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THE PARTING WORD.

THIS day is one likely to be memorable in the annals of New South Wales—for it is the day on which his Excellency Sir George Gipps leaves our shores for ever. After eight long years of despotism and misgovernment, the incubus that sat so heavy upon us is removed, and we can breathe freely once more. Like the liberated captive, we feel ourselves awakened by this auspicious event, into a new and joyous state of existence; and we can scarcely find words sufficient to express our honest and our heartfelt exultation. No eloquence, indeed, is equal to so great an occasion as the present. The simple statement of the fact of this bad Governor's departure, is all that is required. That statement unaccompanied by one word of comment, or one line of triumphant congratulation, must awaken in every independent breast, the most lively satisfaction and the most enthusiastic delight. But we cannot take our leave of Sir George Gipps in silence. His errors have been too gross—his administration has been too disastrous to permit us to neglect this, the only opportunity that we shall now have, of telling him, as we have so often done, our opinion of him to his face. We have not, indeed, waited like the *Sydney Morning Herald*, till the eleventh hour, to pronounce him to have been the worst Governor that New South Wales ever had. Nor do we in expressing our indignation think it necessary, like that most servile paper, to say, that we do so more in sorrow than in anger. We have often said, and what is more, we have often proved, that Sir George Gipps is not only the worst Governor that we ever had, but the very worst that could possibly have been selected—and that assertion we now deliberately, but not maliciously, nor sorrowfully repeat. We have been accused in the opposition, that we have deemed it our duty to offer to the measures of Sir George Gipps, of having been actuated by the most unworthy and the most dishonorable motives. That imputation we can conscientiously deny. Nay, it would afford us some degree of pleasure, to be able to mingle our condemnation of him, with some small share of regret. But this we cannot do. His numerous errors have neither been accidental nor careless, but they have resulted plainly from a cool and studied purpose, to sink this entire community under the weight of the Crown's prerogative, and to deprive it of the most elementary rights of British subjects. In condemning conduct so odious, and in commenting upon principles so detestable as this, *The Sydney Morning Herald* may feel itself called upon to express its deep regret; but we, at all events, are not base enough to affect any sympathy for public delinquency so enormous. To the very last hour of his residence amongst us, he has shown us that his determination to tyrannize over us, is not in any way abated. Notwithstanding that his legal arguments have been refuted—notwithstanding that his so called prerogatives have been proved to be utterly without foundation—notwithstanding that it has been unanswerably demonstrated, that his Crown land policy could only result in the speedy and complete ruin of the country; he has shown us that all our arguments have been as the idle wind which he regards not. Although the repre-

sentative members of the Legislative Council unanimously declared, that it was impossible for him and them to act together any longer, and passed the highest condemnation in their power upon his proceedings, by adjourning until his departure—he has when no other means were left him, taken the unusual course of publishing a memorandum, in which he places upon record, his own opinion of the perfect justice and propriety of his acts. Ever since his first unhappy attempt to trample the squatters under foot, he has shown us that his opinions have undergone no change. In no one matter, however trivial, has he yielded to the voice of the people as expressed, either within or without the walls of the Legislative Council. Collisions out of number, there have been between him and our representatives, but he has never shown on any occasion, a desire to conciliate, or a disposition to be convinced. Professing a veneration for free institutions—affecting a respect and liking for constitutional Government, he has at the same time, shown his contempt for, and utter disregard of every thing connected with it.

