

QUESTIONS FOR CONSIDERATION.

Whether a schoolmaster belongs to the canine species?

How much philanthropy there is in *Mr. Robinson's* regard for the blacks?

Whether a similar answer to that returned by the Government to the Town Council, in reference to removing the Dock-yard wall, would avail in a private person's case?

Whether, if *Benjamin Boyd* were chosen Protector of the Aborigines, his protection would resemble that of the wolf over the lambs?

Miscellaneous.

THE EXISTENCE OF GOOD ANGELS.—There may be countless rational creatures in the universe besides mankind, and superior in happiness and intellect to man in his present condition, will be hardly denied by those who recollect how very small a portion of that universe is occupied by man, and who believe that man himself has reason to anticipate a removal after death into a higher order of existence. It is surely not unreasonable in man, thus circumstanced, to conjecture that the happiness which he hopes for himself is not without a precedent in the works of his Heavenly Benefactor; that other beings, whether at first so framed by Infinite Love, or admitted to such privileges after a previous state of trial, are, even now, in the situation to which we aspire, our elder brethren in immortality, and that a part of their happiness may consist in those habits which are, of all others, most proper to constitute the felicity of a reasonable creature, in expressing their gratitude to the common Parent of all, and in the works of mercy and love to us, who are as yet their inferiors. But this, in a few words, is all that we believe of angels, and this is precisely the degree of information which the Scriptures communicate respecting them.

The apparent characters of men are decided by the circumstances under which they are placed, rather than by the original bent of disposition. The mind is so delicate, that the slightest pressure leaves its mark, and whatever may be its innate tendency, outward objects regulate its growth. It depends upon nature whether metal is pure or alloyed; but the form and shape are given by the mould into which it is cast.

HEREDITARY GOVERNMENT.—Burke says that government is a contrivance of human wisdom. Admitting that government is a contrivance of human wisdom, it must necessarily follow that hereditary succession, and hereditary rights, as they are called, can make no part of it, because it is impossible to make wisdom hereditary.—*Rights of Man.*

SUSPICION.—There is nothing makes a man suspect much, more than to know little; and, therefore, men should remedy suspicion by procuring to know more, and not to keep their suspicion in smother.—*Lord Bacon.*

THE INSTITUTION OF PROPERTY.—The moral and the social basis of the right of property is the right of the labourer to the fruits of his labour. All other proprietary rights exist for the sake of this. The *millionaire* who never did a day's work of useful labour with head or hands, who is society's debtor for every thing, and its creditor for nothing, has his property protected, not for its own sake, nor for his, but because to meddle with it would be to violate the right which some ancestor or predecessor, who *did* work for it, had to transmit it freely to his descendants, or to persons of his choice.

QUIET REMINISCENCE.—After any strong excitement, the mind demands repose; and as soon as retirement from the stirring scene of action furnishes it with the means, it is apt, of itself, to fall into a kind of vague and drowsy meditation. Then it often is that all our hopes, and all our fears, our expectations for the future, and our memories of the past, assuming, perhaps, no very distinct forms, pass, however, before us with sufficient clearness for the mind to grasp them; and a train of ideas and fancies are shadowed forth, like the transitory reflections upon a mirror in the midst of some crowded gala, as the gay groups flit before it; they may appear upon its surface for an instant, and are gone again for ever.

MONEY WELL LAID OUT.—No money is better spent than what is laid out for domestic satisfaction. A man is pleased that his wife is dressed as well as other people, and the wife is pleased that she is dressed.

SELF-ANATOMY.—A man's true character is a greater secret to himself than to others; if he judges himself, he is partial; and if he asks the opinion of others, he is deceived.

INDISCREET GENEROSITY.—We are not generally taught all that we should fear in life. The disreputable vices are set up to frighten us, but the path of life brings us into contact with more seducing evils. Virtue herself lures us into danger.

SOLITUDE.—Men prize it indiscriminately. It is good only in moderation and relatively, as rest or medicine. It may be a burden; it may be a torture, as any unnatural state may be. Some seek it intemperately as they do other blessings, and some know not its uses. It serves to renew the strength dissipated in society, and to digest the observations elicited by collision.

THE VOICE OF TRUTH is not so sweet to some ears as the voice of Flattery. The one gives facts, which are more durable than marble; but the other gives shadows in so faint an outline as to recede when truth is most required. The one is melody, the other only the cadence.

