

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 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.

STANLEY.

Extract of a Despatch from Lord Stanley to Sir Wm. Colebrooke, dated Downing Street, June 29, 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.

STANLEY.

KING'S COLLEGE.

Downing Street, November 12, 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 a 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 George 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 authorised 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 1823, and again in 1829, granted large funds for the support of it, and for the erection of the buildings in which the college is 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 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 to that form of proceeding. But it can hardly be said to be exempt from serious objections, since 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 facility of a great project which had aimed at the highest public good, a monument disuading 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 inability to suggest what those amendments should be. Even if the college was 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 prescribe the right course of academical instruction and discipline to be observed in it. To form a correct estimate of such questions, a deeper familiarity with them is necessary than is to be acquired during a pupillage 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 as 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 expense of the necessary enquiries. It should be composed of men unanimous in the desire to promote public education amongst the wealthier classes of society on Christian principles. Their range of enquiries should be as unlimited as the object itself. Yet there is happily one principle on which, amidst the all discussions before me, an agreement prevails, and by that opinion 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 superiority. Their object is simply to retain for the Anglican Church the advantage actually enjoyed by every other body of Christians in New Brunswick, of having one place of public education in which young men may be trained up as ministers of the Gospel.

On this head I perceive indeed but one question on which any doubt has been thrown: It relates to the religious test to be taken by the Graduates in Divinity. The act before proposed to substitute for the tests taken at Oxford, a declaration of belief in the Holy Scriptures, and in the doctrine of the Trinity. Now, if it were proposed that Theological Degrees should be granted to Christians of every denomination I could understand the motive which might suggest such an innovation. But when it is agreed that the Graduates are to be members of the Church of England, the imposition on them of a test at once so new and so indefinite, is recommended by no reason which I can either discover or conjecture. Whatever opinions may be entertained regarding the Oxford test by those who dissent from the Church of England, it would seem entirely at variance with the spirit of religious liberty to forbid the imposition of those tests by those and on those who concur in holding them sacred.

If the Council and Assembly will concur in providing for the appointments of such a commission as I have suggested, and for defraying the necessary expenses of it, I trust that no insuperable difficulty would arise in the choice of competent commissioners. Aided by their report, a law might be framed either for altering the constitution of the college in accordance with it, or for enabling the Crown to issue a charter for that purpose. The whole of this question might thus be withdrawn from debate in a popular assembly, to a more tranquil, and for this purpose, a more competent tribunal. Without the excitement of those feelings which must animate and occasionally discompose the deliberations of the Representative branch of the Legislature, it would, I trust, be settled on such a basis as to conciliate the feelings, satisfy the judgment, and promote the interests of all classes, as far as such results are attainable in affairs of this nature.

In that hope Her Majesty's decision on the act under consideration will be postponed until you shall have ascertained and reported how far the Legislative Council and Assembly are willing to concur in the course of proceeding which I have thus pointed out.

STANLEY.

On motion of Mr. Fisher, Resolved, That a humble address be presented to the Lieutenant Governor, praying that his Excellency will be pleased to lay before the House a list of all Mill Reserves granted since the 10th of March, 1844, with the names of the persons in whose favor such reserves have been made, and the number of acres allotted to each, and with the number of gangs of saws in each mill, together with a statement of what Reserves made before the 10th day of March last, have been relinquished, reduced, or renewed, and upon what terms and conditions, together with a copy of any Regulations that have been made for the guidance of applicants, or the Grantees of the Reserves, and specifying particularly whether any and what reserves have been made of lands under Licence to any party for the year preceding the granting of such reserves.

February 7.

On motion of Mr. Wark, the House went into Committee of the whole on a Bill to authorize the Justices of the Peace for the county of Kent to levy an assessment to defray the contingent expenses of the county. The Chairman reported progress, and the bill was engrossed.

On motion of Mr. Partelow, Resolved, That a humble address be presented to His Excellency the Lieutenant Governor, praying that his Excellency will cause to be laid before this house, at an early a period as practicable, the following returns, connected with the University of King's College, Fredericton:—a list of the Professors for the year 1845, with an account of the salaries attached to each particular service, as well of the Professors as of all others chargeable upon the institution; a list of Students, resident as well as non-resident, for the year 1845; an account of the income, independently of its endowment, particularizing the sources whence such income is derived; the quantity of land leased, and the respective rates; the quantity of land unleased and producing no income; together with a statement of all arrears due for rent, or otherwise, to the said college; and further, an account shewing the income and expenditure for the year 1845; the dates at which the respective receipts and payments were obtained and made; the periods up to which the salaries of the Professors, and others, have been paid; and up to what time the Warrants for the Endowment of the college, now all chargeable upon the revenues of the province, have been drawn upon the Treasury. Ordered, that Mr. Partelow, Mr. Hanington, and Mr. Barberie, be a committee to wait upon his Excellency with the address.

On motion of Mr. Wilmot, Whereas it is desirable that this house should be put in possession of all the information which can be procured relative to the Canadian Boundary, in order that a humble address to her Majesty on the subject may be prepared and forwarded by the next mail; therefore Resolved, That a humble address be presented to the Lieutenant Governor, praying that his Excellency will be pleased to lay before this house, such parts of the correspondence between the Canadian government and the government of this province, on the subject of the said boundary, with such other information on the subject as his Excellency may be pleased to communicate, for the information of this house.

Mr. End brought in a bill to lay a Tax on Dogs, in the county of Gloucester; which was read a first time.

Mr. End moved for leave to bring in a bill to amend and explain the laws relating to the Fisheries in the county of Gloucester. Leave granted.