It is not necessary that we should now reiterate the arguments by which his claim to tax us by prerogative has been so frequently refuted. It is sufficient to say that those arguments have never been answered—and we feel satisfied that they cannot be answered. In one of the minutes which he has placed on record, he says: "no constitutional lawyer, whose opinion is entitled to any respect, has, I believe, ever asserted that to take a payment for the use of the Crown land is to impose a tax. The contrary has been maintained, down to the most recent times, by lawyers of the highest eminence in England, by the British Government, and by the British Parliament." It is enough, in reply to this sentence, to say, that every constitutional lawyer in this colony, whose opinion is worth having, differs from Sir George Gipps—that the lawyers of the highest eminence in England, who gave their opinion on the point in question, did not take the trouble to understand it—that the opinion of the British Government, as delivered by a clerk in the Colonial-office, is of little worth—and that the opinion of Parliament is against the existence of a Crown prerogative to tax, when it thinks it necessary to pass an act to give that power. "I have never," he continues, "to my knowledge, claimed for the Crown any right or power which is not recognised by the Act of Parliament expressly passed for the Government of New South Wales, or which will not, as I at least confidently expect, be confirmed by the act now under consideration of Parliament, to regulate the administration of the public lands in the Australian colonies." The notions entertained by his Excellency with respect to a confirmation by Parliament, are just such as might be expected from him. Any body else would at once perceive that, when Parliament passes an Act which is not declaratory, it does not confirm, but for the first time provides. We may judge of the weakness of the cause which can be supported by no abler arguments than these. Notwithstanding the indifference with which his Excellency affected to treat everything emanating from the Legislative Council, it appears that the entry upon the minutes of his answer to the recent Crown Lands Address gave him some uneasiness, for he has deemed it worth while to record that that answer ran in these words:—"Mr. Speaker, I am happy in thinking that this address does not require any answer from me, and it is not my intention to make any. I thought it right to give the Council an opportunity of renewing the Act, though I did not much expect they would renew it. I have given them the opportunity, and they have refused to renew it. Whatever may be the consequences to the colony of their rejection of it, those consequences will rest with them." Between this version, and that given by the Speaker, we can perceive no substantial difference, and we are therefore at a loss to conceive why his Excellency took this trouble. In either case, his intention to insult the Legislature is equally manifest.

It is unnecessary for us now to go through all the charges that might be made against Sir George Gipps. Perhaps no

Governor ever had a finer opportunity of making himself popular and respected—of conferring greater benefits upon the people over whom he was placed—and certainly no Governor ever effected a greater amount of injury, or perpetrated a greater amount of injustice. Having been entrusted, amongst other matters of almost equal importance, with the task of introducing a system of representative government amongst us, he voluntarily resigned all the credit which he might easily have gained by carrying that system out, and did everything in his power to counteract it. The subordinate officer of a limited Sovereign, who can do scarcely anything except through the instrumentality of ministers responsible to Parliament, he claimed for himself, and attempted to exercise, the most arbitrary power. He invented prerogatives before unheard of, and drew a distinction, on all occasions, between the interests of the people here and the Government at home. He paid no respect to the wishes or the opinions of the colonists or their representatives, but constantly disregarded them, whenever they were at variance with his own. Instead of being firm, he was obstinate and perverse. Instead of taking pains to soften and conciliate, he did everything to embitter and disgust. Placed over a community of British subjects, he acted with the arbitrary spirit of a Turkish bashaw, and denied to his fellow subjects here the possession of rights which the meanest man in England enjoys. Having, by his shameful misgovernment, made the great body of the colonists hostile to his measures, he collected, by the most disgraceful abuse of his Sovereign's patronage, a horde of wretched sycophants and time-servers around him, for the purpose of obtaining for himself the most miserable semblance of support. He did everything in his power to alienate the affections of the people of this colony from the parent state, and his success in this endeavour has been proportionate to his exertions. He never retracted a statement or an opinion, however false or erroneous—he never admitted the impolicy or the impropriety of a measure, however ridiculous, unconstitutional, or unjust. His own will was always his law—and in carrying out the worst measures, he displayed an obstinacy which, directed towards the achievement of better and nobler ends, might have been attended with the happiest results. He was rash, without being bold—headstrong, without being decisive—and harsh and unjust in detail, under the pretence of being generally impartial. In short, he showed himself to be possessed of every quality necessary for a bad Governor, with scarcely any one of the requisites of a good one, and his eight years' administration will be a sort of plague-spot in our history.

As might be expected, the departure of this Governor has called forth no honorable tribute of public admiration or respect. Those public institutions which he occasionally assisted, have presented him with formal addresses, confined entirely to thanks for the benefits which he conferred upon them, without making any reference to his public conduct. The officials and toadies, whose good wishes he conciliated, have indeed procured signatures to an address of another description—but neither the names attached to it, nor the manner in which those names have been collected, entitle that address to any consideration. Money, too, has been subscribed for the purpose of honoring him by the erection of a public statue—but should so injudicious a step be taken, the splendour of the tribute will only be surpassed by the meanness of the character which it is intended to transmit to posterity. Non quia intercedendum, says Tacitus, putem imaginibus quæ marmore aut ære finguntur; sed ut vultus hominum ita simulacra vultus imbecilla ac mortalia sunt; forma mentis æterna: quam tenere et exprimere, non per alienam materiam et artem, sed tuis ipse moribus, possis. And we can tell the friends of Sir George Gipps, that neither monuments nor statues will make that man memorable in after ages, whose good deeds are not sufficient to render him worthy of this distinction.