Whatever you at any time intend to do, consider the end which you therein propose to yourself, and be sure that it be always really good, or at least innocent. He who does anything, and knows not why or wherefore, acts foolishly; and he who aims at an unlawful end acts wickedly, which is the worst sort of folly. If you are careful always to observe this fundamental rule, you will thereby avoid many sins which would disturb your conscience, and also many trifling actions which would tend to your discredit or trouble your repose.

DIVERSITY OF OPINION.—We should willingly concede to every man what we claim for ourselves, the freest range of thought and expression, and, to a certain extent, indifferent whether the sentiments of others on speculative subjects coincide with, or differ from, our own. Instead of wishing or expecting that conformity of opinion should be established, I am convinced that it is neither practicable nor desirable. That varieties of thought are as numerous, and as strongly marked, and as irreducible to one standard, as those of bodily form; and to quarrel with one who thinks differently from ourselves, would be no less unreasonable, than to be angry with him for having features unlike our own.

MORAL COMPENSATION.—As, in the natural world, the elements are restrained in their most destructive effects by their mutual opposition, so, in the moral, are the vices of mankind prevented from being totally subversive of society, by their continually counteracting each other: profusion restores to the public the wealth which avarice has detained from it for a time; envy clips the towering wings of ambition; and even revenge, by its terrors, prevents many injuries and oppressions; the treachery of the thief discovers his accomplices; the perfidy of the prostitute brings the highwayman to justice; and the villainy of an assassin puts an end to the cruelty of a tyrant.

FEAR.—Such as are in immediate fear of losing their estates, of banishment, or of slavery, live in perpetual anguish, and lose all appetite and repose; whereas, such as are actually poor slaves and exiles, oftentimes live as merrily as men in a better condition; and so many people, who, impatient of the perpetual alarms of fear, have hanged and drowned themselves, give us sufficiently to understand, that it is more importunate and insupportable than death itself.—*Montaigne.*

THE REVOLUTION OF A YEAR.—These regular returning aspects of nature, which divide man's time into equal parts, and which he has only to number as they succeed each other, like the lettered stones erected on the sides of our roads, to inform the traveller what space of ground he has traversed, serve to give notice to the passenger through human life, how far he has proceeded on his path to the grave. The divine wisdom which has thus measured our time, more especially appears in that annual division of it which periodically calls our attention to the lapse of those larger parts of man's life, the susceptible departure of which excites, of necessity, a peculiarly alarming sense of diminution of our days. Nor is that wisdom less conspicuous in the striking nature of those signs in the system around us which indicate the departure of the perpetually perishing parts of our time. They irresistibly rouse our attention to the wings of Time, and force us to take notice of its flight. A year is a season of magnitude in the short life of man—it is an ample stride to the tomb. A few more steps will bring us thither.

VANITY.—Vanity is a kind of hop-o'-my-thumb phantom, that hankers about the heart, and, like phosphorus, sheds a flickering and complacent influence over the countenance. Vanity has its creed: it is opinionative. It has its talent: it is glossy and sanguine. It has its personal preference, and is therefore proud, and often supercilious; occasionally eccentric, even to buffoonery. Affectation, Folly, and Conceit, are its graces. If it has worldly wealth, then it is arrogant and miserly. It is sometimes gaudy as the Malvolio of tulips, or Quaker-like as the sad-hued drab—"Verily," saith the preacher, "all is vanity!"

DR. LEICHHARDT'S NARRATIVE OF HIS LATE TOUR.

An Account of a Journey to the Westward of Darling Downs, undertaken with the view of examining the country between Sir Thomas Mitchell's track and my own.

