that the dreadful retribution which he has met with in this world, may plead for him in the world to come. Secondly, as to those persons who effected the destruction of the murderer. What ought to be the action of the Grand Jury upon them?

"This seems to be a question of novel and important character, and depending for its solution on considerations not generally influencing the decisions or proceedings of a Grand Jury. Indeed I have been unable to find a parrallel case on record. I know of none in which a Judge of a Criminal Court and a Grand Jury were called to deliberate on facts precisely similar. It is a case which appears to me of the first impression and to adopt a rational action upon which, it becomes necessary to take into view principles of even higher import to the community than those which govern the ordinary march and administration of criminal law.

"The difficulty which presents itself is not one arising out of any ambiguity in the nature of the act—the destruction of the wretched murderer.—The difficulty arises as to the possibility and expediency of visiting on the perpetrators of that act the penalties of the law.

* * * * * *

"But, gentlemen, while this is our view of the mode adopted to punish the murderer of our respected fellow citizen, the question still recurs, what ought the Grand Jury to do, with respect to those who inflicted the dreadful punishment?

"I have reflected much on this matter, and, after weighing all the considerations that present themselves as bearing upon it, I feel it my duty to state my opinion to be, that, whether the Grand Jury shall act at all, depends upon the solution of this preliminary question—namely, whether the destruction of M'Intosh was the act of the few or the act of the many?'

"If, on a calm view of the circumstances attending this dreadful transaction, you shall be of opinion that it was performed by a definite, and, compared to the population of St. Louis, a small number of individuals, seperate from the mass, and evidently taking upon themselves as contradistinguished from the multitude, the responsibility of the act, my opinion is, that you ought to indict them all, without a single exception.

"If, on the other hand, the destruction of the murderer of Hammond was the act, as I have said, of the many—of the multitude, in the ordinary sense of those words—not the act of numerable ascertainable malefactors, but of congregated thousands, seized upon and impelled by that mysterious metaphysical, and almost electric frenzy, which, in all ages and nations, has hurried on the infuriated multitude to deeds of death and destruction—then, I say, act not at all in the matter: the case then transcends your jurisdiction—it is beyond the reach of human law!

"The attempt to punish it would, in my opinion, be fruitless, and perhaps worse than that. The foundations of society might be shaken—the social elements in this city and county thrown into most disastrous collision. For, how are we to indict—upon what evidence—two thousand or three thousand offenders? How try them, if indicted—how convict them, if guilty—how punish them? I repeat, if the thousands congregated round the fire were the actors in the fearful tragedy, it would be impossible to punish, and absurd to attempt it.

"Nor can we select a few, and hang them by way of example; if one is indicted, all who are known must be indicted. An autocrat, a despot a dictator might order his guards to seize and put to death, by the shortest process, any given number, as a warning to the rest. Not so here, where we have to deal with two thousand or three thousand American citizens—these cannot be decimated.

"Again, if an indictment be preferred against any of the persons who assisted in the burning of M'Intosh, the indictment, in my opinion, must be for murder. By the common law the act would be the highest degree of felonious homicide—unqualified murder. By our criminal code, as amended at the last session of our Legislature, the homicide would be murder, at least, in the second degree.

"The punishment for the first degree of murder is hanging; the second degree, ten years' imprisonment in the State Penitentiary.

"I would here refer to the impunity which has followed on popular outrages in other cities of the old and new world, to show how nerveless and impotent the arm of the law becomes in such a case. The well-known case of the murder of Capt. Porteous by the population of Edinburgh—the insurrection of the London populace in 1780—and lastly, in these United States, and within these few years, the burning, by a fanatic mob, of the Ursuline Convent at Charleston, Massachusetts, sufficiently demonstrate the difficulty of making the multitude responsible to the ordinary criminal law.

"In cases to which I have referred, it seems to me that the impelling cause of popular outrage was, apart from the violation of law involved in this act, in itself essentially base, vicious, and ungenerous. In those insurrections the people acted not as ministers of justice, punishing in a summary manner an atrocious and flagrant crime, but as instruments of cruelty and persecution. In those cases, the horrid spirit of sectarian bigotry alone actuated the multitude, and under that degrading influence, they rushed into all sorts of violence and injustice.

