

to the Legislative Council, for the lowering of the Municipal Franchise, was then read, recommending that it be lowered from £25 to £10, embodying that recommendation in the shape of a petition, which it was proposed should be submitted to the Legislative Council forthwith.

Alderman Broughton moved that report might be adopted, and that the Mayor, Alderman Macdermott, and himself (Alderman Broughton) might be appointed as a deputation to wait upon Mr. Wentworth, and request him to present the same.

Mr. Holden opposed the reduction of the franchise to £10. It would be giving the privilege of voting to men who did not pay one farthing towards the city expenses, as it was notorious, that it was the landlords of small houses of that description who paid the rates. He also thought it would be encouragement to build tenements, which could be let at about £3 or £3 per annum, the occupants of which although they required much attention from the police, paid nothing towards their support. He should therefore move, that £20 should be substituted for £10, and that all buildings should be assessed, and that the rates on those under £20, should be paid by the landlord.

The amendment was not seconded, and the original motion was carried.

PROTECTION OF THE CITY.

Alderman Flood moved accordance with the previous notice—"That twenty able-bodied men be recommended to the authorities by the council, for augmenting the Sydney Constabulary, for the more effectual protection of life and property, and that they be added to the number already estimated for." In moving this resolution, the Alderman expressed his belief that the inefficiency of the police was principally caused by the want of proper drilling and superintendence, and alluded to the superior training of the police in the times of Colonel Wilson and Captain Innes.

Alderman Macdermott seconded the resolution but remarked that he would sooner have had fourteen additional constables than twenty. As the former number would make up the gross strength of the force, including officers and sergeants, to one hundred men, which he had heard stated by those who were thoroughly versed in these matters, would be sufficient for all purposes. There had (he said) been a great cry of late about the necessity of increasing the police for the protection of persons and property, and in deference to public opinion he thought that some increase ought to be made, and he doubted not that the citizens would see the necessity of coming with an expression of their opinion to that body which had the power of making the increase of force. The support of the additional twenty men now moved for, would create an additional expense of £1,100 and the taxation created by this additional expenditure would have the effect of inducing the citizens to tell the Council what their views really were.

Alderman Broughton would oppose any increase of the police at all. The Alderman's arguments in moving the resolution were rather against an increase of the police, than in favour of it; for he had asserted that he had no confidence in the head of the force, and, if so, no additional number would be better managed, or would afford better protection. The present number of police was sufficient for all purposes if they were employed in legitimate duties; but instead of that being the case, they were employed in duties which ought to be paid for by the Government to do duty ten miles from Sydney. It was said that the citizens were generally desirous of increasing the strength of the police; but these citizens were not generally aware that the constables whose support they paid for, were employed in escorting convicts to Newcastle; and in performing other duties of a similar nature, which ought to be paid for by the Government. In addition to these reasons he also considered that no measure of this description ought to be resorted to until they should be aware of the result arrived at by the committee appointed by the Legislative Council for the consideration of this subject.

Messrs. Thurlow, Coyle, Driver, Hill, Agars, and Holden, all opposed the motion, contending that if the defect in the efficiency of police arose out of the system which governed the force, to increase the number of constables could have no good effect.

On the motion being put only two hands were held up in its favour, those of the mover and seconder. The Council then adjourned till Monday next.

Legislative Council.

WEDNESDAY, JUNE 19th 1844.

VACANT SEAT.

The SPEAKER read a commission under the hand of his Excellency appointing the Attorney-General to the seat in council declared vacant by the vote of house on Friday last, after which the learned gentleman took the oaths and his seat.

PETITIONS.

Dr. BLAND presented a petition from the printers

of Sydney, praying for enquiry into the whole of the circumstances connected with the Government Printing Office with a view to its abolition.

Captain DUMARESCU presented a petition from the stockholders of the district of Scone, and one from the stockholders in the district of Murrumbidgee, against the proposed squatting regulations.

Mr. WINDEYER presented a petition from the inhabitants of the district of Raymond Terrace, praying the council to petition her Majesty for a repeal of the land act, and that the Control of the land revenues might be vested in the Legislative Council.