I started from Mr. H. S. Russell's station on the 9th of August last accompanied by Mr. F. N. Isaacs, Mr. Bunce, Mr. Perry, and my blackfellow. We followed the dray track to Mr. Gogg's sheep station, at the head of Acacia Creek, which is a tributary of Dogwood Creek. On the 15th we travelled down Acacia Creek about 12 miles W. N. W.; on the 16th we made Dogwood Creek at my old crossing-place, in latitude 26°24', and continued for about ten miles N. W. by west, following a small creek up to its head, and coming to watercourses belonging to another creek which I had called Bottle-tree Creek on my first expedition. The country was scrubby with a few patches of open forest; the latitude of our camp was 26°20'. On the 17th we followed the water-course down to Bottle-tree Creek, which was well supplied with water: we crossed it and came on a fine rocky creek with running water, about two miles W. S. W. from the latter; the intervening country was however a rotten, rusty-gum forest, with occasional patches of cypress pine and forest oak; we passed another dry creek in the same course and came to a fine open flat or undulating narrow-leaved ironbark forest, which seemed to continue to the eastward; we encamped on a chain of fine waterholes about twelve miles W. S. W. from our last camp. On the 18th we travelled about twelve miles and a half S. W.; two miles and a half from our camp we came to a good sized creek, with the water filtering through the sands and pebbles; in following it up between hills and ledges of rock, we came on a table-land with patches of scrubby underwood. To the S. W. there were other creeks and gullies, which compelled us to keep to the southward to come to a more open country. Here the bricklow scrub re-appeared, which, with one exception we had not seen since we left the left side of Dogwood Creek. We entered upon a box flat, which widened as we followed down its dry watercourse, in a southerly and even south-easterly direction, and when the bricklow scrub, which skirted the flat ceased, and allowed us to travel to the S. W., we passed for four miles over most beautiful open box ridges, well grassed and perfectly sound; this open country extended to the south-east as far as the eye could reach. In latitude 26°32' we came to a fine creek, with very large ponds of permanent water, surrounded with reeds, and with myal-groves along its banks. The open box forest to the westward of this creek made me believe that I could proceed on a westerly course; but after a few miles travelling we were checked by scrub, which pushed us to the south-east, until we came back to the creek we had left; we followed it down for a few miles and encamped in latitude 26°39'. The country to the left was still open, but to the right, bricklow scrub approached very near the banks of the creek. The waterholes, though well provided with water were all boggy, and our mules went rather without water than expose themselves to the danger of being bogged. The Creek turned to the south-east and east-south-east. In travelling to the westward we soon entered into a dense bricklow scrub, which continued for nine miles, when the country again opened into fine box ridges and undulations. We followed a small creek, well provided with waterholes, for about four miles to the westward, when it turned to the southward, and having crossed a ridge we came to another creek of the same character, running N. and S. on which we camped, in latitude 26°43', having made about thirteen miles W. S. W. from our last camp. One and a half miles to the westward of this creek we met another small creek, and four miles farther we crossed a large creek with high flood marks, and with high box ridges, particularly on its right banks. I am inclined to believe that the open box country of the four last mentioned creeks extends in an easterly direction round the scrub we had crossed to the first box creek, and in a southerly direction to a large creek or river, which is formed by the combined Dogwood Creek and Bottle-tree Creek. Soon after having crossed the largest of those creeks, which we called "Emu Creeks," in consequence of numerous tracks of emus on the young grass, we entered into bricklow scrub, which became so dense, that after five miles scrubbing we were glad to follow a very winding watercourse to the S. E.; it enlarged into a chain of large deep waterholes, which seemed to be the constant resort of numerous natives, who had constructed their bark gunyas at most of them. Having followed it down for six or seven miles we encamped in latitude 26°48'. This creek continues for ten miles, S. S. E. before it meets Dogwood Creek. It becomes rocky; the country opens; but the ground is rotten, and timbered with cypress pine, forest oak, and apple tree, which is here anything but the indication of a good country. The scrub ceases about two and a half miles above the junction. Here we turned to the westward, and travelled three miles, when we came to the deep channel of a large creek, with flood marks above the banks; the latter were frequently formed by perpendicular rocks; the bed was sandy, and rather boggy, in consequence of the slight stream of water which was filtering through the sands. A small narrow-leaved tea-tree was growing