February 9.

Read a third time as engrossed, a bill to authorize her Majesty's Justices of the Peace for the county of Gloucester, to assess the said county for payment of the county debts. A bill to authorize the Justices of the Peace for the county of Kent to levy an assessment to defray the contingent expenses of the said county. A bill to authorize Her Majesty's Justices of the Peace for the county of Northumberland to assess the said county to pay off the county debts. Resolved, that the bills do pass.

Resolved, That there be granted to the Lieutenant Governor the sum of £12,000 towards the encouragement of parish schools, agreeably to a law of this province. £60 for the services of a Tide Waiter at Miramichi for the year 1846. £500 to encourage the destruction of Bears and Wolves agreeably to a law of this province. £22 10s for a Tide surveyor at Shippegan and Caraquet, in the county of Gloucester, for the year 1846. £22 10s for a Tide surveyor at Bathurst, for the year 1846. £30 to provide for a Tide Waiter at Dalhousie, for the year 1846.

On motion of Mr. Taylor, Whereas under the existing Laws, doubts have arisen whether the government of this province have power in any case to grant Mill Reserves; therefore Resolved, that a humble address be presented to the Lieutenant Governor, praying that His Excellency will be pleased to call upon the Law Officers of the Crown for their opinion upon the subject.

POST OFFICE.

Downing Street, 1st October, 1845.

Sir,—I have received your despatch of the 26th April, No. 27, enclosing a joint address from the Legislative Council and Assembly of New Brunswick, together with a report of the Select Committee of the latter House, on the subject of the Post Office of that Province. I have laid that address before the Queen, and I have received Her Majesty's commands to instruct you to return the following answer to the two Houses of the local Legislature on the subject to which that address refers.

It appears from the enquiries which have

been instituted into the allegations contained in the address, that some misapprehension exists in regard to the high rate of postage established by the Treasury Warrant of October, 1843; the fact being, that, with the exception of the introduction of the system of weight, instead of enclosures, and in those cases in which a reduction of charge has been effected, the rates are the same as those previously existing in British North America.

I am informed by the Postmaster General that there is also some mistake respecting the expense of managing the provincial post office, the increase for that service since January, 1842, not being by any means so great as the address represents.

I enclose herewith an extract from a report made to the Lords Commissioners of the Treasury by the Postmaster General, which will explain with exactness the instances in which there has been an increase or decrease in the salaries of the department, together with the grounds for the same.

The address in the next place complains of diminished accommodation afforded by the Post Office department, and that owing to the abandonment of some of the lines, many of the best cultivated districts of the province are now left without any Post Office accommodation. Upon this point the Postmaster General has made observations which I could not abridge with advantage. I therefore transmit a copy of them to you, in order that they may be communicated to the two Houses of the Legislature.

The address concludes with certain proposals for the reduction of the rates of postage; the remission of the postage on printed votes and newspapers; and for the establishment of additional lines of communication. Upon these points, I am to state, first, that I learn from the Postmaster General, that the principal objection to the reduction of the postage rates in New Brunswick, arises from the fact that the revenue of the department would not be sufficient to meet the expenditure. But at the same time, his Lordship has observed that the offer made by the Legislature, of guaranteeing for a term of years such additional sum as might be required to defray the current charges of the department would meet this objection, and appears to be a fair and reasonable proposition. There would, however, be considerable inconvenience in the establishment of a totally different scale of postage in New Brunswick from that prevailing in Nova Scotia and Canada.

Her Majesty's government cannot consent to the abolition of the postage on printed Votes and Newspapers as prayed for in the address, considering that the Newspapers in New Brunswick are not liable to stamp duty, and that the cost of mail conveyance is exceedingly heavy in that province; but the establishment of such additional lines of post communication as may be suggested by the Provincial Legislature will be authorized by the Postmaster General when the necessary funds are provided, it being understood that those posts shall be set up by the Postmaster General, in order that the rates of postage may be levied according to law, and that they shall be subject to his Lordship's control, and to the general official regulations adopted throughout the empire.

There will be no objection whatever to a detailed return of the revenue and expenditure of the post office department being annually submitted to you by the deputy postmaster general, for the purpose of being laid before the Provincial Legislature; and her Majesty's Government will be ready to sanction any appropriation of the surplus revenue of the post office in New Brunswick, either for the extension of the posts and postal communication, or to the public service of the province in any manner that may be consistent with the provisions of the law.

STANLEY.

South American News.

From the New York Sun.

FULL PARTICULARS OF THE BATTLE OF THE PARANA.

Preparations for the Battle.—On the 18th November, 1845, the Anglo-French fleet approached the forts of the *Fuella de Obligado*, guarding the mouth of the Parana, and anchored three miles from Obligado Point. Reconnaissance were made on the 19th, and the commanders perceived that the defences were constructed with much ability. There were four batteries, one having 60 feet elevation from the water line, and the others on the lower ground between. In all they mounted 22 pieces of cannon, 32, 28, 24, 18 and 12 pounders, the parapets being of strong masonry work.

A line of 24 boats, fastened together by chains, extended across the river, which is there 800 yards wide. At one end of this line were ten fire boats, at the other a schooner armed with six guns. According to all accounts, more than 3,000 men occupied these positions.

Plan of Attack.—On the 20th November, the English and French fleets moved up to the forts, which they prepared to attack in two divisions; the first commanded by Captain Trehouart and comprising four vessels, the second commanded by Captain Sullivan, and comprising the same number. These divisions anchored from North to South, at 700 yards distance. The steamers *Goreau*, *Fulton* and *Firebrand* anchored at 1500 yards from the most distant battery.