TUESDAY, Feb. 10.

Reporting the Debates.

Hon. Mr. HAZEN wished to know to what determination the House was disposed to come, with respect to paying Reporters. It was a question which should be settled early, and not deferred to the close of the Session, as it was last year, and then made up in the Contingent Bill.

Mr. HANINGTON said he looked upon the matter as entirely unsettled, neither was there any thing before the House on the subject in the shape of a report; there was nothing on the Journals which could be construed as binding on the House, and if Reporters should thus construe any thing which had been done, they were labouring under misapprehension; for he felt quite certain that the House would not sustain, when in Committe of Supply, any grant to the Library Committee for the remuneration of Reporters.

Mr. SCOULLAR said this was a most vexatious subject. The House had year after year attempted to make provision for Reporters early in the Session, but had always failed, or their conclusions had been set aside at the close of the Session. He was as much in favour of paying Reporters as any hon. member of that House could be, but thought it better to let matters stand over to the close of the Session, as it was then the battle would have to be fought.

Mr. END said there need not, in his opinion, be any battle fought about it. Whenever the appropriation came up it was the majority who would have to decide, and the minority must of course acquiesce in their decision. For his part he cared little how the thing terminated, but he had come to the conclusion—and he believed the House, agreed with him—that the people were desirous to see the reports in print; and the Members also, for who was entirely free from vanity? This being the case, they must arrive at the conclusion that it was no misapplication of the public money to pay Reporters. But their was a duty involved—he considered it unparliamentary to have any thing appear on the Journals to the effect that they paid for publishing their debates; in consequence of which the report of the Library Committee had been brought in by him, and laid on the Clerk's Table. He considered it, however, before the House in point of fact, although not formally. In reply to the hon. member from Westmorland (Mr. Hanington) he did not expect the House would grant the money to the Library Committee; but last Session the matters had been referred to that Committee, by a resolution of that House, and they were empowered to make arrangements. This was done, he had thought, to save the House trouble.

Mr. BOYD did not like this mode of disposing of the affair; if a person, or persons, were engaged to report the debates, they should, in his opinion, be totally unconnected with the press. He thought that under present circumstances they had better fall back upon the old system.

Mr. PARTELOW said there was no report from the Committee before the House. (Hear he read from the Journals of last year the resolution then passed.) By this resolution it appeared that the matter had been referred to the Library Commitee, but he thought it necessary that the Committee should report before the sum could be moved in Supply; he hoped they would do so yet, as they would then know whether the House would accept of it. He saw that the *Head Quarters* were publishing Mr. Blatch's reports for the other branch, and also reporting for that House, and of course they would expect remuneration. He thought it would be but justice to all parties to let them know what they might expect.

Mr. FISHER stated that he was not in the House when his Hon. Colleague on the Committee brought in the report, and was in ignorance until now that it had not been formally presented. The arrangement the Library Committee had come to—four having signed the report—was to accept of the offer made by the proprietors of two papers; and the Head Quarters was publishing the debates of the Legislative Council, taken by Mr. Blatch, under the authority of that House. These were the best arrangements the Committee had been able to make, an agreement entered into with Mr. Blatch by a gentleman who had since retired from the Legislative Council having embarrassed their proceedings.

Hon. Mr. HAZEN said his principal object in calling the attention of the House to the subject was to avoid a recurrence to the proceedings of last Session. They had then thrown out the grants to Reporters while in Committee of Supply, and had afterwards included them in the Contingent Bill. That course he considered unconstitutional; and if the grants were not carried in Supply this Session, he should feel bound to oppose their being put in the Contingent Bill, as he had done last year.

Mr. END said he had recovered the Report of the Committee from the Clerk's Table, which he begged leave now to offer to the House. (Here the Hon. Member read the Report, which was to the effect that they recommended £350 to be appropriated for the payment of Reporters of both Houses during the present Session.)