THE THIRD ODE OF HORACE.

Sic te Diva potens Cypri.

So may Broughton's earnest prayer,
So may Gregory's pious blessing,
So may every Cyprian fair,
Still thy hallowed name carressing,
Still the sea and calm the air,
Every boisterous wind repressing,
Save the one which, gently blowing,
Keeps thy sheet for ever flowing,
And thee, going—going—going—
Ship, oh ship, that bearest away
What thou never canst repay,
(Never in thy future trips
Canst thou bring another Gipps)
Save the half, or rather whole
Of Australia's life and soul.
Bear him to that holy shore
Which a slave has never trod,
Bid him kiss the magic sod,
And arise a man once more—
Bid him put off with his slavery
Quackery, and lies, and knavery—
Quackery which ne'er deceived,
Falsehoods no one e'er believed,
Knavery which, though oft repeated,
Still degraded—never cheated.
Surely he was made of brass—
Half a hero, half an ass—
Who first launched his fragile bark
On the ocean stern and dark,
Fearing not the winds that blow
Worse than Wentworth, Windeyer, Lowe;
Fearing not the slimy brood
Of sea monsters huge and green—
Squatting in the solitude
Without license from the Queen.
Such is man on shore or ships,
Such, oh such, art thou, oh Gipps.
Never resting, ever toiling,
Ne'er repenting, ever sinning—
Meddling still, and still embroiling,
Fighting oft but never winning.
Ah the flaws of head and heart,
Making up the thing thou art;
Tinsel reason, boorish wit,
Still to graze but scarce to hit.
Shallow judgment, flippant style,
Artless art, and guileless guile,
Which had given thee note and vogue
As a smartish pedagogue,
Or had raised thee from the dark
As a pertish sort of clerk.
Surely he was made of brass—
Less of a hero than an ass,
Who dared to spread this flimsy sail
To tempt the wild tempestuous gale,
That curls the wave o'er bristling shoals
Shrieking with shipwrecked seamen's souls.
Boding destruction on the way
That leads to arbitrary sway—
See, on yon surge, half raised, half sunk,
Floats noble Strafford's headless trunk—
The bold, the eloquent, the wise.
On yonder rock, so sharp and red,
Stands bigot Laud's unmitred head—
Beneath his treacherous monarch lies.
These mighty minds could not achieve
Britannia's stubborn neck to bow.
Poor insect—and dost thou believe
The feat was left for such as thou.

THE GIPPS TESTIMONIAL.

THE Holy Guild list, as published in the ATLAS, appears to have been slightly inaccurate. We suspected as much ourselves, for it may be imagined that sound, hearty, and uncompromising Protestants as we are, our influence with Popery and its priesthood is but small. The committee of the subscribers to the Gipps Testimonial, have, however, now published what we are bound to consider an accurate list. There are 215 subscribers, of whom about 50 receive Government salaries, and the amount subscribed is £1010 18s. Thank heaven, there is only one Member of Council among them who represents a constituency, and he gives only £3 3s. Envious Governor! Patriotic individual!! He no doubt trusts that for three guineas Sir George will be pleased to forget "the discourtesy" of his late vote of censure. As for those independent creatures, the Government officers, if Sir Charles Fitzroy should, as we have every reason to believe, he will, treat them as Sir George Gipps never did, that is treat them as gentlemen, we should like to know how they will be able to express their gratitude to his Excellency. They seem to have forgotten how many colonists have listened to their complaints of the coarse manner in which Sir George Gipps was in the habit of treating them *de hanche bas*. We trust, for our own parts, that Sir Charles will despise their future offers of a testimonial to him, as much as

the colony now does these worthies themselves. His Excellency is reported to be too much of a gentleman to kick them; else they richly deserve to feel the point of his toe.

We have endeavoured to make a hasty analysis of this precious list. Of course our catalogue of Papists and Puseyites must be very imperfect; nor can we pretend to fathom the motives of all the subscribers. But on a first glance of the names, we have reduced the amount of apparently disinterested subscriptions to £129 5s. If any gentleman will enable us to reduce it still further, we shall feel grateful; for it is but proper that Sir George Gipps should know the exact amount of esteem in which he is held by the colony.