along the water's edge. Cypress pine and white gum formed a tolerably open forest; we camped on the right bank of this creek, in latitude 56°55'. Mr. Bunce, and my blackfellow, who had gone to shoot ducks, did not come up to our camp that night, nor the next morning, and fearing that some accident had happened, I returned to the winding creek we had left. The following morning the absentees joined us, and explained their absence, by having come on the fresh tracks of another party, which they followed until they observed the want of mules' tracks, which induced them to return to the place where they had left us. They had seen a great number of natives, amongst whom they recognized a blackfellow and his gin, by a white spot which the latter had on her neck. These two had visited us in our camp at Charley's Creek, when starting for Peak Range. At that time many natives from the Balonne passed Charley's Creek to go to the Bunya Bunya. We now travelled down the little creek to its junction with Dogwood Creek, and followed the latter for one and a half miles, where the large sandy creek joined it. Below this junction Dogwood Creek increases very much in size, and the high flood-marks on the box trees that cover the flats indicate the large body of water which sweeps down its channel during the rainy season. We continued on our westerly course and left the river, which takes a turn to the southward; but bricklow scrub and sandstone gullies compelled us to south a little and we encamped on a small scrubby creek, about ten miles W. by S. from the junction of Sandy Creek. For the next eleven miles to the westward we travelled over a scrubby myal country, with patches of open puffy ironbark forest and of cypress pine. At this stage we saw a conspicuous hill to the southward. We came to a river from the northward, with high but irregular banks, lined with large water-gum; its bed was sandy, containing pebbles of fossil wood, broken pieces of agate, and variously coloured flint and quartz; it was overgrown with tea-tree and was well provided with water holes. Judging from its size its course could not be less than 180 miles, and the presence of the fossil wood and of agate made us believe that it came from a downs country. I was inclined to think, that it was my Robinson's Creek, which I had crossed in latitude 25°30' about ninety miles above our present crossing place. The country along its banks was closely timbered with box and box saplings. Here we saw the tracks of five horses coming from the westward and apparently passing down the river. Fourteen miles to the west of this river which we distinguished by the name of "Horsetrack River," we came to a large creek tending to the S. E. the intervening country is generally scrubby; occasional patches of open forest are very puffy. In this puffy ground, near clusters of cypress pine, we observed the deep burrows of a probably unknown animal. The entrance is a large hole, four or five feet deep, from the bottom of which the burrow passes horizontally under ground. It was about one and a-half foot in diameter, and would indicate an animal of the size of the beaver. Its tracks resembled those of a child two or three years old, according to the observations of my companions; its dung resembled that of the kangaroo, and indicated a herbivorous animal. The creek was lined with water-gum and tea-tree, and was well provided with large reedy water-holes. My companions called it "the Yahoo River," which name I shall adopt to distinguish it from the other creeks. At night, when we were sitting round our fire, we heard a loud shrill "pish-sh-sh," the disagreeable call of a night bird; Wommai, my blackfellow, watched it and succeeded in shooting it. It proved to be a beautiful little owl, a species of cyclops. Ten miles west of the Yahoo, we crossed another large creek, with large reedy waterholes in its sandy bed. The intervening country is covered with a nasty cypress pine and dodonæa scrub. When seen from the westward of the large creek, which I shall call "Frederick's Creek," it appears in form of a low range. The approaches from the eastward of the creek are fine and open. We continued our course to the westward for ten miles over sandy ridges, covered with most wretched cypress pine scrub, and came to a large creek with reedy waterholes and sandy bed, which I shall call "Bunce's Creek." Its direction was from N. W. to S. E. The slopes towards the creek were openly timbered with box; beyond it we saw a long range extending from N. to S.; we crossed it in latitude 26°59'. Scarcely two miles to the westward we came to sandstone ridges which were covered with scrub composed of cypress pine, dodonæa, and bricklow, and which extended fully ten miles to the westward. Here another species of acacia akin to the bricklow formed a scrub worse than any we had yet met; dead timber made the road extremely circuitous, and the progress slow, and as it was frequently overgrown with thick underwood composed of various interesting aromatic shrubs—it became dangerous for our mules and horses to pass through it. Being tired of an apparently never-ceasing succession of these acacia ridges, we followed a watercourse W. 30° S. for about three or four miles, when we found a good supply of water in a rocky waterhole. Shortly after having encamped, three natives walked boldly up to us, after having cooed and having received our cooed in return; Mr. Isaacs and myself met them about fifty yards from our camp to ascertain if possible whether we were near the Colgoon, which we expected soon to see—however they did not understand us, but parted good friends, after having received three brass buttons each; there was no doubt that they had seen white men before. In coming down the little creek we had seen a fine plain to the eastward, and when we left it and travelled to the westward we passed over very fine open box ridges. Six miles from the little creek, and about twenty miles W. of Bunce's Creek, we came to a little river, with a deep but dry bed, though with some ponds full of water parallel to it. The country continued open for about three miles to the westward of it, but at that distance a very scrubby mountainous country commenced; this river was the Colgoon, we expected it, but not finding Sir Thomas Mitchell's track, I supposed I was out in my reckoning and determined to push on to the westward until we came to the track. We passed for seven miles over the scrubby mountains and were surprised to come to a large creek which went to the northward, we camped on this creek in latitude 27° and followed it for about four miles to the northward; it preserved its mountainous character, and we consequently left it to continue to the westward. We travelled for sixteen miles over a succession of acacia ridges, and creeks, which turned all to the N. E. and E. N. E. to join the North Creek, and some of these creeks had patches of very fine box and myal country. At that distance we met a water-course going S. S. W., which we followed for about ten miles before we came to water, and that only after having camped a night without it. From a fine rocky waterhole of this little creek we travelled about two miles to the westward, when we found ourselves on Sir Thomas Mitchell's returning tracks, and Mr. Kennedy's three cart tracks outward bound. About five miles to the northward we came to camp 80, and camped on a little creek with good water-holes, in lat. 26°53'. We continued to follow the tracks of Kennedy to lat. 26°35' passed his camp 79; examined the country along a small creek joining the river at that camp; returned on our tracks to the place where we first had met Sir Thomas Mitchell's tracks, and followed them down to lat. 27°30', passing his camp 81. Between these two camps, which are very nearly 40 miles distant from each other, we had to camp