Mr. HANINGTON was against receiving the Report, for he did not think the Committee had properly attended to their duty, and the report now before them was in reality no report at all. (Here the Hon. Member read the Resolution which passed last year referring the maiter to the Library Committee.) Now it appeared from this Resolution that the Committee were entrusted to make arrangements with Reporters, but from the report brought in it did not appear that they had made any arrangements, or if any it did not appear what they were. He hoped the hon. Member would withdraw the report, and bring in one by which the House would know what arrangements had been made.

Hon. Mr. SIMONDS thought there was no necessity for a more explicit report; it was a very plain matter as it was. He believed they were all agread upon the necessity of having their proceedings reported, and that it was no misapplication of public money to pay for it; and he was certain that the circulation of newspapers in this Province were so limited that the increased circulation in consequence of publishing the debates was insufficient of itself to remunerate proprietors; this, he thought, was a clear point, therefore the House should make some provision for it. Now he thought the only open and manly way in which they could do this was in Committee of Supply; and when it came up there of course every arrangement made must be explained. As to the amount, he thougbt £350 would be insufficient for both Houses, and would be quite willing to go for £400 or £450; for even that sum would be a mere trifle in comparison with its importance;—that is if the debates are properly and faithfully reported, and of this he had no reason to entertain a doubt. He perfectly agreed with the hon. member from the City (Mr. Hazen) that it was highly improper to include a grant in the Contingent Bill which had previously been thrown out in Committee of Supply.

Mr. END said the Committee were placed in the position of the "old man and the ass." One hon. member finds fault with them for not having reported; another said they *ought not* report; another that they *should* report; and another yet—after the report was brought in—that it was *no* report! Now he contended that the document he had just brought in *is* a report. The Committee were empowered to make arrangements with Reporters, and also to agree upon the amount of remuneration. They had reported upon the latter, and from what had fallen from the hon. member from St. John (Mr. Simonds) it appeared that the amount was not considered too large; and what if the Committee had not reported as to whom the arrangement had been made with! It did not follow that no arrangement had been made. If, like the old man in the fable, they could not please every body, they might nevertheless, he allowed some discretionary powers in the management of the *animal!* (Laughter.)

Hon. Mr. HAZEN,—"But who are the Reporters?"

Mr. END,—"If the hon. Member will thrust his hands into the big pockets of that big coat he has on, and pull out some of the newspapers he has there, he will see." (Roars of laughter, in which Mr. Hazen good-naturedly joined.)

(The Report was then accepted without a division.)

The House then went into Committee upon a Bill for taking the Census of the Province, which, after a short and uninteresting debate, was disposed of by being postponed for three months.

ROUTINE BUSINESS.

MONDAY, February 9.

The House went into Committee on a Bill relating to Fires and Firewardens, for the towns of Chatham and Newcastle, Miramichi, which passed without opposition.

Hon. Mr. HAZEN presented a Message from His Excellency, containing a proposition from the Board of Ordnance to exchange certain lands in the City of Fredericton.

The House went into Committee of Supply, and passed several appropriations for the ordinary services.

Hon. Mr. HAZEN, by order of His Excellency laid before the House a despatch from the Secretary of the Colonies, soliciting reimbursements of a sum advanced by the British Consul at Boston, to relieve destitute seamen belonging to this Province. Also a despatch from the same, declaring that the Ministry could not advise Her Majesty to give her assent to a Bill passed at the last Session concerning certain lands formerly belonging to the late Hon. W. F. Odell. Also a despatch from Lord Falkland, praying re-imbursement of a sum of money advanced by the Legislature of Nova Scotia, to relieve shipwrecked seamen of the Brig Sarah, Lovat, of St. Stephen in this Province.

Several Bills received a third reading, and upon the Speaker putting the question whether the Bill for vacating the Seats of Members in certain cases do pass.—

Mr. HANINGTON said that as several Hon. Members were dissatisfied with the Bill in its present shape, and as the Hon. mover (Mr. Fisher) was then in his place, he should move for its recommittal.

Mr. PARTELOW stated that he had opposed the Bill in Committee because Executive Councillors had not been included under its provisions, but as a majority of the Committee had sustained it, he thought it would be taking up the time of the House to no purpose were they to recommit it, he should therefore confine his opposition to voting against it on the third reading.

