch; in the first French Revolution, a man could not wear a good coat without being reviled as an aristocrat; and in these days of free trade agitation, all other crimes seem to have merged in the comprehensive stigma of Monopoly. The consequence of this has been, that this term Monopoly has monopolized to itself the meaning of some half-dozen other words of cognate but entirely different signification, and has become, in the mouths of loose thinkers and fallacious reasoners, a most comprehensive term of abuse. It has done good service to the enemies of the Colony in the absence of more efficient weapons. The object of this article is to show what appropriations of the Public Lands are, and what are not, fairly liable to this opprobrious name.

To one class of thinkers, all power carries with it a notion of right and all encroachment of property. To another class, those with whom we have principally to deal, all power seems usurpation, and all property monopoly. We belong to neither of these classes. We see in the division of property among individuals a great and obvious good, and we are not disposed to grumble even should we live in a community in which, like England, the division of the land belonging to the public has been completed, and those who wish to acquire land must deal with individual proprietors. The question of how this division is to be effected, belongs to that part of political economy which treats of the distribution of wealth; and it seems to flow from the principles of that science, that if this distribution be a good, the more quickly it is made, and the less the State interferes with it—the less the State attempts to force capital and industry into any particular channel—the better. That which is good is doubly good if it come quickly; and the proper function of a state is to secure life and property, leaving industry and capital as unfettered as possible.

We have now, therefore, struck out a principle by which we can examine how far the State does its duty in reference to Public Lands. If it parts with them quickly, and leaves the quantum of the appropriation to the discretion of each individual it does its duty. If it holds them back after they can usefully be appropriated, or if it so appropriate them as to favor one branch of industry at the expense of another, it neglects its duty. It is then either acting as a Land Shark or setting up a Monopoly.

Let us examine these propositions separately. It is the duty of a State to dispose of its Lands quickly. By this we do not mean that in a country like Canada, where land is only useful at all when cleared and cultivated, it should alienate large blocks favorably situated to persons whose only object it is to hold them in a wild state till an increase of price, for this would be to set up the very Monopoly we deprecate; but this we say, as soon as Government sees that land will be *bona fide* and profitably occupied, it is its duty to alienate it, be the price realised ever so small. It cannot be too often repeated, that to a wise and far-sighted Government, the price it obtains is entirely a secondary and trivial consideration—the main and principal object being so to distribute the Public Land as to ensure the greatest good to the community. Selling land may be, perhaps, the best means yet

devised of obtaining this end, but it is nothing more—and to make it more would be to sacrifice the end to the means. It follows from this that the speed at which Public Lands are alienated must depend upon the use to which they are to be put, and that a Government would be justified in Australia, a pastoral country, in alienating lands much more rapidly than in Canada, an agricultural one, and that all parallels drawn between the one and the other must be eminently fallacious, since in the one land without capital spent upon it in the clearing is valueless, in the other if obtained in sufficient quantities it is very useless. It will result from this principle that a high minimum price, by serving to retard the distribution of property among the community, is extremely injurious, and that the inducement to Government to alienate land ought rather to be the probability that it will be used to a profitable purpose than the price which can be obtained for it.

The second principle we laid down was that Government ought to interfere with the quantum of alienation as little as possible. If, for instance, Government were to refuse to sell more than fifty acres at once, this would be to create a monopoly in favour of the poor; if anything under twenty thousand, a monopoly in favour of the rich. We think that Government ought to lay down no rule of the kind; we think that the quantity a man chooses to put up to auction ought to be left to his own choice, that the minimum price ought to be very low indeed, and that competition ought to decide how much should be given for the land. If the land were alienated on this principle, every occupation would be given a fair chance, and the question which should prevail would be decided by their respective profitableness alone. If it be objected that this system would alienate the waste lands in prejudice of after comers, we answer that those who come first deserve best of the Colony, and that if the land can only be preserved by a high minimum price, the present population of the country is defrauded of that they have a right to enjoy, for the sake of persons who may never choose to take advantage of the reservation in their favour.

