

Not a trace of the gentleman's visit is left;
But the book which was flung
In his visage, has clung
To the wainscot and sticks so tenaciously to it,
You'd fancy some means supernatural glue it;
And his reverence in fact finds it fixed in the mortar,
To the wonder of all, a full inch and a quarter—
Where the mark of it still to this day may be seen,
Or if not, they can show you where once it has been;
And if after that any doubts on it seize you,
All I can say is—'tis not easy to please you.

The delight of the squire I of course can't express,
That 'tis boundless you might easily guess.

The very next day
He gives orders to lay
The chapel's foundation; and early in May,
If in his excursions Nick happened to pass there,
He might see Father Malachi celebrate mass there:
And it stands to this day, slate, stone, mortar, and brick,
By Tom Connolly built to get rid of old Nick.

Since the period that old Nick got this touch in the eye,
Of displaying his hoof he has grown very shy:
You can scarce find him out by his ill-shapen stump,
For he sticks to the rule—"KEEP YOUR TOE IN YOUR PUMP."

Theatricals.

In reviewing the progress of the drama in this Colony, we think that writers, in discussing the capabilities of our actors, pay too little regard to the character of the pieces. It can hardly be necessary here to reiterate our great master's definition of "the purpose of playing," but we must insist on the vigilance of the press in seeing the spirit of that definition carried out, as far as it may be practicable so to do. In respect of dramatic representations, it would, in every way, be absurd to draw a parallel between this country and Great Britain. It would be unreasonable to expect in Sydney, actors of the same excellence as those in the Mother-country: equally unreasonable would it be, to suppose that the mass of Australian play-goers are as qualified as theatrical audiences at home, to correctly estimate the merits of the play, or of the actor. The reasons are obvious. The standard of dramatic taste is necessarily much higher there, than here. In London, Dublin, or Edinburgh, the community are familiar with the highest order of dramatic compositions, and with acting in its perfection. Consequently, such theatrical audiences are in a position to institute comparisons. Moreover, the literary tribunals there are searching in their investigations, and rigid in their decrees against defaulters, whether as authors or actors.

As regards the rising generation of Australia, their dramatic taste has to be formed. And when we bear in mind the powerful influence of the drama in regulating the sentiments and feelings of the subordinate classes in a state, it is not too much to say that, in this nascent Colony, theatrical conductors are imperatively called upon to exercise the utmost care and discretion in selecting pieces for scenic representation. Many other reasons for the exercise of a sound discretion in this respect might be concurrently urged, but we deem the one above given to be sufficient.

We are fully sensible of the difficulties that beset theatrical proprietors in practically recognising this demand upon the legitimate exercise of their public functions. "Ethics, and literature" (say they) are all very well to talk about, but they won't pay! This, however, is a fallacy. A steady perseverance in representing the better order of dramatic pieces, would secure the attendance of the upper classes, upon which alone the drama can be permanently, or satisfactorily established. Induce persons of standing and influence in society to attend the theatre, the subordinate classes are sure to follow. And, in that case, actors would have a greater incentive to labour diligently in their vocation.

These suggestions have arisen from certain ill-judged selections recently made at the *Victoria*. We are not disposed to be over fastidious in our dramatic code, nor to require the production of pieces to which the company are inadequate. But we do think something better might have been chosen than *Robert Macaire*, the interlude from *Jack Sheppard*, *Aldgate Pump*, and *Blanche of Jersey*. As may be supposed, the two first find wonderful sympathy with a certain section at the theatre, but it is a sympathy that it would be quite as well not to call into action. "Jolly Nose," and "Nix my Dolly," are entertainments that cannot but make the judicious grieve. The last three pieces above mentioned were doubtless brought out for the especial behoof of the late recruits in the service—the Messrs. Howson, about whom (as in almost all cases of the kind) there has been "great cry, and little wool." Neither of these gentlemen have, by a long way, come up to our expectations. They are both tolerably good room-singers, but nothing beyond that. The voice and style of both are insufficient for such a house as the *Victoria*; and, whether in a small, or large theatre, they would both have this fault in common—their acting is "marrowless." We are nevertheless inclined to believe that, by care and diligent study, these defects might be cured.