"Not so here; the people were comparatively under the influence of a generous excitement. When it was recollected that their respected and beloved fellow-citizen, slain in the performance of his duty, lay dead before them—when they saw another worthy father of a family, and faithful public officer, severely wounded—the pavement streaming with the blood of these two unfortunate men—when they heard the shrieks of the widow and her desolate orphans—and, added to all this, when their feelings and understandings were assailed and outraged by the atrocious and savage demeanour of the murderer himself, after he had committed these crimes, and within the grasp of the Sheriff—is it to be wondered at that the people should be moved? Is not something to be allowed for human sympathies in these appalling circumstances? Is there not some slight palliation of that deplorable disregard of law and constitution which is now the object of our deliberations?

* * * * * *

"When we take into view those lessons of history, and all the other considerations of practical good and social expediency to which I have directed your attention, it seems to me, as I have already recommended, that if you arrive at the ultimate conclusion that the death of M'Intosh was the act of the multitude, you will pursue the safest and wisest course in declining all action with respect to it."

My Lord, it was a detestation of the un-British principles disclosed in this Address which induced the militia of Upper Canada, unassisted by Her Majesty's troops, to leave their farms in the depth of winter to put down rebellion in their land, and then to rush to the frontier to repel the invasion of the American people. It was a detestation of the un-English principles disclosed in this Address, which have induced the Legislatures of our splendid North American Colonies to unite together in one band to maintain their connexion with British institutions; and, my Lord, it will be from a detestation of the un-British principles disclosed in this Address, that the inhabitants of these loyal Colonies will, I feel perfectly confident, receive your Lordship's late observations in favour of the Republican institutions, and of the traitors who endeavoured to introduce them into the Canadas, with indignation and dismay.

As the chief patron of useful knowledge, your Lordship may deem it necessary that your brilliant talents, like the sun, should in rotation shine upon all the people of the globe, successively leaving in utter darkness those, who a few hours ago were seen basking in meridian splendour. The wonderful nimbleness with which your elastic mind bounds forward from one theory to another, may thus satisfactorily be accounted for; but my Lord, so long as your Lordship enjoys the pension of an ex-Lord High Chancellor of England, there exists in the paradise of this world one tree which your Lordship must not, without loss of character, attack, "for in the day that thou eatest thereof thou shalt surely die."

To the latest moment of your existence your Lordship is retained by your country to be the advocate and defender of British institutions; and in the great cause which is pending between Monarcy and Democracy, surely the people of England are justified in insisting that your Lordship should only appear before them as "counsel for the Crown."

It is with deep regret I have subm[illegible] your Lordship's serious consideration, [illegible] under a slight veil, which, should your Lordship require it, I will not decline to remove.

Before the public, however, I desire only to appear as your Lordship's faithful and most obedient servant,

A British Subject.

London, June 9, 1838.

THE BOUNDARY QUESTION.

The North American Boundary Question. By Captain Yule, R. E.

An able little *brochure* has just issued from the press, from the pen of Captain Yule, of the Engineers, on the subject of the North Eastern Boundary of New Brunswick, which ought to be in the hands of every person who desires to make himself acquainted with all the bearings of that important question. The subject was elaborately discussed when the British and United States Governments prepared to submit their respective claims to the arbitration of the King of Holland, in 1830-1, but has never been brought before the public, as resting solely on the basis of the fulfilment of the treaty of 1783. Captain Yule has supplied the deficiency, and has superadded a view of the points in dispute, which, from its novelty and good sense, is entitled to high consideration. Captain Yule shows how gradually, but steadily, the United States have, by their importunities obtained nearly every point in dispute.

1. In October, 1798, we yielded them the main branch of the St. Croix, and accepted the Eastern branch as the boundary, although the Western branch had always been considered as the main one. This act of conciliation, instead of facilitating the subsequent arrangements for the fulfilment of the treaty, increased the difficulty. By this concession, Brother Jonathan was enabled to jockey us out of a considerable tract of country, which he had no idea of resigning. 2. The next point we yielded referred to the line of boundary which was to proceed from the Lake of the Woods, "in a due west course to the river Mississippi," but even the sources of that river lie south of the latitude of the Lake of Woods. We assented, however, to the proposal of the United States Commissioners, that the natural object, the Mississippi, should be put out of consideration, and that the line due west of Lake of Woods should be the boundary; yet, when a similar rule of construction was proposed by us, for determining the North-Western boundary of New Brunswick, they refused to be governed by their own principle. 3. We yielded Barnhart's Island, on the river St. Lawrence, of which it commands the navigation. 4. We yielded Grand Isle on the river Niagara. 5. We consented to yield (according to award of the King of Holland,) the territory belonging to us, as north of the true line of latitude 45 degrees, although by so doing, we gave up an important military position, Rouse's Point on Lake Champlain, which they began to fortify. 6. We consented to yield, according to the same award, a large portion of the still disputed territory, not only south, but north, of the river St. John, thus submitted to be cut off for ever from direct communication with Quebec, the difference by the circuitous route from that city to Fredericton, being upwards of seventy miles. 7. At the peace of 1814, we restored the valuable Territory of Michigan, which had been ours, by conquest, from the commencement of the war, in 1812. 8. We restored, at the same time, Eastport, Castine, &c. also taken during the war. There are other points, such as privileges connected with the fisheries, which we have yielded. "What," says Captain Yule, "have the United States yielded us in return?"