If it be objected that such a system would deter capitalists from emigrating—we answer, that the system we recommend would produce a high rate of profit, and that this is a much stronger inducement to capital to emigrate than the reserving in the hands of the Government a quantity of land ready to be sold to new comers at twenty or thirty times its value, which has induced practically the effect of deterring emigration.

We now come to apply these principles to the Waste Lands of New South Wales. They are, according to our theory, quite ripe for alienation, being able to be, and being actually turned to immediate profit. It will be gathered, from what has been said above, that we would leave them to their present occupants for years, at a rent to be fixed by competition, making all fair allowance for improvements, and fix a rate of pre-emption to be paid during the lease regulated by their present market value. But here we are met by the outcry of monopoly; you take up all the land—you leave nothing for the poor. Why should one man have ten thousand acres—another none? Alas! it is a question we cannot answer till we have discovered the reason why evil is permitted in the world.

Ask of thy mother earth why oaks are made  
Taller or weaker than the weeds they shade;  
Or ask of yonder argent orbs above,  
Why Jove's satellites are less than Jove.

But never was there a more groundless apprehension than that the appropriation of the lands at present occupied would exclude the poor. Two-thirds at least of the vast Continent which we inhabit are wholly unknown to us, and have never been viewed by the eye of civilized man. With this boundless expanse before us, how ridiculous does it seem to see the Colonists infected with the miserly spirit of their Government, and squabbling about hundreds and thousands of acres, when a territory which

cannot be occupied for generations, spreads its boundless expanse before them. Whilst we are counting Mr. Boyd's or Mr. Wentworth's stations, and complaining that while we pay a high rent for a house in Sydney, they pay only license and assessment, before us lie thousands of plains and vallies enough to form the sheep-walk of the world, on which the grass withers and the rain evaporates, without contributing aught to the comfort or profit of man. Because our miserable Government, unequal to the glorious destiny with which it is entrusted, and anxious only for its sordid exactions, pens us up within self-imposed limits, and with a world unexplored before it, quibbles with its subject about feet and yards like the landless inhabitants of Jersey and Guernsey, shall we content ourselves with being no wiser than it, and tamely pace round the narrow circle it has chalked for us, that all beyond that circle may be retailed, acre by acre, for centuries to come, and thus raise a fund ready to neutralise the efforts of our legislature, and to perpetuate the domination of an Anti-Colonial Executive over our liberties. In our next number we hope to show how completely those misled the poor who represent an illiberal system of land regulations as beneficial to them. But the subject is so large that it has already exceeded the space which, for this week, we can devote to it.

OUR THOUGHTS ABOUT THE LATE CAMDEN ELECTION.

We last week presented to our readers a communication from a correspondent subscribed G. U. A., containing an amusing and graphic account of the sayings and doings attendant on the nomination of Candidates for the Representation of the County of Camden. There was, of course, the usual proposing and seconding of the legislative aspirants by their respective supporters; and Mr. Osborne took the first hearing, and Mr. Wild the second, when the Candidates were required to talk about themselves. But although the proceeding, so far, was strictly after the pattern of a Westminster Election in England, we fear that at this point all resemblance ends. In Westminster, be the Candidate a Lord or a Tradesman, the grand considerations with the electors are, first, the political principles of the Candidate, and next, his ability to enforce them in the Great Council of the Nation. If, in the contest by which Mr. Leader, some half dozen years back, put Sir Francis Burdett out of the representation of Westminster, the proposer of the latter had, on the hustings, regaled the assembled voters with a statement that the fine old Baronet was his "very particular friend and schoolfellow,—that he was an old resident in Westminster,—that he had £40,000 a year in landed property,—that he was humane and friendly to the working classes,—and that he would support what he conscientiously believed to be correct," the electors would have laughed in the orator's face, and would at once have demanded something specific touching the Baronet's opinions and intentions as a *Legislator*. This is a precaution taken by all constituencies, who, by experience, have discovered the danger of inclining too credulously to merely general professions. In England, therefore, Candidates generally run through a gauntlet of questions; the Corn Laws—the Extension of the Suffrage—Law Reform—Church Reform,—all of which must be cleared, to the satisfaction of the questioners. With ourselves, Candidates should be examined touching their views on the Squatting Regulations—on Education—Police and Gaols, &c.—as, if it should ever happen to us to have a Governor less tenderly alive to our wants and interests than our present one, it might become necessary to pledge our Representatives to resistance of Government policy on such measures. At home, unfettered Legislators have too frequently been found the holders of seven years' leases for the perpetration of public mischief. We cannot, therefore, be too cautious in selecting the men who are to represent us in the Council; although certainly Camden has, on the late occasion, exhibited less of this quality than we should have expected from her. As a burnt child dreads the fire, we should have thought that a Therry-fied constituency would not, either by