THE DISCONSOLATE.

Ban! Ban! Ca-Caliban
Has a new master—get a new man.

SEVENTEEN hundred unwashed, with a Protestant Bishop at their head, and an ex-drill-sergeant, as fogleman, are said to have been induced to flourish their dirty pocket-handkerchiefs in the retiring face of Sir George Gipps. His Excellency has bored us much of late with his sorrows, but we suspect this piece of crocodile mockery to be the greatest of them. One of the firmer parts of our political creed is, that, if in some happy, but most unlikely, contingency, the devil himself were to take it into his head to unfold his tail, spread his wings, and fly away from New South Wales, there are French refugees, Romish priests, Church of England renegades, and nobodies of all kinds, resident in the colony capable of weeping at his majesty's departure. See our own Pope; how, on tiptoe, he tremulously tries that path which Newman, Oakley, Faber, and the whole horde of his co-religionists all tell him is the only one which, if he be an honest man, a Puseyite can tread. Boldly and manfully, however, he cannot meet his fate; but he endeavours to test the future feelings of his flock by the cowardly manoeuvre of constituting himself, on a comparatively unimportant point, the most ignominiously located vertebra of Father Gregory's tail. In vain does Mr. Mayor attempt to drag him into light; the Vicar-General's seat is round and ample, so his Holiness quietly ensconces himself in its shade. He, and such as he, however they may have formerly indulged their private rancour against Sir George Gipps, have now, from sheer enmity to that colony from which they derive their daily bread, but one song—the burden of which is, the brilliant talents, the industrious zeal, the pecuniary honesty, the strict impartiality, and, lastly, the good intentions of our departing Governor. His talents are as God made them; metal if you please, but of the lowest quality and flimsiest tenacity. Their brilliancy may, we repeat, be metallic, but it is that of the thinnest tin-foil, certainly not of gold-leaf. Specious, plausible, and with a certain kind of acuteness, he can glibly deliver an off-hand speech, gloss a falsehood, deal out a smart saying, and write a rather grammatical despatch, but we challenge his hottest sycophants to say that he has the judgment even of a schoolboy. If he possessed more of sound intellect than the dog in the fable, he never, in clutching at the shadow of arbitrary power over the wretched squatters, would have lost, as he has done, the power of collecting any revenue whatever from the sheep-runs beyond the boundaries. Have any measures of his been sound? Let his admirers say. The half-educated fools at Goulburn could not bring themselves to praise his district councils, his town councils, his squatting regulations, nor any other of his multifarious nostrums, and in their difficulty to point out something to eulogise, have pitched—heaven help them!—of all things in the world, on his great efforts for a continuance of emigration! And, no doubt, if rendering a colony a desert be any merit in a governor, this man has done all in his power to drive people out of New South Wales; nay, in a great measure, has succeeded in his object. But perhaps the foreign gentleman who moved the address may have meant to praise Sir George's labors in favor of immigration, in which case, we can inform him that the British subjects in the colony are no longer mad, and would infinitely prefer to see no more immigrants, rather than that the colony should have them on the ruinous conditions hitherto laid down by Sir George Gipps and his Downing-street masters. So much for his talents. Oh, but his unwearying zeal, his mental industry. What can we say to that? Why, that his friend, Mr. James Macarthur, in his speech at Camden on the squatting regulations long since, showed the true value of his zeal and industry. Besides, to be never wearied in ill-doing, and to apply the mind actively and constantly to work evil, is the distinguishing quality of one whom the Bishop of Australia is not in the habit of eulogising. But, then, his pecuniary honesty. Well, we have been long a penal colony to be sure, but we never, for one moment, suspected that New South Wales was in danger of having the soothing system carried so far, that one of its thieves or robbers could be named Governor. Praise him for his honesty, indeed—praise him for eating his dinner! Public men, even if inclined to dishonesty, are kept in order by high salaries and watchful surveillance. Sir George has had both, and profited by them. At all events we know not what he might have done without them; but, if we are to judge from his conduct with respect to convict servants, the