"Having made no conquest, notwithstanding their boastful projects and repeated attempts last war, in which they were foiled "by a few British troops, and by the loyal and brave Canadians, who, on one occasion, unsupported by a single soldier of the regular Army, drove back the enemy from their territory;" never having been able to retain, for any length of time, a spot of ground on our side of the frontier, a great extent of which is an imaginary line; at the peace they had no conquest to restore.

Since the peace, we have yielded every point in discussion, excepting that which forms the subject of these remarks, but the United States have, in return, yielded nothing; and the result of our over yielding and their never giving way, is, that a territory which has never ceased to be under British jurisdiction, is pronounced, in one of their official documents, to be under "a foreign Government;" and their "unoffending citizens" are "said to have been dragged from their rightful homes, in time of peace, and to have 'imposed on them the indignities of a foreign gaol.'"

These "unoffending citizens," however, presumed to exercise the rights of sovereignty, in a territory under British jurisdiction, by proceeding to make elections, in August, 1831, under the authority of the State of Maine, for which they were awarded the just punishment alluded to, owing to the promptitude and firmness of Major-General Sir Archibald Campbell, then Governor of New Brunswick."

The pretensions of the United States, Captain Yule shews, to be of comparatively recent origin, admissible only from the circumstance of their ever having been entertained at all.

"The whole course of their proceedings has been admirably calculated to gain their point with a nation so proverbially facile as ours has been in the negotiation of American affairs.

First, they persuade our Commissioners, in the year 1798, to yield only a branch of an insignificant river—a trifle to our magnanimous nation; then they make no immediate objection to our Commissioners making Mars hill the termination of the north line, but receive it as a point to be discussed, although sensible of its incompatibility with the conditions of the treaty, so that, at any future and suitable time, its absurdity could be rendered available in argument, by the easy proof of its weak character.

One untenable point being argued on, its necessary abandonment by us, weakens the whole cause, and renders the opposite view of it more popular with our antagonist, who may thus, with good show of reason, complain of the spirit shown by us towards the fulfilment of the treaty.

The United States have a very convenient mode of negotiating with a foreign power. If it is any object which they claim—the indemnification by France, for a recent instance—they are unanimous; their national honour is touched; but, when they are asked to yield, then we hear of "State rights;" "You must understand our Constitution;" We "do insist that no power is granted by the Constitution of the United States to limit or change the boundary of a State or cede part of its territory without its consent."

The General Government calls these "constitutional difficulties insuperable," and the individual State "never will concede the principle that its territory can be transferred;" will allow of no award, and declares for the whole claim and no modification of it.

With the bravado of any seperate State, the British Government have nothing to do; it may, however, be considered as a species of feeler, which can be disclaimed, according to circumstances, by the General Government.

"The conduct of the Americans," says Captain Yule, "forms a striking contrast with the frank and friendly spirit evinced by the British Government in their various negociations."

"After the award of the King of Holland, in 1831, we did not cease, during a period of three years, to express our readiness to abide by it, notwithstanding its very disadvantageous nature to us, although the Americans at once showed a disposition not to do the same.

At length, seeing the inutility of waiting until the United States would become actuated by a like conciliating spirit, we reluctantly abandoned the hope of having this question terminated, as of right it ought to have been, as the result of the meditation of the King of Holland.

With respect to the territory itself, its possession is to be regarded in several points of view; either as a means of attack and defence; as a matter of national honour; or one of mere marketable value.

It is obvious that any war carried on in North America, must be purely defensive on our side, and while we should be weakened by the loss of this ground, the position of the United States would not, by possessing it, be affected as to the power of defence, but would be greatly enhanced in its means of attack.

As to the point of national honour, neither party is touched; it has been hitherto treated only as a matter of local interest.