We certainly do not look for literature in a farce—on the contrary, we go prepared for a tolerable amount of nonsense. *Aldgate Pump*, however, is "too bad: human nature couldn't stand it." In the hands of a first-rate actor, and with superior by-play, it might be endured, perhaps approved. But in that case, the excellence of the actor, renders us insensible to the demerits of the piece. As a comedian, Mr. F. Howson is not to be mentioned in the same category with Simes, Coppin, Lazar, or Simmons. He has no genuine humour; no flexibility of feature. He grimaces, which any body can do—but that is very alien to genuine low comedy. As a farce, *Aldgate Pump* is the very concentration of foolery, and its enactment ought to be a statuteable offence! On Saturday last, Signor Carandini favored us with a *Pas de Deux*—that is to say a duplex movement, consisting of a *pas de anything*, and a *pas de nothing*!

Blanche of Jersey, denominated a "Musical Romance" was played for the first time in this Colony on Monday last. Of this piece, all that we can say is, that it reminded us of the painter who, finding that every body mistook his representation of a lion for some other animal, found it necessary to write underneath the painting "This is a lion." So from the representation, we should never have suspected *Blanche of Jersey* to be a musical piece, unless it had been so designated. As to literature, or any kind of dramatic interest, the thing is altogether worthless. Madame Carandini has a good quality of voice, but it is sadly in want of culture. Mr. Griffiths and the rest of the dramatic persons did what they could to carry the piece along, but "a silk purse cannot be made out of a sow's ear."

We lament to hear that, from some disastrous circumstances, the public are likely to lose the valuable services of Mr. Chambers in the ballet department; in producing which unhappy circumstances, it is not improbable that the electric influence of *Robert Macaire*, and "Nix my Dolly," may have had a considerable share.

Memoranda of Men and Things.

PEERAGE STATISTICS.

(From the Standard.)

In the course of the year 1844, the following peers have died:—One Duke—Grafton, aged 85. Two Marquises—Hastings, aged 36; and Donegal, 75. Six Earls—Bessborough, aged 86; Lonsdale, 86; Athlone, 64; Kintore, 50; Mountmorris, 74 (extinct); and Limerick, 87. Two Viscounts—Sidmouth, aged 87; and Powerscourt, aged 30. And eight Barons—Douglass, aged 71; Wallace (extinct); Abinger, 77; De Blaquiére, 67; Huntingfield, 66; Keane, 63; Western, 77 (extinct); and Saye and Sele, 76. Total, 19.

In the year 1843, twenty peers died, viz.—3 Dukes, 1 Marquis, 8 Earls, 2 Viscounts, and 6 Barons.

During the last year twenty-nine Baronets have also died, viz.—Sirs J. H. Crewe, R. A. M. Douglass, F. Burdett, W. Johnston, J. Power, of Killfane, J. W. Drummond, H. Halford, J. Gibbons, C. J. Goring, C. M. Wentworth, J. Shelley, J. Lowther, T. Turton, J. Brenton, G. Pigott, J. Strachan, J. Maxwell, N. Menzies, W. Heygate, C. Watson, T. Tancred, P. Maxwell, R. Eden, J. P. Beresford, J. M. Lloyd, T. Kirkpatrick, G. Ousley, J. Seale, and J. Broun; only one of which baronetcies became extinct—that of Wentworth; and Sir Robert Eden's baronetcy has been inherited by his cousin, Sir Wm. Eden, Bart.

In the year 1843, thirty-one Baronets died, three of which became extinct.

Four Baronets only have been created since the accession of Sir R. Peel's ministry, viz.—Sirs John Pirie, Hugh Gough, William Magnay, and William Parker.

The total number of Baronets now amount to 897, of whom 37 are in the Church.

The total number of Peers is 564, to wit—2 Peers of the Royal Blood, 27 Dukes, 37 Marquises, 212 Earls, 60 Viscounts, and 220 Barons. No new peerage has been created since Sir R. Peel's accession, and the only elevations have been those of Baron Hill to a Viscounty, and of Baron Ellenborough to an Earldom. One eldest son of a peer, Lord Stanley, has been called to the Upper House during his father's lifetime, and placed in his father's barony. There are two other peers in the House similarly situated: Earl Bruce, the eldest son of the Marquis of Aylesbury, and the Earl of Uxbridge, eldest son of the Marquis of Anglesea.

Of the whole number of peers twenty-six are minors, viz.—the Marquises of Bath, Drogheda, Hastings, and Lothian; the Earls of Annesley, Carrick, Coventry, Darnley, Durham, Granard, Hope-toun, Kintore, Munster, Pomfret, and Rothes; Viscounts Bangor, Clifden, and Powerscourt; and Barons Dufferin and Claneboye, Garvali, Grey of Groby, Henley, Longford, Massy, Muncaster, and Ribblesdale.