carelessness or misplaced confidence, have run the risk of falling into the arms of another Therry—supposing the political double of that gentleman can be found in the Colony.

Let voters only reflect for a moment on the office of a Legislator. Let them think of the trust reposed in him,—of the sagacity, the reading, the industry he should possess, and the patient consideration of our particular circumstances, as calling for, or excluding the application of particular principles, in our local legislation. If these things are only duly considered, we are satisfied that there are few of our readers who will not admit that there is no office in the Colony so high or so responsible as that of the Legislator. Yet in selecting him, less anxious consideration is evinced by those interested in his character, than is ordinarily shown in the choice of a Superintendent of a sheep or cattle station—certainly less than suitors bestow on the selection of a Counsel for some occasional cause in Court. Suppose your object to be the obtaining a safe advocate, one learned in law, as well as expert in its application. You consult Dr. Sherwin on the matter (for the nonce considering Mr. Wild as a Lawyer, instead of a Legislator). The Doctor says to you, "You cannot do better, if you wish to win your cause, than have my very particular friend, and schoolfellow, Mr. John Wild;—he is an old resident—almost a native;—he has a numerous family—and he is a very neat farmer." What would you say to this? Would you not rather stare at it? Would you not, as soon as you recovered from your surprise, be very likely to reply, "What have the facts of his being your old friend and schoolfellow, or of his neat farming, got to do with the matter? And as to Mr. Wild's large family, I am not aware of any law of nature, which provides that every man who is very successful in increasing his family circle, is equally successful at the bar." In something like this spirit would you reply to Dr. Sherwin, if the matter were the choice of a Lawyer; but when the duty is only a much higher one—the choice of the Law-maker, and not of the Lawyer—and to be exercised by a man who will probably be beyond your control for a period of four years, the nonsense which in the one case would astonish you, in the other slips out of the speaker's mouth undetected, and unrepented. The reason of this can only be, that the voters have never yet steadily considered the subject; and this only because we are all, as yet, young and unpractised in popular elections. We feel some comfort, however, in this consolatory fact, that under the present Government, electors will very rapidly acquire a knowledge of the real nature and importance of their duties. A celebrated democratic writer once said, that Governments made people think, by first making them feel. If this be true, as we devoutly believe, we are certain that under the kindly and affectionate cherishing of our present Chief, our people will soon grow as reflective as any community under the sun.

We are aware it may be said, that fit candidates are too few here to allow constituencies to be as fastidious and critical in this Colony as they frequently are in England; but we do not believe this assertion. A more probable explanation of the facility of the Camdenites' adoption of Mr. Wild as their Member is, that they derived a kind of moral satisfaction in showing the Macarthurs brothers very plainly, that the County was not exactly theirs to make over to any one whom they might choose to select; and we cannot find in our hearts to be very severe upon this but too natural feeling.

For our own part, we will hope the best of the new Member, seeing that he comes to us recommended by the opposition of the Macarthurs. Only last week we had to refer to him as the rejected of these gentlemen. We have this week to consider him as the accepted of Camden. Let this fact be sent home to Lord Stanley, as an expressive commentary on the magnanimous and comforting protest of "the two hundred and ten," against the disrespectful Report of the Council on Land Grievances. Once more the great family interest has received, what Mr. Swirell calls, "an unmitigated staggerer," in its own county. Mr. Wild no doubt, (although he does not mention it in his published Address of thanks to the electors) feels particularly grateful to the Messrs. Macarthur for an opposition which has secured his election; whilst Dr. Osborne, we may reasonably suppose, finds some difficulty in analysing his feelings towards the same gentlemen, between the natural leaning of his mind to thankfulness for support tendered, and his subsequent inclination, on chewing the cud of bitter thoughts, to call both his Patrons out, for blasting his hopes with their ill-omened interest. In short, the worthy Doctor's state of mind must be precisely that which the old Minerva novelists always compendiously dispose of by saying, "it may be more easily conceived than described." For our own part, we will only say this—that if we should ever be persuaded to start for Camden, we would not canvass a voter, until we had first bound the Macarthurs over to keep their peace towards us, or tied them down in a heavy penalty, not to support us until the election was over.