Whatever confidence we may have in the justice of our claim, yet since it has so long been considered as a matter of doubt and negotiation, which never would have been the case had we known the country, as it was our bounden duty to do, and schemes of enterprise having been directed towards this territory south of the river St. John, more by the American people than by us, it has been suggested, in order to assist the General Government of the United States, to idemnify the State of Maine for the loss of that which was looked upon as a mere than prospective gain, and which (however in a public point of view unfounded) may be so considered, with respect to individuals—that a sum of money amounting to the value of land in the adjoining part of the State of Maine at this time, should be advanced, for the purpose of contributing towards the purchase of lands for that State in the Western Territory.

It has been asserted, by high authority in the United States, that the territory in dispute is of no use to them. As a mere matter of opinion, from such a quarter, it is of importance.

But it is of value to us.

Where, then, would be the spirit of the treaty inculcating it, as the duty of the two countries, to establish such an intercourse as may secure to both perpetual peace and harmony? Would it be shown in their insisting on acquiring a tract of country which has always been under British jurisdiction? And in retaining which, we are entitled to consider ourselves secure from the posibility of imputation of being influenced merely "by a desire to acquire territory;" the belief of which, however, is disclaimed by the United States Government—(Mr. Forsyth's letter to Mr. Bankhead, Washington, Feb. 29, 1836.)—the said tract affording to the United States no additional defence in war, the yielding the claim to which affects no national feelings; while, on the other hand, their possession of it would cut off the intercourse between our Colonies during peace—in war, would deprive us barely of the means of defence, but none of attack.

On our side, the object is peaceable; it is security against attack, which every nation has a right to insist on in its negociations during peace; on the other side, the object of its possession by the United States is hostile, ambitious—holding over us the power, not merely to invade, but to stop our intercourse with the Canadas, at the very commencement of hostilities, before they might be even known in England."

A sketch of the disputed territory, as well as those points which have already been yielded, is supplied by Captain Yule, which will be found an useful adjunct to his remarks. His pamphlet contains the most concise and intelligent view of his important question which has yet fallen under our notice; and we sincerely trust that his suggestions will meet with the attention to which they are entitled.—*United Service Gazette.*

Troubles in Havana and Porto Rico.—The steam ship Natchez having been detained at Key West for want of fuel, a schooner was despatched to Havana to procure a supply of coal. The officer sent in command of the schooner stated, on his return to Key West, that there had been some serious disturbances among the troops at Havana. The circumstances and particulars had been kept a secret as far as possible, by the public authorities, so that nothing certain had transpired as to the cause or origin of the affair.

This much is ascertained; that a conspiracy was detected among the troops and officers of several regiments garrisoning the Moro Castle, through the treachery of one of the individuals implicated. They were, it was supposed, dissatisfied with the removal of Gen. Tacon; but this is all conjecture. The discovery of the treason led to the most vigorous measures, on the part of the new Governor, Espleta, to crush it in the bud. The gates were immediately shut upon the regiments in their barracks, and the fort which they garrisoned converted into their prison. Eighty of the ringleaders were seized and executed on the spot, and as many more detained under arrest, awaiting a confirmation of their guilt. From the frequent and heavy firing heard from the Fort, it was supposed that a severe conflict took place between the conspirators and the Government force. In Havana, the disturbance produced among the inhabitants great agitation and excitement, heightened by the mystery with which it was shrouded. On the departure of the schooner all was quiet; the insurrection having been effectually put down by the energy and promptitude of Gov. Espeleta.—*New Orleans Bulletin.*

From the New Orleans Com. Bulletin, Aug. 10.

The Conspiracy at Havana.—A letter received by a commercial house in this city from a correspondent at Havana, confirms the account published in the Bulletin of yesterday. The writer says that a Carlist conspiracy had been detected among some of the regiments stationed at Havana, and many arrests and executions had taken place. From this it would seem that we were mistaken as to the cause of the revolt, as originating in dissatisfaction with the removal of Gen. Tacon. The object of the conspirators was to wrest the Government of Cuba from the Queen, and place it in the hands of Don Carlos.

