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PROCRASTINATION.

To-morrow; Oh! that's sudden,—spare him, spare him; he's not prepared to go.

Measure for Measure.

PROROGUED to Tuesday, the 6th day of May,—re-prorogued to Tuesday, the 10th day of June, and not even then to meet for the dispatch of business,—what can this mean? The piece is loaded to the muzzle, but he who has loaded it, dare not let it off for fear of the kick. The mine is dug, the train is laid, but the nerves of the engineer are not sufficiently braced to explode it. The bridge is built, but the architect dare not knock away the scaffolding. "A grey irresolution" has fallen upon the spirits of our ruler; his enterprise is

Sicklied o'er with the pale hue of thought, And has lost the name of action.

In spite of the inconvenience of a late session, which has been so frequently felt and complained of during the two last years, it is determined again to inflict upon the country members the disagreeable alternative of being absent either from the Council Chamber or the wool shed, of not shearing their sheep, or of being shorn themselves. The reason which is generally given for this most unwise act of strategy—a full retreat in the face of an enemy—is that His Excellency has received rather a chilling answer from the powers at home to his last overture for our complete annihilation, and is waiting to see whether his fate or that of the Colony is in the ascendant. Stanley, like Jupiter in the Iliad, is extending his golden scales—in the one is placed this Colony, its flocks, its herds, its present and future prosperity; in the other, His Excellency the Governor, his dispatches, his crotchets, and his character. He is weighed in the balance, and is not without misgivings that he will be found wanting. Well, and if all this be so,—if the Colonial Office learn at length to appreciate its minion more justly, if some glimpses of the truth of our present position have penetrated through the thick mist which has been systematically thrown over it,—if the blundering and twaddling editor of the Morning Herald—we mean the London, not the Sydney twaddler—has at length stumbled upon something like the truth, as we think he has, notwithstanding his jargon, in which he has mixed up quit-rents and back runs with licensed occupation: Is this any reason why the representatives of the people should not be called together at the proper season of the year, to deliberate on matters essential to the welfare of the country. Are we, after two centuries of self-government come round in the cycle of human affairs to times like those of the worst of the Stuarts? Is the Legislative Council of the Colony looked upon by the head of the Government—not as his natural adviser and assistant, to whom he ought to have recourse in all times of danger and difficulty, and to whose deliberations he ought to look for the expression of that public opinion by which he is so notoriously guided—but as a hostile and uncontrollable power, which is sure to destroy the Frankenstein who is rash enough to call it into renewed existence? The age of blustering has passed, and that of trepidation has succeeded. The Governor is like the shivering wretch who stands with the string of a shower-bath in his hand, ashamed to retire and afraid to go on, shuddering at the deluge which he is about to call down upon his own head. The roistering Bobadil, who was but now a match for 60,000 Squatters, trembles at the thought of meeting twenty-four Colonists, in whose election the Squatters, as a class, have no influence whatever. Anxious as he may be to take the hint thrown out to him by his friend the Herald, and call the Council together, trusting to the chapter of accidents

in hopes that a dissolution may be rendered less formidable by the wish of the Council to educate the poor, or some similar enormity, the Governor is well aware, that for him, even the chapter of accidents holds out no hope when that assembly is once met. We think too well of the spirit of the present Council, to believe that meeting—as they will in all probability do after the ominous 1st of July, that is after the Squatting Regulations have come into force, they will allow a single day to elapse without putting on record such an opinion of the conduct of the Governor as will render it impossible for him and them to dispute any more, and will leave him the choice only of dissolving them or evaporating himself. From the moment of the meeting of Council, the chapter of accidents is over, and the reign of certainty begins. It cannot be averted, although it may be delayed. We are not like the Herald, sworn of His Excellency's Privy Council; but we would venture to suggest for his consideration, whether the front door be not a safer, a more agreeable, a more decorous method of exit, than the window;—it is all a matter of taste. Certainly, there are those who would rather sit two hours in the agreeable contemplation of the dentist's case of instruments, than have the tooth out at once.—The hero of Prior's ballad

Of shifted the halter, oft traversed the cart, And often took leave, yet seemed loth to depart.

But we would say to such irresolute lingerers on the brink, in the words of the Highland matron to her delinquent son, "Gang up, Jock, and please the laird."

MR. FAG AND THE ERRAND BOY.