By far the oldest peer is the Baron Mountsandford, who has nearly completed his 89th year. Several others have, however, attained a ripe old age, among whom may be enumerated the following—Baron Berners, who is 82; Earl Grey, who is nearly 81; the Earl of Harrowby 82; the Marquis of Huntley, who is in his 84th year; the Earl of Macclesfield, nearly 82; the Earl of Mornington, in his 82nd year; and Baron Plunket, in his 81st. The Archbishop of Canterbury is in his 80th year, the Archbishop of York, in his 88th; and the Bishop of Bath and Wells is in his 84th year.

There are forty-eight peers in the army, viz.—5 Dukes, 5 Marquises, 18 Earls, 5 Viscounts, and 15 Barons; while there are only 16 in the navy, viz.—1 Duke, 7 Earls, 1 Viscount, and 7 Barons; and the following 15 are in holy orders—the Earls of Abergavenny and Guildford, Viscounts Downe, Hereford, Montmorris, and Sidmouth; and Barons Aston, Bayning, Berners, Berwick, Decies, De Saumarez, Fitzgerald and Vesey, Hartland and Rodney.

The House of Peers at the present moment consists of 436 members.

Twelve peerages are now held by ladies.

A PICTURE OF ENGLAND DRAWN BY A FOREIGNER.

The celebrated De Tocqueville, the author of the well-known work upon democracy in America, has, within the last few days, been trying his hand upon what ought to be to him the difficult achievement of giving to the world a picture of the English nation. He appears, undoubtedly, to have studied the matter with no little care. How many nights he may have spent at his easel, and into how many different colours he may have dipped his brush, it is of course difficult to imagine. The affair, however, bears evident marks of no little labour having been bestowed upon it. And we must say that, in its general outline, it is exceedingly correct. As the reader, doubtless, will be anxious to see what sort of sketch a foreign limner may draw of this country, it may be as well to lay the picture at once before him—a picture which, unlike the pictures of the great masters, is attended with this advantage, that it can be copied *ad infinitum*, each copy being an exact *fac-simile* of, and quite as valuable as the original. In the Chamber of Deputies, on Tuesday last, M. De Tocqueville, in speaking upon the address, and against ministers, thus described the present condition of England:—

"Industry and commerce are to her what they are to us, sources of wealth and greatness; he not mistaken, they are her very life. Think of what England is in our days—behold, gentlemen, all the activity, all the energy, all the science, all the professions, of that great people enclosed, concentrated, accumulated, if I may venture to say it, on the field of industry: behold the two-thirds of the population engaged solely in their occupations—two workmen to one agriculturist. And this is not all, so large a mass of workmen are concentrated on a small space, forming a people apart, moveable, agitated, and though it cannot be well explained, hostile to the aristocratic institutions that form the basis of the constitution of the country. There are counties in England where there are nine individual workmen to one agriculturist. Such is the state of England; and do you believe that a nation which is in a position so forced, and so contrary to the habitual nature of things, will not see in industry and commerce not only the source of its wealth and greatness, but also the guarantee of its existence. It would be a complete error. No, gentlemen, England—and I think it should be ever present to the thoughts of those who treat with her—England requires, in order to live, that all the markets of the world be open, and to secure the opening of all these markets, she must be mistress of the seas; she must not only be powerful, she must be all-powerful; she must not only command, she must reign. Such is the real situation of England."

If De Tocqueville had been all his life in England he could not have drawn her picture better. Free trade she wants and will have. And "mistress of the seas" she is, and ever has been, and, with the blessing of God, in spite of all De Joinville's thunders, ever will be.

Britannia needs no bulwark,
No towers along the steep;
Her march is o'er the mountain wave,
Her home is on the deep.

THE LATE EDMUND KEAN.

Kean had his degrees of intoxication, according to a calculation made by a faithful servant of his named Miller. This man was devotedly attached to his master—all menials adored him—and if Kean happened to be dining with a party of gentlemen; which he was obliged to do sometimes, Miller, who was as anxious about his conducting himself with propriety as a father could possibly be, when it was getting late, and the servants were ordered to leave the room, would take his station near the door, and from time to time make the following inquiries of any of the party who might happen to pass him:—

"How is master getting on, sir?"

"Oh! very well, Miller," would be the probable reply.

"Is he getting—eh?" says Miller, significantly.

"Getting what?" says the stranger.

"Getting tipsy, sir, if you must have it."

