

Mrs. Boyd and three children.

" Eyre and one child.

" Waller and two children.

" Riley, wife of Conductor Riley, and three children.

" Bourne, wife of private Bourne, 13th L. I.

" Wade, wife of sergeant Wade.

Major Pottinger, Bombay Artillery.

Captain Lawrence, 11th Light Cavalry.

" Mackenzie, 48th Madras N. I.

Mr. Fallon, and Mr. Blewitt, clerks, not in the service.

Her Majesty's 44th Foot—Sergeants Wedlock, Weir, and Fair; Corporals Sumpster and Bevan; Drummers Higgins, Lovell and Branaghan; Privates Burns, Cresham, Cronin, Driscoll, Deroney, Duffy, Mathews, M'Dade, Marron, M'Carthy, M'Cabe, Nowlan, Robson, Seyburne, Shean, Tongue, Wilson, Durant, Arch, Stott, Moore, Millar, Murphy, Marshall, Cox, Robinson, Brady, and M'Glynn; Boys Grier and Millwood.

Her Majesty's 13th Light Infantry—Privates Binding, Murray, Magary, Monks, Maccular, M'Connell, and Cuff.

Bengal Horse Artillery—Sergeants M'Nee, and Cleland; Gunners A. Hearn, Keane, and Dulton; Sergeant Wade, Baggage Sergeant to the Cabool mission.

G. PONSONBY, Captain.

Assistant Adjutant General.

## PROVINCIAL LEGISLATURE.

[Extracts from the Journals.]

### ACT VACATING SEATS OF MEMBERS.

EXTRACT OF A DESPATCH FROM LORD STANLEY RELATIVE TO THE ACT TO VACATE THE SEATS OF MEMBERS OF THE ASSEMBLY IN CERTAIN CASES.

*Downing Street, 11th August, 1843.*

We are entirely prepared to admit the propriety of seats in the Assembly being vacated, for the same reasons which would vacate seats in the House of Commons. There is therefore no difference of opinion as to the objection in view; but it seems very doubtful whether the framers of this law have accurately expressed the intentions of the Legislature.

The Act vacates the seat of any Member of the House of Assembly, who shall accept the office of Executive Councillor; but the office of Executive Councillor is not a place of profit or emolument. It is analogous to the office of a Privy Councillor, or rather of a member of the Cabinet Council, in this Country, and the acceptance of a place in the Privy Council, or the Cabinet, does not vacate a seat in the House of Commons. This act, as actually drawn, would therefore seem to establish a principle of great importance, as well as novelty—the principle, namely—that the Crown may not select its own confidential Advisers from amongst the Representatives of the people, unless the persons, so chosen, shall be willing to hazard a new election. How far it is wise to erect such a barrier between the Executive Government and the popular branch of the Legislature, would seem to be a question well meriting serious consideration.

### KING'S COLLEGE.

EXTRACT FROM A DESPATCH FROM LORD JOHN RUSSELL.

*16th May, 1841.*

It is a principle of undoubted validity, that a grant of Franchises by the Crown is irrevocable and unalterable by a further exercise of the Royal Authority, unless the power of revocation and change be embodied and reserved in the original grant, or unless the grantees make a voluntary surrender of their Franchises.

As the existing Charter contains no such power of revocation or amendment, and as that instrument has not been surrendered, I consider that the first and proper step is a surrender of the Charter, as I originally proposed. I have, therefore, now to instruct you to invite the Corporation to take this course, since I find, from the proceedings of the Council, that they consider themselves not legally competent to act in the matter.

You will be pleased, however, to bear in mind, when the new Charter is in course of preparation, that it has been considered desirable that Members of the College, who dissent from the Church of England, should be exempted from compulsory attendance on Divine Service, according to our forms. The College Council have already agreed to that exemption, and I apprehend, though the clause is omitted in the Bill drawn by the House of Assembly, that neither the Assembly nor the Legislative Council would be opposed to such a measure of relief.

I am aware of no objection to the proposed extension in the Members of the Council of the College to fifteen

I have, &c.

Lieutenant Governor Sir W. M. G. Colebrooke, &c. &c. &c.

(Copy.)

[No. 29.]