Quarrel with white pot, and disparage Their best and dearest friend—plum porridge. Hudibras.

WHEN Captain Absolute was in a passion, he beat Mr. Fag, and Mr. Fag, being unable to return the blows of Captain Absolute, devoted his manly energies to kicking the errand boy. Sheridan was no bad judge of human nature and that natural propensity to revenge one's self on somebody for injuries received from somebody else who is beyond our reach, has received illustration, not only in domestic but political circles. Our sagacious readers have, doubtless, already perceived that we are alluding to his Excellency's recent treatment of his own, his beautiful, his undefiled, District Council of Parramatta. We always felt when writing, or even thinking of this august corporation, a large proportion of that trembling respect which we are well known to entertain for its sublime author. We certainly did venture to hint on one occasion that the Council was misappropriating the proceeds of the tolls placed at its disposal, but this was, after all, but a random shaft; and little did we dream that we should find the observations of the ATLAS adopted, and its darts barbed and driven home by the hand of their founder and patron. Stony hearted as we are, little did we think that we should be the cause, the unhappy cause, of the agony of penitence and submission, into which this miserable corporation has been thrown. Surely those who said a Corporation had neither a body to be kicked nor a soul to be d—d, could not have contemplated the existence of such a Corporation as the District Council of Parramatta, a Corporation all feeling, all nerves, all sensibility, which, though free from pecuniary loss, cannot endure that the Governor should doubt the truth, and is unanimously of opinion that one explanation having been rejected by the Governor, another should be offered. In truth it is a hard case; the Governor hands over to the District Council a portion of the ordinary revenue derived from tolls and bridges, which is malversation the first; and the Councils spend that revenue on other objects, which is only, after all, malversation the second. When we told the Governor he ought to be impeached for misappropriating the public money, we certainly meant to put him on his defence, but not to turn him into the accuser of others, nor do we see how, if the District Council have misappropriated the money unlawfully handed over to them, their misconduct excuses his. Coleman truly remarks—

Will kicked out the doctor—but when ill indeed, Even kicking the doctor won't always succeed.

In this instance Sir George is ill indeed; he has what is technically called "put his foot into it," but how kicking the doctor will mend the matter we cannot really see. However, it appears plainly, that if not strictly just, it is, at any rate, to judge from their abject submission and prostrate humility, perfectly safe, for his Excellency to kick the District Council of Parramatta. They are his ox, his ass, his any thing, and being any thing, it is quite evident that any thing they will endure. They are a glorious specimen of premature municipal institutions, and we can only hope that, as they appear so extremely unhappy, they may not live to see the departure of their master, but have all their miseries terminated by a speedy DISSOLUTION.

ST. VINCENT ELECTION.

Dixitque tandem perfidus Annibal; Cervi, luporum præda rapacium, Sectamur ultro quos opimus Fallere et effugere est triumphus.

WHEN Mr. Pott appeared at Mrs. Leo Hunter's breakfast, dressed like a Russian officer of justice, and armed with a knout, as an emblematic representation of the ferocity of his editorial powers, he did but faintly typify the fury of the onslaught which the Sydney newspaper press made upon Mr. Lowe when he announced himself as a candidate for the counties of St. Vincent and Auckland: but whether it be that they fought as one who beateth the air, or whether the object of their spite be as the air, invulnerable, we cannot tell; all we know is that though every argument which did or did not bear on the subject was pressed into the cause—though the character of advocate, which protects others was not allowed to shelter him—though the very principles of Christianity were overthrown by his reverend detractors, in their indiscreet anxiety to prove him an infidel—though his private life was ransacked, and his public conduct criticised with unsparing severity and unscrupulous malice, Mr. Lowe was elected without opposition, and received from his constituents a reception so cordial that the Herald is obliged to close the flood gates of its compassion for their unhappy case, to vent its spleen upon them for being a small and insignificant constituency. They did not elect him. Oh, no. The Herald has clearly proved that the Colony did an unintentional compliment, of which, if it came from a quarter less contemptible, any gentleman might well be proud. The Herald says he ought to have thanked the Colonists at large for the negative advantage of standing there without a rival candidate. The Herald is perfectly right. The colonists at large paid him the highest compliment in their power by allowing him to be returned unopposed for a district in which he could pretend to no local influence, and we trust he will acquit himself of that obligation after another fashion than that of his detractors, by faithfully and fearlessly serving that public which they have sordidly and servilely betrayed. We look upon the result of this election as a great victory, because, being, as the Herald truly says, the act of the Colonists at large, it shews most clearly that the principles contained in his address are theirs also. It will prove to the Governor and the Colonial office that there are sown in this distant land principles of manly independence, which they cannot eradicate. It is full of good augury for the future, and by placing the helpless position of the Governor in its true light may possibly save the country from the expense and tumult of a general election. It is gratifying also, because being, as we said before, the act of the Colonists at large, it shews that its dull and servile press is held in its just estimation. Had that press possessed one particle of influence, it would have been impossible for any one to have stood against the volley which it poured forth; but so far from overwhelming their object, we cannot perceive that they have produced the slightest effect, and the howl of rage and disappointment with which the result of the election was received, was worthy rather the recipient than the inflicter of castigation. The fact is, those who have no character themselves have, in small communities, little power