#### THE PUSEYITE LAY ASSOCIATION.

Movetate corniculæ risam  
Furtivis undata coloribus.

As sincere members of the Church of England, believers in her protestant articles, and admirers of her beautiful ritual, we were at first much startled and surprised at the inaugural meeting of this society, reported in the *Sydney Morning Herald* of Friday, the 28th ultimo. Statistics had informed us that the members of the Church of England constitute a majority of the inhabitants of the Colony, and our own observation has told us that they had more than their numerical share of property, intelligence, and standing in society. We therefore had a right to expect, that if such a society were really what it professed to be, an association for the purpose of carrying out the principles held by this large and influential body, it would have been supported by almost all those to whom our fellow-colonists are in the habit of looking up. Never was expectation more ill founded—never was meeting less brilliantly attended. The chairman was absent, and the business of a meeting which professed to represent the faith of more than half the Colony was left to be transacted by a junta composed of very respectable but very obscure individuals. Even the countenance of the clergy was withheld: the Rev. Mr. Walsh alone was present. It may be objected that he was Chaplain; the answer is, that he could not have attended as Chaplain because he was not appointed till after most of the business had been dispatched, and that to suppose

him to have gone there to solicit such an honor, is to attribute to him an indecency of which we do not believe him capable.

What then is the solution of this extraordinary phenomenon? It was pointed out very forcibly last week by our correspondent, Old England. It was not a Church of England meeting at all, it was a Puseyite meeting. Any one may satisfy himself of this who will read the Resolutions passed at it, Resolutions we grieve to say announced as having received the sanction of the Lord Bishop of Australia. Take the 6th for an example—"To extend among Churchmen, by means of lectures and otherwise, a knowledge of Ecclesiastical History (more especially of those sound writings which bear upon the true character of the National Church of England), that her members in this Colony, becoming more intimately acquainted with her divine origin, and tracing her progress in her chequered but never interrupted existence from the Apostolic ages, may learn to appreciate her and truly defend her more ably, and love her more enthusiastically." Now we would ask these lay champions of the Church of England, how they can reconcile these principles with her 19th Article, and if they cannot, with what face they dare to put themselves forward as her representatives. That article states, that, "The visible Church of Christ is a congregation of faithful men, in the which the pure word of God is preached, and the Sacraments are duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same." Now if the Church of England had a divine origin, and an uninterrupted existence from the Apostolic ages, there must have been during all that time a congregation of faithful men in England, in which the pure word of God was preached, and the Sacraments duly administered. But during a portion of this period the service was performed in Latin, which is said by the 24th Article to be plainly repugnant to the word of God; and the Cup was denied to the laity, which by the 30th Article it is said ought to be ministered to all Christian men alike. Therefore at one portion of this period the pure word of God was not preached, nor the Sacraments duly administered in England. Therefore the Church of England, in her own sense of the term, has not existed from the time of the Apostles, which the Lay Association asserts that it has.