As the motion for recommittal was not seconded, the question was now taken, and the Bill passed by a division of 17 to 11.

Hon. Mr. HAZEN, by His Excellency's orders, laid before the House a Despatch from Lord Stanley, in answer to the Address from the House last Session relative to Post Offices.

Mr. BROWN presented a Petition from the Rev. Dr. Alley, of St. Andrews, setting forth that certain lands owned by him have since been granted to other parties, and praying for redress.

Mr. END hoped that the Petition would not be received. If the Government allocated lands to different parties, that House was not the place to come to look for redress; they should apply to the Executive, and failing there they had a legal remedy.

Mr. PARTELOW took precisely the same view of it with Mr. End,

Hon. Col. M'LEOD stated that the Petition had already been before the Executive, and that they found it impossible to entertain its prayer.

Mr. BROWN was fully aware that the petitioner had a legal remedy, and that the House, properly speaking, had nothing to do with it, yet he hoped the petition would be received, and referred to a Committee to report thereon. His reason for urging this was that if the petitioner took the legal remedy, brought an action in the Supreme Court, and gained his suit, the Province would not only have to make the defendants whole, but would have to pay costs. Under those circumstances he thought it would be much wiser to examine into the petitioner's claims, and, if they were good, avoid the costs of a law-suit.

Hon. Mr. SIMONDS said the hon. member was not aware of the labour he would entail upon a Committee by giving them those claims to examine,—he doubted if they could get through with the task during the Session. Already had the petition been laid before two or three administrations in this Province, and it had been once referred to Her Majesty's Government; but they had all come to the conclusion that they could not grant its prayer; and if referred to a Committee of this House he thought it most likely that they would arrive at the same conclusion.

The question for receiving the petition was then taken, and negatived.

TUESDAY, Feb. 10.

Mr. SIMONDS presented a petition from St. John accompanied by a presentation of the Grand Jury of that County, setting forth the incompetency of the building at present occupied as the Provincial Lunatic Asylum.

Mr. PARTELOW presented a petition from St. John, signed by upwards of 1270 persons, praying for Legislative assistance towards a Railway from St. John to the Grand Falls.

Mr. SIMONDS presented a petition from the magistrates of St. John, praying for an Act to pass enabling them to assess the inhabitants to the amount of £1500, for the construction of a building wherein to keep the County Records.

Mr. SIMONDS presented a petition signed by the Mayor and Common Clerk of the City of St. John, praying that an Act do pass compelling Parish Officers to give bonds for the faithful discharge of their duties.

Mr. END said the greatest difficulty at present with regard to the appointment of those officers, was to find out who were qualified and who were not. He hoped the hon. member would allow this petition to be referred to a Select Committee, in order that the remedy might be made general.

Mr. SIMONDS stated that he had already got a Bill prepared, which he wished to introduce at an early day, otherwise he had no objection to refer the petition to a select Committee. But when the Bill were committed, hon. members might then, if they thought proper, introduce amending clauses.

Mr. BOYD was glad to see this Petition come in, and the question brought up. He had for some time perceived the evils complained of, and had been about to prepare a Bill to meet them, which he thought could be best done by a registry of the persons qualified.

Mr. PAYNE explained the peculiar circumstances connected with the case in St. John. He was in favour of some legislative action upon it.

Hon. Mr. HAZEN liked the suggestion thrown out by the hon. member from Gloucester. But perhaps there was no necessity for a Select Committee, as the whole question could be brought up when in Committe of the whole.

Mr. HANINGTON took the same view of the case. He thought their existed a necessity for something to be done.

(Mr. SIMONDS then brought in Bills connected with the several Petitions he had offered.)

The House went into Committee to amend the Act relating to absconding Debtors.—Passed without discussion.

From the Journals.

TUESDAY, FEBRUARY 3, 1846.

Mr. Partelow moved for leave to bring in a Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City, in continuation of St. John or Water Street, so called, Southwardly, to the prolongation of the Southern end of the Brick Building now used for the Custom House and Public Warehouse

Leave granted.

The said Bill being brought in was read a first time.