without water, and Mr. Kennedy seems to have shared the same fate, for we saw that he had tried to obtain it by digging in the sandy bed of the creek. After having seen sixty miles of Sir Thomas Mitchell's track, and finding that the country did not agree with his description of Fitz Roy Downs, we concluded that we were on the Maranoa, and that the little river we had crossed was really the Colgoon.

We now returned to the eastward, to make the Balonne, to trace this river up to the junction of Dogwood Creek and the Condamine, and to ascertain where those various creeks and rivers we had crossed joined the main stream. We travelled for eighteen miles through a thick bricklow scrub, with a few interruptions of open ground, and came at that distance from the Maranoa to a chain of fine large ponds. About three miles farther we found the Balonne. All the hollows, the flats, the gullies along the river, had been covered with water, and the floodmarks were visible full five feet above its highest banks. Its course was from N.E. by N. to S.W. by S. We passed the junction of a deep creek or gully, and camped in latitude 27-24, in tolerably open country. About three miles to the northward we saw Sir Thomas's tracks, leaving the river, but they were generally very faint. In lat. 27-18 (appr.) a large creek joined the Balonne, and we supposed that this was the Colgoon; it was gently running according to Mr. Isaacs. The country below the junction of this creek is open, and by far the best we have seen along the right bank of the river. Above the Colgoon it is generally closely wooded, with some open patches, but the latter are generally puffy. From the junction of the Colgoon to the junction of Sandy Creek the Balonne runs from E.N.E.—W.S.W., with wide bends to the southward. Our second camp from the Balonne was in lat. 27-17. About twenty-four miles from the junction of the Colgoon, up the river, another large creek joins it. It comes from N. 35° E., and corresponds to Bunce's Creek and Frederick's Creek, which very probably join before meeting the Balonne. Six miles below and two miles above this creek we saw trees marked with an H. Sixteen miles from this creek a third large creek joins the Balonne; this we supposed to be the Yahoo; twelve miles above this we passed the junction of the Horsetrack River, and 25—30 miles higher we were again at the junction of Sandy Creek. Between these two rivers, about eight or ten miles below Sandy Creek, Mr. Bunce and Wommai had observed the junction of a large creek from the left side, and I suppose that this is the Condamine, which has been followed down by Mr. Coxen and Pinnock, and by Mr. O'Connor to its junction with Dogwood Creek. We followed Dogwood Creek up to lat. 26-56, crossed it, and travelled about eleven miles E. by N., when we came again on one of its bends to the southward in lat. 26-53. Here we found a fine open box country, but with veins of puffy ground. In continuing the course E. by N. we passed over some very fine country and came to the Condamine on a very remarkable bend, below which we found the letter B. Three miles higher up the river we camped in 26-49. We travelled about nine miles east when we came again to the river, which had made a large bend to the northward; we crossed it, continued about seven miles to the eastward, and approached the river a second time. We had just encamped, when my black-fellow heard the neighing of a horse; a gun was immediately fired, which was answered by the crack of a stock whip, and shortly afterwards Mr. Ewer came up to us, and gave us the agreeable intelligence that we were near his station. We had seen numerous cattle tracks several miles below the place, and were sure that a station was close at hand.