over that of others, and to this we attribute the impotency of the Sydney press. The last attack of the *Herald* is truly contemptible, both in time and matter. The time was a Saturday, a day chosen on purpose to leave the longest possible interval between attack and defence, a stale device, which former exposure has not prevented. As to the matter, we had thought it sufficiently plain that Mr. Lowe attributed his want of confidence in Government, not so much to the origination of bad measures, as to the persisting in them after their injurious tendency had been pointed out. Indeed, that this is the true meaning of the speech, and that the *Herald* knew it was so, will be quite evident from a comparison of what was really said, with the perversion of the *Herald*.—

HERALD.

In April the new depasturing regulations were published, and then he was undeceived; he could not support that Government.

Soon afterwards he saw a system of district taxation introduced.

He found this policy (that with regard to Quit-rents) such that every feeling of justice and humanity revolted at it.

He found an enormous expenditure utterly disproportionate to the means and wants of the Colony.

After such an exposure of barefaced fabrication and forgery, comments would indeed be idle and invective powerless. The man whose moral sense would require to be quickened by such means would be unworthy of their employment. We will observe, in conclusion, that Mr. Lowe while in Council, never systematically thwarted the Government—that on the matter of the Governor's salary, which would have been the most natural field for the display of vindictive feelings, he voted with them: that he voted with them in the matter of compensation to the police magistrates, and on many other occasions, and that he resigned his seat just before the collision between the Governor and Council, on the Judicial Estimates, commenced, thereby abandoning the measure of education recommended by the committee of which he was the chairman, and in which measure he felt the greatest interest. We know from his speech at Braidwood, what were Mr. Lowe's opinions at the time of his resignation, and how entirely he dissented from the policy of the Government. Did this vindictive person take that most obvious opportunity of venting his anger? On the contrary; we find him resigning his seat without a word of explanation, except so much as was required to exonerate the Governor from any suspicion of having induced him to do so, and we challenge any one to point out in any speech made by him in Council, after his disagreement with the Governor, any thing in the slightest degree shewing bitterness or disrespect. And now we recommend the baffled slanderers of the *Herald* to skulk back to their den and concoct another forgery for next Saturday, which, having lived its little life of a week, may be demolished like its predecessors.

THE CHIEF JUSTICE AND JURIES OF FOUR.

On the first day of the present term, an attempt was made by Mr. Windeyer, in his capacity of barrister, to induce the Supreme Court to place an interpretation upon his Jury Act, which, in our opinion, would have been most unconstitutional. This occurred in the case of *Blamey v. Mallard*, the report of which, in the *Sydney Morning Herald*, is in the following words:—

This was an action for assault, and Mr. Foster now moved, on the part of the defendant, that it might be tried by a Jury of twelve. Mr. Windeyer, for the plaintiff, opposed the motion, on the ground that the affidavit filed in support of the application, had disclosed no tangible grounds for departure from the usual course. The Chief Justice was of opinion that the granting or refusal of an application of this nature, rested with the discretion of the Court, and that sufficient grounds had not been shown to depart in the present case from the ordinary course. The other Judges were of opinion, that the intention of the New Jury Act was merely to substitute a jury of four for a jury of twelve, when both parties were willing to have the case determined in this manner, but that they had a right to resort to the old constitutional mode of trial by a Jury of twelve, whenever they were desirous of doing so. The motion was therefore granted.