"Oh! just a little."

"Ah! I thought how it would be," Miller would say with a sigh. "And he promised me he'd behave himself."

In half an hour he would make another inquiry to the same effect, and receive for answer, "Oh! he's just a little high, glorious company! He's just going to sing us a song."

"Going to sing?" says Miller, with anxiety. "What is he going to sing, sir? What's the name of the song?"

"The Storm."

"The Storm! Ah, I see how it is if he's going to sing 'The Storm' he's getting very drunk."

Another half hour would pass, and he would listen at the key-hole, or, perhaps, open the door quietly, and thrust his head into the room, withdraw it in an instant, and, shutting the door, turn round with a look of horror, and exclaim "It's all over! he's past hope! he's out of his senses! he's talking Latin!"

THE NEW YEAR.—The year was old that day. The patient year had lived through the reproaches and misuses of its slanderers, and faithfully performed its work. Spring, summer, autumn, winter, it had laboured through the destined round, and now laid down its weary head to die. Shut out from hope, high impulse, active happiness, itself but messenger of many joys to others, it made appeal in its decline to have its tolling days and patient hours remembered, and to die in peace. The streets were full of motion, and the shops were decked out gaily. The New Year, like an infant heir to the whole world, was waited for with welcomes, presents, and rejoicings. There were books and toys for the new year, glittering trinkets for the new year, dresses for the new year, schemes of fortune for the new year; new inventions to beguile it. Its life was parcelled out in almanacks and pocket books; the coming of its moons and stars, and tides, was known beforehand to the moment; all the workings of its seasons in their days and nights were calculated with as much precision as Mr. Filer could work sums in men and women. The new year, the new year! Everywhere the new year! The old year was already looked upon as dead; and its effects were selling cheap like some drowned mariner's aboard ship. Its patterns were last year's, and going at a sacrifice before its breath was gone. Its treasures were mere dirt beside the riches of its unborn successor!—*The Chimes*, by Charles Dickens.

Original Correspondence.

MR. ATLAS.—For some weeks I have been in expectation of a notice in your paper of the subject on which I now address you. I allude to the publication, in London, of a pamphlet comprising two letters, written by E. C. Hamilton, Esq., Member of the Legislative Council, &c., &c., concerning which the *Herald* mildly announces, that it is the first attempt to place the Ministerial view of the squatting question before the public in England, while the *Register* with great obliquity declares that the Colony is much indebted to Mr. Hamilton for this well-timed publication; less than this would have been considered insufficient, while more would have attracted observation. I have but little to say, Sir, on the matter, and that little I shall take chiefly from a speech made by Mr. Hamilton himself, on Friday, the 9th July, 1844, on a motion of Mr. Cowper's respecting District Councils. Mr. Hamilton said * * * He was free to confess that he for one had never liked District Councils, for they were neither more nor less than schools of political agitation, and he considered the theory of Lord Durham, who argued the establishment of these schools to counterbalance the pressure of the Legislative Council, to be a most shallow one. (Hear hear). Instead of relieving the Government, as they were intended to do, they were more likely to add to its embarrassments, and he was therefore wholly opposed to District Councils as at present established, although he was in favor of the management by the local gentry of matters purely local in their nature. He could not, therefore, refrain from looking upon the introduction into the Act of the clauses referred to as a hardship, and he fully concurred with the Honorable Member for Port Phillip, in thinking that the subject ought in the first instance to have been referred to the Colonial Legislature; but upon the present occasion, he looked upon the motion before the house as one standing by itself, and when he came to regard the position occupied by him in that Council, he felt bound to sacrifice his own political opinion to that which he owed to other quarters. (Hear, hear, hear). He was not ashamed to make this declaration, and though he should have been glad to see these District Councils exterminated, he could not forget the circumstances under which that motion had been brought forward. * * * With those views he should feel called upon, as he had before stated, to vote against the motion of the honorable member for Cumberland," (this motion was an address to His Excellency, praying against the adoption of District Councils) "without reference to his own political opinions upon District Councils generally."

Now, Sir, if I had an intention of merely pointing out Mr. Hamilton's principles in this Colony, I could appeal to high colonial authorities in support of my position. The generous magnanimity of surrendering one's conscience to the keeping of another, the simple but manly naivete of confessing and glorying in such surrender in open assembly, were sufficiently explained by an honorable member who replied to Mr. Hamilton. I could also, were I so inclined, quote from Dr. Lang, that "a public notification that a man has no opinion, no conscience of his own, is one of the most contemptible exhibitions in the world."