It is no part of the business of this journal to enter into polemical disquisitions, but it is its duty, and a duty from which it will never shrink, when a body of this kind comes forward professing to represent those with whom it has nothing in common but the name, to refer them back to those authorised standards whose meaning they endeavour to evade and elude, and thus show the hollowness and falsehood of their pretensions. The truth is, that the Puseyite party though headed, as it appears from this meeting, by the Bishop, is in a glorious minority both among the Clergy and Laity. Long may it continue so! Long may it be ere we barter the manly and intelligible language of our Protestant Articles for the quibbling sophistries, the dishonest subtleties, and the vague and illusory abstractions of the disciples of Newman. Let the Lay Association discard the name to which they have no title, and by arrogantly assuming which they insult the large majority of the members of the Church of England, who hold their principles in abhorrence, and who constantly appeal from the miserable figments of man to the revealed word of God. We shall, then, as journalists, have no quarrel with them; every man's belief is in our eyes sacred, so long as it pretends to be nothing more than it is. We have no objection to the daw so long as it wears its own plumage—the ass is respectable, provided that he wear not the lion's hide—and the vagaries of the Puseyites shall be treated by us with a respectful silence, so long as they do not attempt to conceal them under the venerable mantle of the Church of England.

#### SONGS OF THE ELECTION.

Air.—Love not.

FROM DR. OSBORNE TO JAMES MACARTHUR, ESQ.

VOTE not, vote not for me, Macarthur, pray,  
There's fatal weakness in your vaunted powers;  
My foes will laugh, my friends will slink away,  
Soon as they hear that you are one of ours,  
Vote not! vote not!

Vote not for me: oh! keep your word to Wild,  
'Twill serve me better than if faith you broke;  
I knew the value of your hate and smile—  
But, oh! to have you *for me* is no joke!  
Vote not! vote not!

Vote not for me—I never did you harm;  
Ne'er gave your morbid vanity a shock—  
Ne'er doomed your brother to his books and farm,  
Nor sentenced you to give the single knock.  
Vote not! vote not!

Vote not, vote not! Oh, warning vainly given!  
Oh! why be generous at another's cost?  
Against your vote alone I might have striven,  
But when you used *your influence* all was lost.  
He votes—all's lost!

We have another ode on the same subject, the idea of which seems to have been derived from Rokeby, beginning—

Oh! Jimmie, give no vote for me,  
But keep it for my enemy!

But we have preferred inserting the above, deeming the majestic march of the heroic stanza more suited to a subject at once so solemn and so pathetic! Poor Dr. Osborne! let his epitaph be,

To all thy foes, Macarthur, send  
Thy votes—but never to thy friend!

#### AUSTRALIAN FRESCO PAINTINGS.

(Continued.)

Alqui sciebat que sibi barbarus  
Tortor pararet.

THE second fresco was truly horrible. As the former one had graphically depicted the agonies of terror called forth by the immediate anticipation of destruction, so this faithfully exhibited human nature sinking under the extremity of torture. It has been a question among critics, whether scenes like these are fit subjects for pictorial or poetical representations. It is not our part to give any opinion on this controverted subject. All we propose to do, is, to give a faithful account of the picture as we saw it, and to remark, that whatever be the faults in its conception, it is executed with a breadth and vigor worthy of the thrilling scene which it depicts.

The subject of the picture seems to have been derived from the 36th chapter of Old Mortality. Our readers will probably

be able to anticipate its details. The apartment is the long drawing-room of Government House. Round the table are seated, in their ordinary costume, three of the members of the Executive Council: they form the back ground of the picture, and it is unnecessary in this place to say more of them than that the faces of the two principal personages wear an air of triumph, and that of the third one of melancholy regret. In front of this solemn conclave sits in an arm chair, to which he is firmly bound, the man dressed in the complete suit of Colonial tweed, his right leg being enclosed in an iron case; on this case are emblazoned in golden letters, the words "Land Regulations." A counter, an auctioneer's hammer, a ledger, a pair of shears, a pair of compasses and a quadrant are engraved around these words, and two brief but significant mottoes are printed one on each side of them "Voe Victis" and "Caveat emptor." Between the knee of the unhappy patient and the rim of the iron case have been introduced several wedges, which must each have afforded in their introduction inexpressible and increasing torture. On one of these is written "£1 an acre;" on another "2nd of April;" on another "District Councils;" and on the one last driven home, and which has caused the greatest agony, "Quit Rents." We know not who had driven in the former wedges; the last one had evidently been infringed upon by the head of the Colonial Treasurer, which he used by way of battering ram instead of a mallet, at a signal given him by the President of the Council. Even allowing for the frightful situation in which he was placed, the prisoner has evidently suffered much in mind and been greatly attenuated in body between the painting of this and the last picture. He has just fainted from excess of agony, his head hangs lifelessly on the back of the chair, and his right wrist is in the grasp of the Colonial Secretary, who is turning towards the Judges with a deprecating look, which seems to say "he has fainted my lords, human nature can endure no more." About the room are scattered different implements of torture, on one wedge is written "Surveyors 25 per cent.," on another "Police and Gaols;" others exhibit a curious coincidence with the names of the schedules being labelled A, B, C. But, it were revolting to pursue farther the enumeration of the hideous apparatus of torture and destruction. How thankful ought we to be that we live under a mild and beneficent Government, which never takes our money by compulsion, except when it fails to obtain it by fraud—which knows no interest distinct from ours except its own—and which pays the most unlimited deference to our opinions whenever they happen to coincide with those which are acceptable in Downing-street!