Parramatta Domain, and some other straws, indicatory of the wind's direction, we should say that there are some saints quite as bad as his Excellency inserted in the Romish breviary, and we trust, therefore, that Father Gregory will get his namesake to canonize him now for his impartiality. All parties allow that it never existed when the poor colony was in question. Whether it was the Crown, the Colonial-office, or the colonial officers that were the defendants, the unfortunate plaintiff, New South Wales, was sure to pay damages with costs. But, at all events, say his parasites, Sir George was impartial between class and class, and also with respect to individuals. Was he so? Was he impartial with respect to that paragon of wasteful stupidity, Colonel Barney? Enquire at Bradley's Head. Was he impartial with respect to Bishop Broughton's friend, Augustine Duncan? Enquire at Moreton Bay. Was he impartial with respect to the late member for Camden? Enquire in the Supreme Court. Was he impartial with respect to Hutchinson Mothersall Browne? Enquire at the Court of Requests. Was he impartial with respect to Hastings Elwin?—But we had better enquire no farther. He has been partial to the Papists. Witness the shameful grants of land showered on them in Sydney, and his conduct with respect to the Maitland hospital. He has been partial to his Crown Commissioners. Witness the manner in which he protected their insolence and tyranny. He has been partial to the Parramatta district council. Witness his illegal donations to them of public revenue. He has, when it suited his purpose, even been partial to the great squatters. Witness his promise, through the Colonial Secretary, to secure to them leases that would, in effect, have made them, without any consideration, proprietors of the most valuable parts of the waste lands beyond the boundary. It is of no use to tell us that all these are instances, not so much of partiality as of the necessity he felt of supporting himself and his absurd systems. This is the very thing we complain of; namely, that after all, his grand object of undivided unadulterated partiality, was Sir George Gipps. But, do pray, at least, allow him good intentions. No, not even good intentions. Read the *Sydney Herald* of the 8th instant. That singular paper has admirably, unanswerably settled this matter, if it had not been, by the very same arguments, set at rest more than a year ago in the ATLAS. The *Herald* is very wroth, and justly wroth; but we cannot help observing that an honest journal would have attacked an iniquitous Government during its reign, and not merely when that reign was on the eve of extinction. It is easy to kick the dying lion. The *Herald* will, perhaps, make answer to this charge that the lion is not dying, that his illness was all sham—a mere *argumentum ad misericordiam* to impose on the Legislative Council. The *Herald* may, perhaps, further urge that the hard-hearted Council, not perceiving the cogency of this mode of reasoning, was prorogued, and that now the lion is charming well again. Still, *Mr. Herald*, you cannot get over the fact that we are on the eve of never being again troubled with him, and that now, at last, you have taken to show him up. We agree with you, that his good intentions have been ever reserved for his own good and ultimate benefit, and if you had told him this truth sooner, perhaps he would not have overshot his mark, and might have had the chance of ruining another of her Majesty's colonies. As for his health, we are not Puseyites enough to praise him to his face, and probably wish him in a lodging paved with his good intentions; nor are we disciples of Loyola enough to practise or even wish for his death. Still we abhor cant, and beg leave to assure his Excellency, that when he happens to meet the sure fate of all living, we shall not put on mourning, but, with a perfectly dry eye, we shall endeavour to console ourselves with the more innocent part of Jesuitical opposition, and mererely cry, *Qu'est-ce qu'un peuple et qu'est ce qu'un homme?* So hoist sail Sir George Gipps. *Vade in pacem.*

SIR GEORGE GIPPS AND THE AUSTRALIAN LIBRARY SCENE WITH MR. JUSTICE WILLIS.

WE are requested by a constant reader, to direct the attention of Sir George Gipps to the affair of the Book taken from the above Library and given to him by his then worthy friend in Sydney, now his antagonist in London—Judge Willis.

Our object is one of kindness towards his Excellency, solely to prevent any unkind remarks touching the transaction in question, after he shall have left our shores.

ACTIONS FOR DAMAGES.

It has been well said that "one half the world does not know how the other lives." Some live by the sweat of their brow; not a few by imposing on the credulity and weakness of their neighbours. Of that portion of humanity that exist by their wits, may be reckoned those who seek to fill their pockets on the strength of their pretended virtues. People of this class have increased in number and assurance of late, and many have sought to bolster up a doubtful reputation by appealing to juries for damages for alleged injuries, which, under other circumstances, no sane person would for a moment take the slightest notice of. The state of the law in these colonies has somewhat favoured the views of such speculators, but we are happy to find that common sense is likely to triumph over common impudence, and Juries are vindicating their prerogative to decide in such cases, according to the merits, to the great