So far as Mr. Windeyer is concerned, we admit that he has no right to call him to account for his conduct in this case. What he said, was delivered, not in his private character, but as a barrister, advocating the cause of his client, and bound, of course, to do the best for him—even to the extent of inducing the Judge to decide contrary to law. The Chief Justice, however, occupies a very different position; and, speaking in the mildest terms, we must say that his observations have somewhat astonished us. Surely he could not have spoken very deliberately, when he said, that the trial by a Jury of twelve, was a departure from the ordinary course. He could not, we should imagine, have forgotten the rule, so long acted upon by the Court, before the passing of the new Jury Act, of granting juries in all cases where they were applied for. This, too, was done, although the New South Wales Act, 9 Geo. IV., cap. 83, gave the Judges the power, in express terms, to refuse any such application. The eighth section of that Act, after providing for the trial, by assessors,

enacts:—"That if either of the parties, plaintiff and defendant, in any such action, shall be desirous of having any such issue, or issues, of fact, as aforesaid, tried by a Jury, and shall apply for that purpose to the said Supreme Courts respectively, then, and in every such case, it shall be lawful for the said Courts respectively, to award or to refuse a trial by Jury, as the justice of each particular case may seem to such Courts to require." The New Jury Act, 8 Vic., No. 4, section 2, however, provides—"that if either of the parties, plaintiff or defendant, in any action, at any time after issue joined, shall apply to the said Court for that purpose, in the same manner as he would now have to apply for a trial by Jury, it shall be lawful for the said Court to order, that the trial shall be had by a Jury, consisting of twelve persons, who shall be returned under the provisions of this Act, either from amongst the class of special jurors, or of common jurors; or in cases to be tried on Circuit, partly from each class, as the Court shall think fit to order." It will be seen that this last Act does not give the Court the power to refuse a trial by a Jury of twelve, but merely enacts that it shall be lawful for it to grant it. To our apprehension, these words convey but one meaning, construing them, as they ought to be construed, MOST LIBERALLY—and that is, that they impose upon the Judges the duty of granting a trial by a Jury of twelve, in all cases where it may be applied for. If even it were otherwise—if, like the New South Wales Act—it gave the Court the power to refuse this mode of trial, we should still think it no less the duty of an English Judge, administering English law, to exercise the discretion reposed in him, in favour of, and not in opposition to, the most fundamental principle of the British constitution. The Chief Justice, we regret to perceive, holds a different opinion from ours—different, too, from that of his predecessors on the Bench. His colleagues, however, have had sufficient English spirit in their composition not to agree with him; and, on the part of the public, we tender them our humble thanks, for declaring that the public "HAVE A RIGHT to resort to the old constitutional mode of trial by a Jury of twelve, whenever they are desirous of doing so." The praise or censure of the Press, we are aware, cannot, and ought not, to influence these high dignitaries, in the discharge of their important duties; but it may afford them some little pleasure to know, that their acts have met with their fellow-citizens' approbation.

IMITATION FROM HORACE—24TH ODE, 1ST BOOK.*

TO THE NOBLE LORD, ADMINISTERING COLONIAL AFFAIRS. [The Poet calls upon the Noble Lord, to lament the death of a distinguished individual, and indicates the class of persons by whom the loss is chiefly to be deplored.]

STANLEY! what limit to thy matchless grief— That mourn'st a useful servant ta'en away? Ye sycophants! be not your wallings brief; Ye Treasury dependents! give relief To voiceless throats—deprived of place and pay.

Why sleeps our friend the eternal sleep of Death? He had no shame, then Slander hold thy breath. How did the truth in his despatches shine! His Faith, unbought, how fixed on thee and thine! When, STANLEY, wilt thou find his like again?

He died—lamented by the best of men: THERRY! by none lamented more than thee! Mourners! in vain ye question Fate's decree— Heaven sent him not our scourge for aye to be.

With fabled arts wouldst thou recall the dead? Learn that no tenant quits his narrow bed; Nor in the visionary form is shown, The darkening eye-brow, and the lurid frown. He rests—perchance the dreadful rod he bears, And he that smote us, in his turn despairs.

*AD VIRGILIUM.

De morte Quintilii Vari. Quis desiderio sit pudor aut modus Tam cari capitis? Præcipe Ingubres Cantus, Melpomene, cui liquidam Pater Vocem cum citharâ dedit.