On my return to Sydney, Captain Perry kindly permitted me the inspection of Sir Thomas Mitchell's map. I find that my suppositions have been correct. His Fitz Roy Downs commence about ten—fifteen miles above the place where we crossed the Colgoon. He could not have seen the River Balonne to the east of his Grafton Range, when he was standing on Mount Abundance; it was very probably Bunce's Creek. I am inclined to believe that similar patches of open country exist on the heads of Bunce's Creek, Frederick's Creek, Yahoo River, Horse-track River, and perhaps even on Sandy Creek, but I do not think that they form an uninterrupted belt of Downs above the scrubs of their lower course. A dray road will be found practicable in the dry season from Mitchell's track along the Balonne and the Condamine (which is one of its principal heads), to Mr. Ewer's station and Darling Downs. Should stations be formed on the heads of these various creeks the respective roads will have to follow down the creek, and join the main road along the Balonne, which will be rendered extremely circuitous, and difficult by numerous gullies, back-waters, and deep creeks, which join that river. The stations will become very isolated in consequence of those broad belts of scrubby country intervening between the creeks. The natives appear to form powerful tribes along the Balonne and its numerous lagoons, and would be dangerous enemies along the scrubs, which would allow them a secure retreat from their aggressions. Considering the long and precarious land carriage, and the high rate of wages, particularly in so remote stations, I do not believe that sheep-farming will pay even as far as the Horse-track River. Cattle stations might be formed perhaps even as far as Maranoa, which at camp 80 of Sir Thomas would be very eligible for the purpose. But the road from that camp to Maitland will in all probability be found shorter than that to Moreton Bay. I shall add a few distances, but I beg to remark that my distances from Mr. Ewer's station down the Condamine and the Balonne are estimated as straight lines, which in a dray-road might be occasionally doubled. The distance from Brisbane to the Woolshed is about 150 miles, from the Woolshed to Mr. Ewer's 46 miles, from Mr. Ewer's to the B at the horse-shoe bend of the Condamine about 26 miles, from the B to Sandy River 28 miles, from the Sandy River to Horsetrack River 25—30 miles, from the Horsetrack River to the Yahoo River about 12 miles, from the Yahoo River to Frederick's Creek and the H about 16 miles, from the Frederick's Creek to the junction of the Colgoon 24 miles, from the junction of the Colgoon up to Fitz Roy Downs, between 40—50 miles. The distance from Brisbane to the junction of the Colgoon with the Balonne would be, according to this estimate, 332 miles; but the dray-road will prove to be, at least, 400 miles. It is to be expected that creeks, corresponding to those from the northward, will join the Balonne from the south and south-east, taking their rise to the Mackentire Ranges; and I have heard that Mr. O'Connor has already succeeded in finding a fine run on one of them.

Should the country of Peak Range be settled upon, Sir Thomas Mitchell's track will no doubt form the road on which stock will move up to the latitude of that locality, and will then turn to the eastward; my track is too mountainous and scrubby for a dray-road, and I myself shall very probably choose Sir Thomas's track on my next starting to the westward.

In judging the country I have seen, I have availed myself of the experience of Mr. Frederick Isaacs, who has such a large share in the exploration of Darling Downs and its confines. I shall take this opportunity of giving my best thanks to him, to Mr. Bunce, and to Mr. Perry, for their kind assistance in this expedition. I am personally obliged to Mr. Bunce for a fine collection of seeds and plants, which he made not only on this occasion, but on my

journey to Peak Range. Mr. Boekin, another of my companions to Peak Range, though most willing to accompany me to the Colgoon, had been compelled to return from the Woolshed in consequence of an attack of fever; I feel bound to recommend him, as well as Mr. Perry, to every one who should wish to employ them, for their unimpeachable moral conduct, for their unceasing activity and intelligence; and though they, as well as Mr. Bunce, are inclined to share my fate again on the next expedition, and though I should be happy to have the company of men who have stood the trial, I should be sorry for their joining me if better prospects were open to them.

In the extract of my letter published in the *Sydney Morning Herald*, it is stated that Sir Thomas crossed my track at Expedition Range; this is a mistake, he crossed Expedition Range to the westward of my track.

I shall annex here a series of observations on the elevation of various points along the road from Port Stephens to Peak Range. They are made with the boiling-water apparatus which the Rev. W. B. Clarke had the kindness to lend me on this expedition:—

Lowne's Station	2600 feet
Mr Thomas Rusden's station, in New England	3127 "
Macdonald's, at Falconer Plains	4386 "
Marsh's station at Maryland	2907 "
Bracker's, at Canning Downs	1184 "
Hodgson's Darling Downs	1573 "
Andrews's	1295 "
Bell's, at the Woolshed	1085 "
The Head of the Dawson	1461 "
The Robinson, near the head of Palm-tree Creek	1028 "
A tributary creek of the Upper Boyd	1648 "
Ruined Castle Creek	1745 "
Upper Part of Zamia Creek	1406 "
Lagoons W. by S. from Mount Nicholson	897 "
Erythrina Camp, at the foot of Expedition Range	914 "
The scrub at the N.W. side of Expedition Range	1048 "
Comet River	920 "
The junction of the Comet River and the Mackenzie	787 "
Peak Downs, about 12 miles S.S.E. of Scott's and Roger's Peak	1038 "

In travelling from the junction of the Comet River with the Mackenzie to Peak Range I followed the Mackenzie up to one of its heads and ascertained that the waters which drain from Peak Range to the S. and S.W., collected into the channel of that river; those to the N.W. and W. very probably belong to the system of the Belyando of Mitchell, or of my Cape. On the upper part of the Mackenzie, which is well watered, we passed over large plains and downs of the existence of which I had not been aware. They extend about sixty miles from S.S.E. to N.N.W. and are frequently six to eight miles broad, they are however hemmed in by scrubby country to the west, to the south, and to the east.