Mr. WALKER presented a petition from Mr. Robert Cooper, praying that the council would pass an act allowing spirits manufactured in the colony, to be exported from bond duty free, in the same way as imported spirits. The petition was also signed by many of the mercantile firms in the city.

Dr. LANG presented a petition from certain Presbyterians resident in Maitland, and another from Patrick's Plains, praying for a repeal of the Presbyterian Church Temporalities Act.

All the petitions were read and received, and those relating to the squatting regulations referred to the land grievance committee.

NOTICES OF MOTION.

Dr. BLAND gave notice that on Wednesday next, he would move for the amount of expense of the Printing Office, the number of apprentices, convicts, and free persons employed therein, and the means whereby its expenses have been defrayed from its commencement to the present date.

Also, that on Friday next, he would move that the petition be taken into consideration.

Mr. WINDEYER, on Tuesday, for an address to the Queen, praying that compensation might be allowed to the officers whose offices have been abolished during the last three months, and who have not been appointed to any other office.

The COLONIAL SECRETARY, on Tuesday, for leave to bring in a bill to continue an act for preventing the extension of a disease called the influenza or catarrh in sheep.

The ATTORNEY-GENERAL for leave to bring in a bill to regulate and amend the law relating to apprentices.

DISTRICT COUNCILS.

A message was received from his Excellency the Governor accompanying the draft of an act, for the settling the constitution of district Councils.

RETURNS.

The COLONIAL SECRETARY laid on the table a variety of returns which had been previously moved for.

LAW OF LIBEL.

Mr. ROBINSON moved for leave to bring in a bill to amend the law of libel in this colony—leave granted, and the bill read a first time and ordered to be read a second time, on Thursday the 4th July.

CIRCULAR QUAY.

On the order of the day being called for the second reading of the Circular Quay Bill; the Colonial Secretary moved that it be referred to a select committee—agreed to.

MILITARY OFFICERS WINE BILL.

This bill was read a third time and passed.

JURY ACT CONTINUATION BILL.

This bill was read a third time and passed.

THURSDAY.

PETITIONS.

Major WENTWORTH presented a petition from the stockholders of Maitland against the proposed squatting regulations.

The petition was read, received, and ordered to be printed, and referred to the land grievance committee.

Dr. LANG presented two petitions, one from Brisbane and the other from Sydney, praying for the repeal of the Presbyterian Church Temporalities Act.

The petitions were read and received.

NOTICES OF MOTION.

Dr. NICHOLSON, to move for certain returns relative to the Aborigines on Friday.

Mr. LOWE to move for a select committee on education on Friday.

Dr. LANG, to move for a select committee to consider and report on the expediency of repealing the Presbyterian Church Temporalities Bill.

LAW OF EVIDENCE.

Mr. YOUNG moved the second reading of the bill for the amendment of the law of evidence which was seconded and carried.

The SPEAKER having left the chair, the house went into committee on the bill, which at the suggestion of the Attorney-General was confined strictly to the alterations which had been made in the English laws such alterations being the admission of witnesses, tainted with crime, or who had an interest in the issue tried. The clauses to this effect were agreed to, and the bill was ordered to be engrossed and read a third time on Wednesday next.

ABORIGINES EVIDENCE BILL.

The ATTORNEY GENERAL moved the second reading

of the bill to admit the evidence of Aborigines into the Criminal Courts. The bill limited the reception of this evidence, to so far as it was supported by corroborative testimony, and was defended by the Attorney-General on the ground that it was expedient for the better understanding between the tribes and the settler, and also that it was a concession to the indigenous natives demanded by natural justice.

Mr. ELWIN seconded the motion.