Mr. Boyd, by leave, presented a Petition from John Robinson, John Snell, Thomas Moses, and John M'Neil, Esqs., Justices of the Peace for the County of Charlotte, together with two hundred and eighty seven others, inhabitants of the said County, praying that the Act for the encouragement of the Fisheries in the Province may be continued; which he read.

Ordered, That the said Petition be received and referred to the Committee on Fisheries to report thereon.

The Honorable Mr. M'Leod moved for leave to bring in a Bill to remove doubts respecting the competency of Witnesses in certain cases.

Mr Payne moved for leave to bring In a Bill to incorporate a Company for the purpose of introducing into this Province Payne's Patent Process for the preservation of Wood and other materials, and for working the same.

Leave granted.

The said Bill being brought in was read a first time.

Mr. Connell moved for leave to bring in a Bill to provide for the repair of the Streets and Highways in parts of the Parish of Woodstock.

Leave granted.

The said Bill being brought in was read a first time.

It being the time appointed by His Excellency the Lieutenant Governor to receive the House with their Address in answer to His Excellency's Speech at the opening of the Session, the House waited upon His Excellency and presented the same, which is as followeth:—

(The Address was a mere echo of the Speech.)

And being returned—

The Honorable Mr. Speaker reported, that His Excellency had been pleased to make the following Reply thereto:—

"*Mr. Speaker and Gentlemen*,

"I return you my sincere acknowledgements for your dutiful and loyal Address.

"I confidently hope, through your united exertions, that the business of the Session may be conducted to an honourable and satisfactory termination."

THURSDAY, FEBRUARY 5, 1846.

Mr Boyd, by leave, presented a Petition from Samuel Frye, Esq., President of the Charlotte County Agricultural Society, praying that a Grant may pass to enable the said Society to procure Seed Potatoes; which he read.

Ordered, That the said Petition be received and referred to the same Committee to report thereon.

Read a third time as engrossed,

A Bill to increase the Representation of the County of Albert.

Resolved, That the Bill do pass.

Read a third time as engrossed,

A Bill to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt.

Resolved, That the Bill do pass.

Read a third time as engrossed,

A Bill to authorize the Justices of the Peace for the County of Restigouche to levy an assessment to pay off the County Debt.

Resolved, That the Bill do pass.

Read a third time as engrossed,

A Bill to continue an Act, intituled "An Act relating to the collection of Duty on Timber and other Lumber."

Resolved, That the Bill do pass.

Read a third time as engrossed,

A Bill to provide for the management of the Temporalities of the Church of England in this Province in certain cases.

Resolved, That the Bill do pass.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr Hazen, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, delivered the following Messages:—

"NEW BRUNSWICK.

"*Message to the House of Assembly, 3d February*, 1846.

"W. M. G. COLEBROOKE, *Lieut. Governor.*

"The Lieutenant Governor informs the House, that Her Majesty has received very graciously their Loyal and Dutiful Address of February 1845, relative to the Office of Provincial Secretary, and he subjoins extracts from Despatches which he has received from the Secretary of State on the subject.

"W. M. G. C."

The Documents accompanying this Message, being read at the Clerk's Table, are as follows:—

OFFICE OF PROVINCIAL SECRETARY.

[No. 280.]

EXTRACT OF A DESPATCH FROM LORD STANLEY TO SIR WILLIAM COLEBROOKE, DATED DOWNING STREET, 21ST JANUARY, 1845.

I have received your Despatch, No. 88, of the 27th December last, reporting the death of Mr. Odell, the Provincial Secretary, and Clerk of the Executive Council of New Brunswick, and the provisional arrangements which you have made for the performance of the duties of those offices.

I shall, of course, suspend my decision as to the final disposal of these offices, until I shall be in possession of the further Report which you lead me to expect from you by the February Mail.

(Signed) STANLEY.

[Separate.)

EXTRACT OF A DESPATCH FROM LORD STANLEY TO THE LIEUTENANT GOVERNOR, DATED DOWNING STREET, 31ST MARCH, 1845.