*Downing Street, 26th January, 1842.*

SIR,—I have received your Despatch, No. 70, of the 29th of October, with its enclosures, on the subject of the proposed alteration in the Charter of King's College.

Having referred this Despatch for the opinion of Her Majesty's

legal advisers, I have received a Report from those Officers, which states, that it is not necessary that the present Charter of the College should be surrendered as a preliminary to the granting of an amended Charter, and that the course which they would recommend is, to grant a new Charter to the College, containing the proposed modifications of the existing Charter.

I enclose herewith a copy of the opinion of Her Majesty's Law Officers, for the information of the College. You will be pleased to call on the College to prepare the draft of such a Charter as they would wish to receive, which draft should then be revised by the Provincial Attorney and Solicitor General, and by yourself, with the assistance of the Executive Council. When that draft shall have been finally approved by you, under the advice of your Council, it should be remitted to me, and I will give instructions for the preparation of the necessary instrument for completing this object.

I have to add, that some person should be authorized, on the part of the Corporation, to defray the expense of passing this instrument under the Great Seal.

I have, &c.

(Signed)

STANLEY.

Lt. Governor Sir W. Colebrooke, &c. &c. &c.

(Copy.)

*Temple, January 19, 1842.*

MY LORD,—On the 11th of December last we received a letter from Mr. Stephen, wherein he was pleased to state, that the Council of the University of King's College, at Fredericton, in the Province of New Brunswick, are desirous of obtaining a modification of the Charter from the Crown, under which it is incorporated, with a view to render the Institution more acceptable to the Inhabitants, and thereby to increase its usefulness.

That Her Majesty's Government are willing to consent to the modification; and as a preliminary to granting an amended Charter, require the surrender of that now held by the College. Doubts, however, are entertained by Her Majesty's Law Officers in the Province, as to the competency of the Corporation to make such surrender, and also as to the mode in which the change can be lawfully effected.

Mr. Stephen further stated, he had been directed by your Lordship, to transmit to us a copy of the College Charter, together with a copy of the opinion delivered by the Attorney and Solicitor General of New Brunswick, and he requested that we would take the subject into our consideration, and report to your Lordship our opinion, whether it is competent to the Corporation of the College to surrender their present Charter, and accept a new one; and if not, in what manner the desired alteration in the constitution of the College can be lawfully effected.

In obedience to your Lordship's commands, we have perused the papers mentioned in Mr. Stephen's letter, and have fully considered the whole matter referred to us; and we have now the honor to report to your Lordship, that we do not think it necessary, in order to effect the intended alteration in the construction of the College, that its present Charter should be surrendered, as a preliminary to the granting of an amended Charter, and we think there are objections to such a course. We would recommend that a new Charter should be granted to the College, containing the proposed modifications of the existing Charter; and this new Charter, if accepted by the College, will become the governing one of the Corporation. We think that this new Charter should recite the grant of the former; and that the Crown, considering it for the advantage of the Institution, has thought fit to grant another Charter to the College; and the Charter should then set out all the regulations which may be deemed expedient to provide for the Government of the Institution.

We have, &c.

(Signed)

FRED. POLLOCK,  
W. FOLLETT.

The Right Hon. Lord Stanley, &c. &c. &c.

### POSTAGE OF JOURNALS.

*General Post Office, Halifax, 13th February, 1843.*

(Copy.)

SIR,—I have to acknowledge the receipt of your Letter of the 1st instant, stating you had deemed it advisable to fix on the sum of forty pounds for sending the Journals of the Assembly through the Post during the Session, an arrangement which you trusted would meet with my approbation; but after the repeated communications you have received from me, respecting the transmission of printed sheets, I did not think you would have taken such a step.

If a Post Master, conducting one of the largest offices in the Province, is to pay so little attention to his instructions, as to consider he is at liberty, on his own responsibility, to enter into any arrangements of this description, it will be impossible to introduce system or regularity in the proceedings of the Department.

All matter sent through the Post Office in these Provinces, is legally liable to full Postage; but the Deputy Post Master General has for many years been permitted to pass under his franking privilege, newspapers and other printed sheets. The amount which was fixed upon to be received by him for the exercise of this privilege, has been more than once brought under the consideration of the Post Master General of England, and has received his Lordship's sanction. I can therefore allow no departure from this established charge on all printed sheets sent under his privilege; and I desire