I might remark that a man who has no conscience of his own bears such a relation to an ignorant clerk, as he who has a conscience, and checks its workings, bears to a fraudulent accountant; but I prefer to let Mr. Hamilton's own words enjoy the grateful task of destroying the machinations of his pen. Our friends in England can judge for themselves when they are furnished with necessary premises; these I have now afforded them, as I conceived that without such information it might be supposed that Mr. Hamilton's opinions were as respectable as his position in society. He that has eyes, let him see.

VIGILANS.

MR. ATLAS—Some months since I purposed, through your favor, to lay before the public the gross partiality practised by the Government of this Colony, in, on the one hand, refusing to grant public-house licences to respectable parties, whose houses are situated in the immediate vicinity of full police establishments, within the boundaries of location, and therefore necessarily built upon land alienated by the Crown, either by grant or sale; and, on the other hand, granting public-house licenses to parties whose houses are situated beyond the boundaries of location, altogether beyond the control of the police, and built upon land held from the Crown upon mere annual pastoral licenses. However, about the time alluded to, I read a letter in the ATLAS of the 14th of December, 1844, intitled "A Voice from the Bush," and signed "Hampden Redivivus," which struck me as being sufficient to thoroughly convince every intelligent person who read it, of the extreme impropriety of the conduct of the head of the Executive in the latter respect. "Hampden Redivivus" had nevertheless fallen into error in accusing Mr. Allman, the Commissioner of Crown Lands for the district of Liverpool Plains, of incapacity to the performance of his public duties, and had also described that gentleman as a "raw-headed boy." This induced me to write a letter, which appeared in your journal of the 22nd of February last, and asserted, and I think proved to the public, that neither of the above charges were at all applicable to Mr. Allman, however this may be, my letter evidently satisfied "Hampden Redivivus," for in the ATLAS of the 15th of March appeared a letter from him, wherein he stated with reference to the above charges, "your correspondent, 'Clan Donachie,' is right, and I was wrong." He nevertheless, in another part of the same letter, belaboured Mr. Allman again, upon the strength of my having given what I considered the most probable reason for Mr. Allman's doing what he (Hampden Redivivus) had accused him of, namely, "recommending the Governor to grant public-house licenses beyond the boundaries of location." "Hampden Redivivus" forgot that it was in consequence of his assertion of the truth of that fact, and my believing him, that I had made the statement which he availed himself of. What then becomes of his animadversions just referred to, when the public is informed that Mr. Allman never did recommend to the Governor the propriety of granting the licenses alluded to? I feel assured, from his usual candour, that "Hampden Redivivus" will with myself feel highly gratified to find that he was in error. Indeed, any man who knows the public history of Francis Allman, senior, (I know nothing of him in private life, indeed I do not remember ever to have seen him), any man who is aware of the uncompromising front which he invariably showed in the cause of humanity, when a public servant in the iron days of Darling, would be indeed surprised and mortified to find Francis Allman, junior, so degenerated from the noble independence which his father so often displayed, as he would be if the remarks of "Hampden Redivivus" were applicable to him. I have thought it necessary to digress thus far, not only in justice to Mr. Allman, but also in justice to myself and "Hampden Redivivus," who, I feel convinced, had no other object in view when making the erroneous statement, than to expose what he considered objectionable extra-official conduct on the part of a public officer.

"Hampden Redivivus" letter, as I have said above, being thoroughly convincing of the impropriety of granting public-house licenses beyond the boundaries of location, and in my own letter published in the ATLAS on 22nd February, having entered upon the question at some length, I determined, estimating his acknowledged ability, to leave both it and the unfair prohibition of public-house licenses, practised in certain districts within the boundaries, to be dealt with by him. I thought, of course, that he would not, after so ably and fearlessly exposing the former, rest contented until he had also given the death blow to the latter. I was mistaken, however, and therefore resume my former intention. And in endeavoring to carry it out, I will mention a specific district, namely, that of Cassilis. Here, then, we find an extensive and important police district, through which passes the direct road from the districts of the Hunter to Mudgee, Bathurst, Wellington, Montefiores, and many other places within the boundaries of location, and laying to the southward and westward, the same road up to a certain position being also the direct road from the districts of the Hunter to the head quarters of Mr. Crown Lands Commissioner Hunter, to the Castlereagh River, to the Lower Barwin, to the southern portion of the district of Liverpool Plains, and to many other places beyond the boundaries of location, therefore of necessity the road alluded to is one upon which there is much traffic. Yet, although there is a full police establishment, in no place within the district of Cassilis can any person, however respectable, obtain a license for a house of public accommodation. Surely, Mr. ATLAS, His Excellency, who is so notoriously fond of augmenting the revenue, must have some extraordinary reason for refusing to take the £30 fees, which have been so often tendered by the would-be publicans of Cassilis; while he at the same time bites with such grab-all avidity at every £10 fee (the price of a prerogative wine and beer license) offered by the good folks of Liverpool Plains. It cannot be that granting the latter is more to the advantage of the public than granting the former would be, for in no place in the Colony is a house of public accommodation more wanted than in the police district of Cassilis. Whilst at Liverpool Plains, from the fact of the proprietors of stock being in forty-nine cases out of fifty non-resident, and the public-houses being in some cases (certainly in one) a day's journey on horseback from any police station, the sale of intoxicating liquors is decidedly objectionable.