In your Despatch, No. 88, of the 27th December, you apprised me of the death of Mr. Odell, and of the provisional appointments which you had made, adding, that you intended to advise with your Executive Council as to the "arrangements for the future regulation of these important Offices." My reply of the 21st of January suspended any final decision until I should receive your promised Report on the subject.

Lord Glenelg's Despatches to the Earl of Gosford of the 17th of July, 1835, and of the 5th of December of the same year, to Sir Francis Head, laid down explicitly as a general rule, that public employments in Canada were to be bestowed on natives or settled Inhabitants of the Province; and Lord Glenelg. on the 31st of August, 1836, instructed the Lieutenant Governor of New Brunswick to give to the Assembly an assurance, which they had desired, that the principles laid down in the instructions to Sir Francis Head should be extended to the Province.

Although Mr. Reade has now been for some time in the Province, and has been employed by you in highly confidential situations, I cannot think that he can be considered to come under the denomination of a "settled Inhabitant of the (that) Province."

I observe with satisfaction that the House of Assembly have not only abstained from complicating the subject with any abstract questions of Government, but have rejected every proposal for laying down formal principles upon such questions. The House has, I think, in this course, done justice to the earnest desire of Her Majesty, that the Colonial Administration generally should be conducted in harmony with the wishes of Her people; whatever may be the variations arising out of local considerations and the state of society in various Colonies, subject to which that principle may be carried into practice; and it is anxiously hoped that the same wise forbearance which has led the House of Assembly to decline the unnecessary discussion of subjects of so much delicacy, may lead them also to regard the practical decision now announced as the final close of the controversy, and to unite in the promotion not of objects of party strife and rivalry, but of the more substantial and enduring interests of the Colony which they represent.

(Signed) STANLEY.

[No. 305.]

EXTRACT OF A DESPATCH FROM LORD STANLEY TO SIR WILLIAM COLEBROOKE, DATED DOWNING STREET, 29TH JUNE, 1845.

I have no hesitation in assuring you, that I entertain the most full conviction that the Members of the Executive Council, who supported you in your nomination of Mr. Reade, were actuated by the impression that the selection of that Gentleman would be attended with public advantage.

(Signed) STANLEY.

"NEW BRUNSWICK.

"*Message to the House of Assembly, 4th February*, 1846.

"W. M. G. COLEBROOKE, *Lieut. Governor.*

"The Lieutenant Governor lays before the House the copy of a Despatch referred to in his opening Speech, relative to King's College.

"W. M. G. C."

The Document accompanying this Message, being read at the Clerk's Table, is as follows:—

KING'S COLLEGE.

(Copy)

[No. 342.]

Downing Street, 12th November, 1845.

SIR,—Referring to the correspondence which has already taken place between us on the subject of the Act of the last Session of the Legislature of New Brunswick, to amend the Charter of King's College, I have now to convey to you the necessary instructions for your guidance in that case.

On the authority of the Solicitor General of the Province, and of the great American Jurist, Mr. Story, you suggest a preliminary doubt, which, if well founded, must supersede all further discussion of this Act. It is the doubt whether the Local Legislature possesses any Constitutional right to alter the Royal Charter, without the express consent of the Corporate Body, and whether such an Act, if passed, would have the authority of Law.

In applying the decision of Mr. Story (whatever that decision may be) to the case of a British Colony, there must obviously be great room for error, unless the most exact attention be given to the inherent distinctions between the Constitutions of various States united together in one Federal Government, and those of our own Provinces united together as Members of one extended Empire. That Colonial Laws, repugnant to the Law of England, are null and void, has indeed been repeatedly and very recently enacted by Parliament. But with that exception it has not occurred to me to hear of any cases in which the Courts of any British Colony could lawfully refuse to enforce obedience to the Acts of the Local Legislature.

I do not, however, propose to pursue further this abstract enquiry, since the question to which it refers does not really arise in the present case. It is not the fact, that the Charter of King's College is a Royal Charter, in the proper sense of that term. It was not granted by the Crown in the unaided exercise of the Royal Prerogative, but on the authority of the Provincial Act of 1823, (4 Geo. 4, cap. 3) which enabled the Trustees of the College to surrender their Charter to His late Majesty King George the Fourth, on condition that His Majesty would grant another Charter for the re-incorporation of the College, the terms of which new Charter were partly prescribed by the Act of 1823, and were partly left by that Act to the discretion of the Crown. The question in debate is, therefore, not whether the local Legislature have power to alter a Royal Charter proceeding from the Royal grace and favour, but whether they have power to alter a Charter, the promulgation of which was expressly authorized by themselves, and which, without their authority, could not have been so promulgated.