Mr. LOWE opposed the bill in a very eloquent speech. He contended that it was a flagrant and dangerous inroad on the law of England, which was based on the principle, that no man should be admitted to give evidence in the courts of justice except he believed in the existence of a future state of reward and punishment. The honorable gentleman alluded in forcible terms to the utter ignorance of the native tribes of any moral or religious right, that they had no idea of a God, or of the duties owed by man to man. Their savage and deceptive nature—their easy corruption, by any second incentive, the deficiency of their language and its obscurity, were all dwelt on, and the honorable member concluded by expressing his preference to submit himself to any of the semi-savage ordeals, by which guilt or innocence were decided, in darker ages, than trust to his life and his character, in the hands of a unenlightened and revengeful savage, whose only idea of duty might be, that of wreaking the cruelty of his tribe, on the head of some unoffending white man.

Dr. BLAND supported the motion, and Mr. Bowman opposed it.

Dr. LANG supported the motion, and contended that although the honorable member (Mr. Lowe) had laid down the principle of the English law, that no witnesses should be received who did not believe in a future state correctly, yet that basis was in reality a fiction. For of all who were sworn really believing in future rewards and punishments, we could not have had the mass of contradictory oaths which characterised the records of our courts, and which left the balance of justice, to be swayed nine times out of ten, by the chapter of probabilities.

Mr. WENTWORTH opposed the motion, which he stigmatized as having its origin in the mistaken philanthropy, which emanated from Exeter Hall. He felt that the passing of such a measure would be the signal to the blacks, that they might commit what outrages they pleased on the whites, in the return of all the frontier lands to the original possessors, the children of the wild.

Mr. TERRY supported the measure and vehemently opposed the aspersions thrown upon the black race by Mr. Wentworth.

Mr. WINDEYER supported the motion, Dr. Nicholson opposed the motion, which was supported by Mr. Sattor.

Mr. FOSTER opposed the bill which he thought would be dangerous inexpedient and impolitic.

The ATTORNEY-GENERAL replied at some length, after which the house divided, when the bill was negatived by a majority of 12 to 10.

QUARTER SESSIONS.

The sittings of this court commenced at the Court-house Darlinghurst, on Tuesday, 11th instant. The following cases were disposed of:—

TUESDAY, JUNE 11.

James Tavelin, larceny; seven years transportation.

Julia Eggleton, larceny; twelve months hard labour in the Female Factory.

Mary Wall, larceny; twelve months labour in the Female Factory.

Ellen Mullally, larceny; twelve months labour in Female Factory.

Reece Jones, larceny; twelve months labour in Sydney gaol.

Henry Pipe, stealing from person; three months labour in house of correction.

Sarah Perkins, larceny; guilty remanded for sentence.

Robert White, assaulting a constable; guilty, remanded for sentence.

Lewis Marks, larceny; not guilty, discharged.

THURSDAY.

Robert White, assaulting a constable; six months confinement in Sydney gaol.

Sarah Perkins, larceny; twelve months in the Female Factory.

William Scott, larceny; four months in house of correction.

John Macdonald, larceny; fourteen days in Sydney Gaol.

John Kent, receiving stolen property; not guilty, discharged.

Ann Kent, receiving stolen property; discharged—a juror being withdrawn.

John Cullen, stealing; transported to a penal settlement for seven years.

Richard Jones, attempt to steal from person; not guilty, discharged.

John Edwards, larceny; not guilty, discharged.

James Parfitt, larceny; one year in an ironed gang.

John Brown, larceny; two years in an ironed gang.

FRIDAY.

Joseph Chamberlin, attempt to commit robbery; one year in Sydney gaol.

William Hutchinson, larceny; one year in an ironed gang.

Henry Hull, larceny from person; seven years transportation to a penal settlement.

Charles Eglinshaw, larceny from person; not guilty, discharged.

David Bedford, larceny; not guilty, discharged.

Isaac Barnett, stealing from person; not guilty, discharged.

SATURDAY.

Joseph Flitcroft, pleaded guilty to a charge of larceny; and was sentenced to eighteen months in an ironed gang.

Thomas Ashton pleaded guilty of an assault; to be imprisoned in Sydney Gaol for two months, and to pay a fine of £3, or further imprisoned for two months.

William Kemp, larceny; found guilty, six months labour in House of Correction.