I say again Mr. ATLAS, that some extraordinary influence must be at work to cause this, can it be, that His Excellency, from the fact of the Liverpool Plains £10 fees going to augment his pet Land Fund over which he rules supreme, considers them more valuable than the Cassilis £30 fees going as they do into the General Revenue from which he dare not appropriate them without first being subjected to the searching inquiries of Windeyer, or the rough handling of Wentworth. Or, is it that the magistrates of the district, finding it convenient to supply their men (who may supply travellers) with intoxicating liquors, think it decidedly objectionable to ruin their own trade, by allowing the opposition of a licensed publican, therefore, refuse to recommend His Excellency the Governor to grant the same. The latter opinion is generally received in the district, but to my mind, there must be some equivalent given to the Governor, otherwise, I cannot think, he whose determination evidently is to "get money, honestly if he can, but get money" (instance the case of Ticket-of-Leave holder Evans,) would be found to wink at such gross jobbery—perhaps the honorable member from Cassilis can enlighten us on this subject.

I am, faithfully yours,
CLAN DONACHIE.

Jerry's Plains, June 6, 1845.

P.S. In your last paper, I have just read a letter signed "Suffering Legion," referring to my letter which lately appeared in your journal on the subject of the necessity of the establishment of a Court of Petty Sessions at Jerry's Plains, and notwithstanding the writer's very satisfactory remarks upon the generally acknowledged absurdity of continuing the appointment of Chief Constable,

and his saying that I have "so truly depicted the sufferings and inconveniences endured by ourselves and many others;" I strongly suspect that he is no friend to the cause—that he merely makes use of the signature "Suffering Legion" to strengthen the obstacles which he throws in the way, by their appearing to come from parties who feel the want of a police establishment here; in fact, I should not be at all surprised to find the writer to be a clerk of Petty Sessions. He says, "Donachie is evidently in error. when he asserts, that the way he proposes would not cost a farthing of expence; ('Suffering Legion' should have quoted the word extra) he should bear in mind that a Court House, a Lock-up, with its keeper and a separate set of records would be indispensably necessary, even if the clerk upon his present salary could be made to go to Jerry's Plains." To "Suffering Legion's" first difficulty, I reply, that the Lock-up used by the mounted police at their Barracks would suffice. To his second difficulty, that as there are at all times a Sergeant and at least one trooper at the Barracks there would be no necessity for a Lock-up keeper. To his third difficulty, although doubtless, a set of records would be necessary, still this would be no extra expence, for inasmuch as they would be used, so much would the records at the neighbouring benches be spared. To his fourth difficulty, (ah, here comes the rub) "even if the clerk upon his present salary could be made to go over to Jerry's Plains." Why, who can doubt it? Surely there would be no hardship in saying to that gentleman, Mr. — seeing that since the discontinuance of transportation your appointment has become a mere sinecure, and there being need of a Court of Petty Sessions at Jerry's Plains, it will be your duty to take charge of the books, there as well as those at Merton; by this arrangement your duties will not be so great as they were when you accepted the appointment and salary which you now enjoy, still your income will remain the same.

C. D.

SYDNEY DISTRICT COUNCIL.

FRIDAY, JUNE 6.

Present: The Warden; Councillors, Hyndes, Fisher, Macdermott, Thurlow, Flood, Kettle, and Cape.

CHARTER OF THE DISTRICT.