On concluding these remarks I shall add the agreeable intelligence that five of the seven mules which I lost at Peak Range have made their appearance at Darling Downs, after having travelled six hundred miles by themselves, and have been duly secured by the stockmen of Mr. Gogg and young Mr. Headley, to whom I feel deeply obliged for their exertions.

CITY COUNCIL.

MONDAY, OCTOBER 11.

Present:—The Mayor, in the Chair; Aldermen Thurlow, Wilshire, Allen, Fisher, and Little; Councillors Cowlishaw, Smidmore, Neale, Hyndes, Moir, Ryan, Agars, Driver, Sillitoe, Josephson, Egan, May, Owen, and Robey.

Alderman Thurlow brought up a Report from the Improvement Committee, respecting the obstruction to the line of George-street caused by the wall of the Dockyard. Application had been made to the Government for its removal, in reply to which a letter had been received from the Colonial Secretary, stating that its removal would involve an expenditure of £600, which the public finances would not at present admit of.

Report ordered to be received.

A letter from the Colonial Secretary was read, dated the 6th October, in reply to an application, for the Hyde Park Barracks as a site for a Town Hall. The letter stated that the Governor could not entertain the matter until after the Hyde Park Barrack establishment was broken up.

The Town Clerk read a letter from the City Solicitor, containing the opinion of counsel on the subject of the obstruction in Goulburn-street. Stating there was no difficulty in the way of the Corporation removing any obstruction to the line of street.

Alderman Thurlow moved that the Council do go into committee, for the purpose of considering the expediency of amending or repealing all the by-laws and regulations of the markets of the city of Sydney. He should have no objection, however, if the Council thought proper, to refer the whole matter to the By-Law Committee.

Mr. Moir seconded the motion.

Alderman Wilshire moved an amendment, that the whole question be referred to the By-Law Committee, with instructions to report thereon without delay. For his own part, he knew of no greater nuisance than the droves of hawkers and pedlars infesting the City.

Mr. Jenkins seconded the amendment.

Alderman Fisher thought the present a fitting opportunity to have the opinion of the By-Law Committee on the subject, and supported the amendment.

Alderman Allen thought that the licenses and fees should be done away with altogether. He had no objection to the reference of the subject to the By-Law Committee.

Mr. Driver supported the amendment. He hoped the rent and tax paying citizens would be protected against the competition of those who paid neither.

Mr. Hyndes supported the amendment.

Amendment carried.

Alderman Thurlow moved, that in the opinion of this Council publicans' lamps, lighted at their own individual cost, are not within the meaning of the 74th clause of the Act 6 Vic. No. 3; and that the exaction of all further sums of money for a lighting rate against citizens for tenements or other property not within 150 yards of any lamp lighted at the expense of the Corporation, should be forthwith suspended.

Mr. Ryan seconded the motion.

Alderman Fisher rose to a point of order. On reference to a resolution of the Council adopted at its meeting of the 8th June, 1846, he found it declared that all persons having in front of their premises a light of equal brilliancy with those of the Corporation, should be liable to a lighting rate, and that all such lamps should be considered Corporation lamps for the purpose of the lighting rate. This resolution must be rescinded, after notice given, or the proposition of Alderman Thurlow could not be put.

Under these circumstances, he hoped the necessity would be seen for withdrawing it until the way had been cleared by annulling the previous resolution.

Alderman Thurlow replied that he asked for a suspension merely.

Alderman Allen said he was entirely with Alderman Thurlow as to the impropriety of charging a rate in consideration of lamps not maintained at the expense of the Corporation.

The Mayor having ruled that the motion was in order,

Alderman Wilshire said he felt very thankful to the legal members who now gave their opinions against the rate as charged by the Council, but they happened to come too late: they were present when the resolution alluded to was passed—why did they not then give the Council the benefit of their knowledge.

Mr. Agars was surprised at the shabbiness which would object to the paltry rate which had been levied merely because the lamps were not in front of their own doors. He thought every citizen derived a benefit, even though his own residence might not be within a mile of a lamp. If the business of the corporation was to go on in this manner, he foresaw it would come to a happy conclusion indeed.

The report of the Special Committee on the defences of the harbour, with a memorial to the Governor on the subject, was next considered.