#### APOSTROPHE TO THE SCHEDULES A. B. C.

Fair Sisterhood, with sweet alluring faces,  
Third of the Muses—total of the Graces;  
SCHEDULES—beloved alike by Gods and Men.  
Though Patriots cavil at you now and then,  
As if your forms were hideous to behold,  
And only loved, like ancient dames—for gold,  
Who would not wish, secure from Fate's alarms,  
To slumber, sheltered in your circling arms.  
Blest by your love and basking in your smile,  
No other Schedule shall he ever file.  
Nor shall Insolency, relentless dame,  
Daughter of Tick and Misery, shriek his name.  
Learning hath charms, but what is like to thee,  
Thou most delightful form of A. B. C.  
Children of Stanley, hail in glory trine,  
Where transport and security entwine;  
For not alone the claiming coin is sweet,  
But knowing nothing can that claim defeat.  
A drought may come—the land may retrograde—  
The cattle die in thousands—still they're paid.  
Wool may fall cent per cent, a losing trade,  
And whelm the land in ruin—still they're paid.  
Embarrassed Banks refuse to give their aid  
To sinking settlers—still the Schedule's paid.  
The Governor and smugglers make a raid  
Against the Customs' revenue—still they're paid.  
The broken compact has the land betrayed,  
But what of that—the Schedules must be paid.  
And when Australia low in dust is laid,  
This be her epitaph—it's all been paid!  
If, mid a triad so divine, the Muse  
Might just presume a favorite to choose,  
I'd rather not be put in Schedule A.,  
In that the Council has too much to say;  
And though it's safe beyond their greedy clutch,  
It makes one nervous when they talk so much.  
C. has advantages, I'll not deny,  
It's all so snug, so quiet, and so sly,  
And it would suit my fancy to a T,  
If Stanley's honor were but pledged to C.  
The poet's burning wish was just to clear  
Five hundred pounds in each and every year;  
But if with castle building e'er I meddle  
I'll wish myself within the second Schedule,  
For it alone has got a copious margin,  
And a good salary will bear enlarging.  
Where'er I turn, whatever berth I see,  
I'll stick to Riddell's berth in Schedule B.  
Others with labour more or less are troubled,  
He'd still do nothing if his work were doubled!

#### SUPREME COURT JUDGMENTS.

ON Wednesday last the Supreme Court, sitting in its Insolency Jurisdiction, pronounced, through the mouth of its Chief Justice, an elaborate written Judgment, in the case of *Ex parte Rosetta Terry*, in the insolvent estate of John Terry Hughes. It appeared that Mrs. Rosetta Terry had applied to the Court, to assist her in obtaining possession of certain Steam Navigation Shares, to which she laid claim, but which the Trustees of Hughes persisted in keeping as part of his estate, under a clause in the Insolvent Act, which provides that wherever any Insolvent shall, at the time of his insolvency, with the consent of the true owner, have in his possession, order, or disposition, and reputed ownership, any personal property of the Insolvent, such personal property shall pass to the Trustees of the Insolvent. This salutary clause, copied almost verbatim from the English Bankruptcy Act, has been frequently justified by Judges at home, on the ground that such a state of the law tends to repress a very common and mischievous practice of parties obtaining fictitious credit