The minutes of the last meeting having been read by the Secretary,

Mr. Thurlow, in pursuance of previous notice, proceeded to move the following resolution: "That whereas it appears that in pursuance of the Imperial Act, intitled 'An Act for the government of New South Wales and Van Diemen's Land,' passed in the 6th year of the reign of Queen Victoria, chap. 76, His Excellency Sir George Gipps, as Governor of the Colony of New South Wales, did, by authority of section forty-one of said Act, issue letters patent under the great seal of said Colony, incorporating the inhabitants of part of the county of Cumberland, called the district of Sydney, and therein included the city of Sydney, for the purpose of establishing a Council therein to carry out the provisions of the said Act of Parliament; and by the said Charter *metes and bounds* of the said district of Sydney were specified, and a Warden and Councillors were nominated and appointed to act therein: and whereas it has been reported to the members of this body, that after the issue of the said Charter, and the nomination and appointment of Warden and Councillors of said Council, and after the said Council had met and acted under the said Charter, as appears in the book kept by the Secretary of said body, Sir George Gipps did of his own will and accord, and without the lawful consent or knowledge of the constituted body under the said Charter, obtain possession of the said Charter, and did alter, erase, vary, add to, and otherwise wrongfully and unlawfully varied and mutilated the said Charter in material respects, contrary to and without the authority of law for so doing, whereby doubts have arisen as to the validity of the present instrument called a charter, and under which present members are expected to act. Resolved,—That it is expedient, as well for the safety of the constitution under which such Charter issued, as for the pure administration of justice, and for the safe preservation of the Queen's records, and for the safety of members acting thereunder, that this Council do determine upon the validity of the said Charter, and that with a view to such determination it is expedient that a Select Committee, consisting of Robert Johnston, J. J. Kettle, Edward Flood, John Betts, Henry Fisher, Charles Jenkins, and William Thurlow, be appointed to examine the original charter, and to enquire into and take evidence in all the matters concerning the same, and do report at the very earliest period upon all the circumstances hereinafore stated."

The mover then requested that the Charter should be produced, which being done, the metes and bounds of the district were read.

Mr. Thurlow then enquired of the Warden whether this description was in the same form at the time the document was first received, to which the latter replied in the negative, admitting the subsequent alteration by the Governor.

Mr. Thurlow then proceeded to address the Council in support of the resolution, observing that it did not astonish him to hear the Warden tell them that the Charter had been altered and amended, subsequently to its having been delivered to the body corporate, to whom it gave existence, for a report of that nature (upon which he placed much reliance) had some time since come to his knowledge. As a member of that body, and one who felt that the interests of his constituents made it incumbent on him to press that a full and complete enquiry should be made into this fact, which, if true, and he had no reason to doubt it, it did not require a man of great legal acumen to tell them, that any deed being altered after execution, without the consent of all parties interested therein, became from the moment of such alteration vitiated, and in law of no avail; this they had been told had been the case with the Charter of their incorporation, consequently, all acts that had been done under it had been illegal. The learned gentleman got very warm as he progressed with his speech, and contrasted the fact of their Charter having been mutilated by the party who had done it, whereas if any indifferent person had obtained possession of a deed, he had previously executed and delivered, and altered it in the most minute particular affecting its substance, he would have placed himself in a position liable to a prosecution; after animadverting on the fact that had come to their knowledge, he strongly urged the necessity of a full and close investigation of all the circumstances connected with it.

T. Hyndes seconded the resolution.

Mr. Macdermott contended that the alteration was an immaterial one, and could not therefore invalidate the charter; while, viewing the importance to this Colony of Municipal Institutions, it would be most injudicious to adopt any measures having a tendency to prevent the efficient working of the Council. He concluded by moving an amendment to the effect, that the matter should be referred to the Law Officers of the Crown for their opinion, with power to those gentlemen to take evidence if necessary, remarking that such a Committee as the one proposed would not be competent for the determination of such a question.

Mr. Cape seconded the amendment, conceiving that the question was purely one of law, and could best be determined by the Law Officers, although he concurred in the opinion that the alteration which had been made in the Charter was an improper one.

Mr. Kettle supported the original motion, contending that the matters for investigation were matters rather of fact than of law, and that the members of the proposed Committee were consequently as competent to undertake the consideration as any others.

At this stage of the proceedings the Council adjourned till Saturday, at 3 p.m.

SATURDAY, JUNE 7.

Present: The Warden, Councillors Cape, Kettle, Flood, Hyndes, Thurlow, Fisher, and Jenkins.