On the motion of Mr. Owen, seconded by Mr. Hyndes, the report was adopted; and the Mayor, Alderman Fisher, Mr. Owen, and Mr. Hyndes, were appointed a deputation to present the memorial to his Excellency the Governor.

A petition had been presented to the Council in September last, from certain rate-payers in Phillip Ward, praying to have the fountain at Castlereagh and Goulburn-streets put into repair. This was referred to the Water Committee, who had reported that the supply of water had diminished from the corroding of the pipes, and recommended that those pipes be taken up and cleared, and that another pipe be laid.

Report adopted.

Mr. Cowlishaw moved, on the petition from certain inhabitants of Macquarie Ward, complaining of water being shut off from the fountain at Market-street, at 10 A.M., that the fountain be restored to its former state.

Mr. Egan seconded the motion. Carried.

Alderman Allen moved that the report of the Water Committee, recommending the laying down of pipes in Castlereagh-street, from Hunter to King-street, be adopted.

Alderman Thurlow seconded the motion. Carried.

Alderman Thurlow moved that the By-law Committee be requested to consider on the most beneficial method of letting the properties of the Corporation for the ensuing year, and to report thereon with all convenient dispatch.

Mr. Moir seconded the resolution. Carried.

On the motion of Mr. Driver, certain arrears of salary due to officers of the Corporation were ordered to be paid.

The report of the several Ward Assessment Committees, on new buildings, for the six months ending 30th March, excepting those of Mr. Oatley, were adopted.

The Council then adjourned.

SUPREME COURT.

FRIDAY, OCTOBER 8, 1847.

(Before the full Court.)

EALES v. CHAMBERS.

In this case the declaration was in replevin, to which the defendant pleaded not guilty, referring, in the margin of the plea, to the Court of Requests Act and the Small Debts Act, and intimating that he would rely upon both or one of them. To this plea there was a demurrer.

Mr. Michie, in support of the demurrer, contended, that no doubt the defendant would urge that the 37th and 38th sections of the Court of Requests Act, and the 39th section of the Small Debts Act, 10 Vic., 10. authorised him to plead the plea of not guilty to an action of replevin.

Mr. Darvall appeared in support of the plea. It was urged that although at common law, strictly there is no general issue to the action of replevin, yet this statute sanctions the pleading a general issue to that action, and not guilty is the more correct one; for *non cepit* only traverses one fact. To actions of debt not guilty has been held good plea.

The Court did not call upon Mr. Michie to reply, but at once gave judgment in favor of the demurrer. Leave however was granted to amend in the usual terms.

SIMPSON v. BANK OF AUSTRALASIA.

Action of detinue against the above named bank, to recover possession of a certain indenture, the property of the above named plaintiff. To the declaration two pleas were pleaded—non detinet, and that the indenture was not the indenture of the plaintiff. The case was tried during the early part of this year before his Honor Mr. Justice Dickinson, when the Jury found a verdict for the defendants on both issues.

Messrs. Windeyer and Michie now moved the Court for a new trial, on the ground that his Honor improperly received evidence, to the effect that the Bank had a lien on the indenture when there was no plea of lien on the record.

His Honor intimated that the fact of the equitable deposit having been made appeared from the *de bene* evidence put in and used by the plaintiff himself. And, secondly, that the verdict was against evidence and the weight of evidence—in this, that there was ample evidence to show that the Bank did detain the indenture in question; and, therefore, on the general issue of non detinet at least, the plaintiff was entitled to a verdict.

The Solicitor General with whom was Mr. Broadhurst, appeared in support of the verdict, and contended, that taking the evidence most strongly against the defendants, it was conflicting; and as such it was left to the jury.

The Court, in delivering judgment, intimated that on the second issue they were prepared to grant a new trial, as upon that issue the jury had clearly arrived at an erroneous opinion—unless the defendants were willing to allow that issue to be altered in the favor of the plaintiff.

This alteration was agreed to on behalf of the defendants by counsel.

MONDAY, 11.

(Before the full Court.)

REYNOLDS, ASSIGNEE, &c., v. TREE AND OTHERS.

During vacation, his Honor Mr. Justice Terry had granted an order to stay proceedings in the above cause, by virtue of the 27th section of 4 Vic. 22, which empowers a single Judge in Chambers during vacation, in a case of emergency, to exercise the powers of the full Court. The Act also enacts that the party who succeeds before the Judge as aforesaid must apply on the first day of term, to have that order confirmed.

Mr. Foster now moved that the same order be confirmed; wherupon