Joseph Jones, burglary; found guilty, ten years transportation to a penal settlement.

Bernard Kite, attempting to break into a store; twelve months confinement in Parramatta Gaol.

Aaron Gainsbro', charged with stealing a ring; not guilty, discharged.

— Stone, stealing; not guilty discharged.

The above being all the cases for trial before the court of Quarter Sessions, it was adjourned *sine die* at a quarter past six on Saturday evening.

JUDGE BURTON.—It is proposed to give a public dinner to this learned and much respected gentleman, previous to his departure to India, to shew the sense the colonists entertain of his merits and long and arduous services. We are extremely sorry that any public controversy should have arisen at such an inopportune time, as to the individual political opinions of the learned Judge. The dinner will be given to him in his capacity of a Judge of the Land, and we do believe that the great body of the colonists, join in the feeling of grateful respect which Mr. Burton's demeanor on the bench, and impartial administration of justice entitle him.

AWFUL EVENT.—We have with much regret to announce the sudden death of Mr. Francis Kemble, a gentleman well known in Sydney, from his connexion with the Australian Sugar Company. Mr. Kemble has been for many years labouring under some affection of the heart, but was in his usual state of health up to the moment of his death, which took place suddenly while sitting at his breakfast yesterday morning. An inquest will be held on the body at three o'clock this afternoon.

MILITARY JOLLITY.—The soldiers of the 80th regiment had a "regular spree" on Tuesday, Fun was the order of the day. Nearly every officer in the garrison was chaired and carried round the parade ground to the music of the band and the buzzes of the men whose vociferous cheers could be heard all over the town. As all the officers made donations to their respective companies, there was a large supply of beer and refreshments procured, with which the men regaled themselves, and apparently kept the steam up all the evening, for their shouts were to be heard long after the barrack was closed. It was pleasing to see the good feeling which existed, for although the reins of discipline were relaxed for the day, we did not hear of a single act of disorder of any description.

CAPTURE OF BUSHRANGERS.—The two desperate villains, Bradish and Branigan, who have been plundering stations and drays in the teeth of the Border Police of the Liverpool Plains district for the last six months, have at last been captured, and are ere this, safely lodged in Newcastle Gaol. About ten days since they crossed the dividing range with the intention of plundering the Australian Agricultural Company's line of stations between it and Port Stephens, and succeeded in "clearing out" Cox's hut, on the New England Road. They then proceeded towards the out station of overseer Cullen, where they found the watchman Yates, and procured refreshment; after some time Cullen rode up to the hut, upon which they obliged him to dismount and took his pistol. Bradish then guarded him in the hut whilst Branigan and Yates went to bring up their three horses—and then compelling Cullen and Yates to accompany them, proceeded to the head station, where Cullen resided, which they ransacked, and possessed themselves of all the fire-arms, clothes, and money, they could find. Whilst Branigan was loading the horses with the booty, in which he obliged Yates to assist Bradish was in possession of the fire-arms, some on the ground and others on his person. There were two double-barrelled guns, two single barrels, and three pistols. Whilst so employed, Cullen and Yates agreed by signs to rush upon them, which they suddenly did: Cullen seized Branigan, and Yates rushed upon Bradish—and a long struggle ensued: Cullen at last got the better of his man, and seeing that Yates was likely to be mustered, called out to Yates to shoot him. Yates twice succeeded in getting fire-arms from the ground, but both missed fire; at last, however, he succeeded in obtaining Bradish's double-barrelled gun, and cocking it with one hand whilst he held him with the other, presented it at his breast, but not wishing to take his life, he lowered the gun and fired, and the ball passed through his thigh. Both were then secured, and brought into Stroud. Cullen is a ticket-of-leave man, and Yates an assigned servant of the Company. The conduct of the latter is particularly deserving of praise; for although he had nothing to fear or to lose by submitting, he was the first to propose resistance; the failure of which, and the odds were against the attempt, would have been the loss of their lives.

**PLEASE NOTE**

**THE FOLLOWING TWO  
PAGES HAVE BEEN  
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NUMBERED**