Previous to the debate upon Mr. Thurlow's motion being resumed, the Warden expressed a wish to explain the manner in which the Charter came to be altered; but several of the members were of opinion that such an explanation was neither necessary or advisable at that stage of the proceedings, as any explanation which he might give relative to the alteration, would come better before the Committee than being moved for.

Mr. Flood supported the original motion by Mr. Thurlow, and contended that the course contemplated by the amendment, which had been moved by Mr. Macdermott, would be a most futile one, for the probability was, that the Governor had consulted with the law officers of the Crown before the alteration had been made, and to ask the advice of these officers, as was proposed by the amendment, would be merely to ask them their legal opinion upon the consequences of their own act. He considered that the subject was one which could be as well understood by the proposed committee as by the law officers of the Crown, the question being rather one of common sense than of abstract law.

Mr. Fisher also supported the original motion, urging upon the Council the necessity of using means which would be afforded by a Committee of Enquiry; for at once ascertaining how the Charter came to leave the hands of its proper guardians, and preventing any such occurrence in future.

Mr. Thurlow having replied at considerable length, the amendment was put and negatived by a large majority, no person voting for it except the seconder. The original motion was then put, and carried.

During the course of the foregoing discussion, the absence of the nominee members was strongly commented on as betraying a shrinking from their duty, while it kept from the Council those explanations which the Warden from his position as Chairman was unable to give.

POWERS OF THE COUNCIL.

Mr. Flood moved that the Secretary be authorised to make an extract for public use, from the minutes of the Council, of Mr. Michie's opinion as to the powers of the body. The motion being seconded was carried without dissent.

THE LEVEE.

Mr. Kettle gave notice of his intention, at the next meeting, of moving a resolution bringing under the notice of the Council the want of courtesy displayed by the Warden in not presenting the members of the Council as a body at the late levee.

The Council adjourned till this day.

SUPREME COURT.

TUESDAY, JUNE 10.

(Before His Honor Mr. Justice áBeckett.)

The Court sat in Equity during the day, and disposed of some important causes. The following notice was promulgated:—

EQUITY AND INSOLVENCY BUSINESS.

In consequence of the trial at bar in the case of the Bank of Australasia v. Breillat, which has been filed for Monday, the 23rd instant, no sittings either in equity or insolvency will take place between that day and Monday, the 7th of July.

INSOLVENCY JURISDICTION.

WEDNESDAY, JUNE 11.

(Before their Honors the Chief Justice and Mr. Justice Dickinson.)

IN THE ESTATE OF ROBERT RAMSAY MACKENZIE.

A plan of distribution was confirmed by the Court, showing a dividend of 1s. 4d. in the pound.

CERTIFICATES.

The following were confirmed by the Court:—James Beck, Thomas Williams, and Frederick Atkinson.

ESTATE OF ROBERT GLASGOW DUNLOP.

The Chief Commissioner reported that the plan of distribution in the above estate had been amended, in pursuance of the order formerly made to that effect, and that the amendment thus made had been approved of by both parties. The plan was then confirmed.

ESTATES OF STEPHEN COXEN AND CHARLES COXEN.

The rules nisi obtained herein were, by arrangement between the parties, enlarged until Wednesday next.

ESTATE OF WILLIAM SAMUELL.

Messrs. Robert Campbell and Carpenter Weeks were released from the trusteeship of the above estate upon making affidavit that they had complied with all the requirements of the Act, and upon condition that they should hand over to the Chief Commissioner all the unclaimed dividends. The Court then instructed that officer to write to the parties concerned, and inform them that by applying at his office, any time within thirty days, such dividends could be received, and at the end of that period to report what had been done.

ESTATE OF JOSEPH HYDE POTTS.

Mr. James Holt was removed from the trusteeship of the above estate, having left the Colony.

ESTATE OF R. A. WISEMAN.

Mr. Michie moved for, and obtained an extension of six months beyond the time prescribed by the Act, for enabling the trustees of the above estate to wind up its affairs—upon an affidavit of Mr. G. Ratray, one of the said trustees, to the effect that a large portion of what they believed to be the assets of the insolvent were at present the subject of litigation between themselves and the Bank of Australasia.

The Court adjourned till Wednesday next.

POLICE OFFICE.—THURSDAY.

(Before Messrs. Windeyer and Broughton.)

ROBERT LOWE, M. C., BARRISTER-AT-LAW v. EDWARD BROADHURST, BARRISTER-AT-LAW.

Solicitor for the complainant, Mr. James Martin; for the defendant, Mr. J. R. Want.