Ergo Quintilium perpetuus sopor Urget? cui Pudor, et Justitiæ soror, Incorrupta Fides, nudaque Veritas Quando ullum inveniet parem?

Multis ille bonis sebilis occidit: Nulli debitor, quam tibi, Virgili. Tu frustra pius, heu! non ita creditum Pœcis Quintilium Deos.

Quod si Thæricio blandius Orpheo Auditam moderere arboribus fidem, Non vanæ redeat sanguis imagini, Quam virgâ semel horridâ,

Non lenis precibus fata recludere, Nigro compulerit Mercurius gregi.

OLIGARCHY OF THE POOR.

If it should happen that the poor, being few, govern the rich, being many; this would be rather a democracy than an oligarchy.—Aristotle's Politics.

We beg to call the attention of our readers to the annexed able, which we have extracted from the columns of our excellent cotemporary *The Geelong Advertiser*, on whom alone, among the Port Phillip newspapers, it seems to have devolved to treat the abuses of this misgoverned country with a spirit and vigor worthy of their theme; and in whom, therefore, we are surprised not to find a more uncompromising enemy of the monstrous scheme of District Councils. Our readers will observe by this table, that the owners of land estimated at the annual value of £10,000, are to have placed in their hands the power of taxing the owners of stock estimated at the annual value of £23,000. That 1,800 small settlers and residents in towns are to tax 2,090 residents beyond the boundaries. That the owners of 2,363 acres built upon or in cultivation, and 55,000 acres uncultivated, are to tax the owners of 1,005 horses, 22,077 head of cattle, and 705,000 sheep; who will prate of self-government after this? The system is not a government by property, intelligence, or numbers; but, the precise contrary. The poor are to govern the rich, the few are to govern the many, the ignorant are to govern the intelli-

gent. It combines the worst features of oligarchy and democracy. It takes from the first

The enormous faith of many made for one,

as its fundamental principle, and engrafts upon it that domination of poverty and ignorance which has ever been held the most valid objection to the second. It is sickening, it is revolting, to see established in a British Colony a government founded neither on property, population, nor intelligence, but, as far as can be attained, upon their contradictories. The men who are capable of lending themselves to carry into effect a system so un-English and so irrational, deserve to live under it—deserve to live in a country where the rural districts are enslaved to the towns, where the shopkeeper lords it over the farmer, and the publican over the stockholder. Fortunately, the bungling tyranny which made this law has rendered it impossible to carry it into effect. Possibly the County resident Judge of Port Phillip might hold the levy valid, but we have no fears for the result of an appeal to the Sydney Bench. But we, beg again and again, to warn the District Councils of the Colony that though at present harmless, their existence as Corporations is fraught with ruin to the country or to themselves. To themselves, if they should be indicted for the non-repair of roads which they have no means of repairing, to the country, if an Act of Parliament should be obtained remedying those defects in this system of ruin which have saved us up to the present moment. Wherever there is a majority opposed to these Councils, the Charters should immediately be surrendered. Where there is not, every effort should be made to obtain one. We greatly fear that we are a Cassandra, whose forebodings of evil will only be believed after they have been accomplished.

We have been favored by the Surveyor of the District of Grant with the following accurate Statistical Returns. They have been drawn up with great care and may be relied upon for accuracy.

STATISTICS.

Stockholders	Assessed Annual Value, 1845.	Number of Houses.				Population 1st Jan., 1845.	Rate Payers.		Qualified to Vote.		Total Purchased.	Built upon, or in Cultivation.	Unimproved, or in Pasture.
		Stone.	Brick.	Weather board.	Huts.		Resident.	Non-Resident.	Resident.	Non-Resident.			
North Geelong	£1140	8	0	13	84	574	128	22	73	44	22½	213½	
South Geelong	£1327	6	0	1	31	233	69	30	19	73	24½	46½	
Suburbans	£1294	8	0	6	27	424	155	23	19	921	206a. 1r. 14p.	715a. 1r. 1p.	
Country Lands	£1048	0	0	5	6	489	70	18	16	57,926	2363	55,563	
Totals	£33,874 10 4	25	127	148	106	2090	209	93	129	1605	Cattle—26,077	705,930	

Vacant and unfinished Houses.

North Geelong	10
South Geelong	2
Suburbans	7
Total	19