Neither is King's College exclusively a Royal Endowment. For the General Assembly, first in 1828, and againin 1829, granted large sums for the support of it, and for the erection of the Buildings in which the College was held. After the acceptance of such grants, the Crown cannot claim the same unlimited rights as might perhaps have been asserted if the Royal Bounty had been the only source of the Collegiate property. The Legislature and the Crown are, at least Joint Founders, and as no Legislative Act on this (or indeed on any subject,) can be passed without the consent of the Crown, so can no Royal Grant, changing the basis of this Institution, be properly issued without the concurrence of the Legislative Council and Assembly. Between those Houses and the Crown a virtual, if not a formal, compact, must be held to result from the Acts, which they have thus already done in concert and concurrence with each other.—In such a state of things, it would be at once impolitic and unjust to insist on, or even to propound extreme, and at best but questionable rights.

It follows, that if the act transmitted to me for the Queen's assent were otherwise unobjectionable, Her Majesty would be advised to assent to it, without raising any objections; but it is certain, that the changes introduced by it are highly offensive to one considerable class of Her Majesty's subjects in New Brunswick, and that the class so offended are precisely those for whose more especial advantage the College was originally founded. Even they, however, have most distinctly recorded their opinion, that the Charter requires some great amendments, and that, in its present form, it has failed to produce any advantage commensurate with the expenditure incurred for its support. It has not, indeed, been merely unsuccessful:—It has been productive of much positive evil:—It has formed a monument but too impressive of the futility of a great project which had aimed at the highest public good, a monument dissuading and discouraging similar undertakings. However just may be the objections to the changes actually proposed in the Charter, it is therefore impossible to deny that numerous and great amendments of it are indispensable.

I have no hesitation in acknowledging my own inability to suggest what those amendments should be. Even if the College were to be established in England, for the education of young men for the highest pursuits of life amongst themselves, I should not scruple to avow the incapacity of Her Majesty's Executive Government to proscribe the right course of academical instruction and discipline to be observed in it. To form a correct estimate of such questions, a far deeper familiarity with them is necessary than is to be acquired during a pupilage in early life at one of our Universities. The science of Education, especially in its higher walks, must be learnt like other sciences by patient study and long experience. All our Collegiate Institutions in England have been originally founded or progressively moulded by learned and scholastic men. We have no such Institution deriving its internal economy from an Act of Parliament. The failure of a College regulated by an Act of the Provincial Legislature is no just subject of surprise.

The great requisite in the present case, appears to be, that the alterations to be made should be maturely weighed and recommended by men possessing an intimate acquaintance both with the theory and the practice of educating in Religion, in Literature and in Science, those youths who from their birth, their fortune, or their natural talents, are probably destined for the public service as Legislators, Divines, Jurists, or Physicians, or Magistrates, or as Merchants on an extensive scale. To obtain such advice it would be necessary that a Commission should be constituted, and that it should be armed with all powers requisite for conducting and defraying the expence of the necessary enquiries. It should be composed of men unanimous in the desire to promote public education among the wealthier classes of society on Christian principles. Their range of enquiry should be as unlimited as is the object itself. Yet there is happily one principle on which amidst all the discussions before me, a general agreement prevails, and by that principle therefore the Commissioners ought to be bound. It is that King's College should be open so far as its advantages, emoluments, and honors are concerned, to every denomination of christians, but that according to the original design, the public worship performed within its walls should be that of the Church of England, and that the Chair of Theology should be occupied by a Clerk in Holy orders of that Church, of which of course therefore all Graduates in Divinity must be members. These reservations in favour of the Church of England are made in no spirit to which the members of any other Church could even plausibly object. They proceed on no claim of ascendancy or superi-