Disastrous Fire at Bangor.—We received by steamboat, this morning, the following letter:—"Bangor Whig Office, Sunday Eve, Aug. 19. I have just time to say to you that our city was visited this morning, about 2 o'clock, by a most destructive fire. It took on Wall-street, in a building occupied by Nathaniel Johnson, copper-smith, and Henry Call, tinplate worker. It was not discovered until the roof of the building fell in; and the fire had then made such headway, that before the Fire Department could make the necessary preparations to play upon it, the buildings adjoining, being of wood, were all in flames, and five of them on Wall-street were destroyed. In rear of these buildings in a block of brick stores, (the upper stories occupied as dwellings) which front on Main-street. The flames extended to the roof of these, and so difficult was it to bring the engines to play upon the roof, that three of these tenements were destroyed before the flames could be got under. I have endeavoured to ascertain the names of the sufferers, and the following particulars are the result of my inquiries:—

On Wall-street: Henry Call, tin-plate worker. He lost his entire stock, which, including the building, amounted to from 2000 to $2500—no insurance. Nathaniel Johnson, copper-smith, lost his entire stock, valued at $1000—no insurance. Charles K. Rice, baker: loss $200; building owned by Richard Treat, valued at 800 to $1000—no insurance. Andrew Smyth, variety store, lost in stock $1500—no insurance. J. M. Prince, store in the same block with Andrew Smyth. His goods were principally removed. The building was owned by Mr. Prince; loss $3000—no insurance. Mr. McKenney, dwelling-house owned by Mr. Symth, valued at $150.

On Main-street: There were three tenements in the Arcade buildings, valued at $12,000. One owned by Benjamin Richards, insured for $1700, and occupied by Albert Noyes, stove dealer; he lost in goods that could not be removed, about $1000. Mrs. Newhall, milliner, occupied two chambers over Mr. Noyes's store—stock saved. One tenement, owned and occupied by Isaac Dennison, for a dwelling and dry goods store, was insured for $3000; his goods and furniture were saved without material injury. One tenement, unoccupied, owned by the heirs of the estate of the late George Starret—no insurance. Some furniture, owned by Dr. S. B. Straw, now absent from the city, stored in this building, amounting to about $300, was saved."—*Boston Courier.*

Communications.

[FOR THE CHRONICLE.]

KING'S COLLEGE AND THE BAPTIST SEMINARY.

In my last communication, I brought down the history of King's College, to the end of the session of 1826: in the succeeding session, Sir Howard Douglas sent down to the Assembly by Message, dated March 6, 1827, a report from the Governor and Trustees "of the College of New-Brunswick, 'of the contract entered into, by them, for the erection of a College Building." This report, on motion of Mr. Parker, was referred to a Select Committee; and Mr. Parker, Mr. Simonds and Mr. Johnston were the Committee. In their report submitted, March 15, they gave an account of the proceedings of the College Board, with reference to the plan and probable cost of the building; and concluded with the following paragraph.—"The Committee viewing this, as an object of the utmost 'importance, to the present, and future interests of 'the country; and considering, that the liberality 'of Her Majesty's Government, has been evinced, 'in a very extraordinary degree, not only in the 'sums granted for the erection and endowment of 'the College; *but also in the promise of peculiar and 'important privileges, to be secured by Royal Charter;* '(which has been obtained, through the paternal 'care, and unremitting exertions of His Excellency 'the Lieutenant Governor;) think it material for 'the House to consider, whether, in order *to secure 'these great advantages*, it will not be advisable to 'increase the sum at first proposed for the buildings. 'The additional sum will be £2,300." In Committee of Supply on the 16th, £2,500 was granted to the Lieut. Governor, towards the erection of the College: and when that Committee had risen, Mr. Parker moved a resolution, *which like all others passed unanimously.*—"It appearing expedient, under 'the particular circumstances of the case, that the 'public should make provision, for the additional 'sum required: thereupon resolved, that this house 'will make provision for the said sum."

All the proceedings up to this period were adopted, antecedent to the publication of the Charter.—On 27th March, 1828, Sir Howard Douglas sent down to both Houses, by Message, a "copy of the 'Charter received by the last Mail from England, 'for the College of New-Brunswick. The House 'will perceive, he says, that the pledge of a Charter 'by which no religious tests should be required of 'students, either on matriculation, or admission to 'degrees is fully redeemed: and he trusts that a 'foundation is thus laid, which, under the gracious 'patronage of our beloved Sovereign, and the fostering care of the Legislature of the Province, 'will prove a source of great, and permanent benefit to New-Brunswick." The only notice taken of this Message was, that the Assembly, the next day *unanimously* granted the usual annual sums of £250 and £75, together with the additional sum of £2,300 required for the buildings, "for which the House stood pledged by former resolves."

Now here it is worthy of remark, although the Assembly sat *seven days* after the receipt of the copy of the Charter, that during that period, with the document lying upon the table, not one word of dissatisfaction, with any one of its provisions, was expressed by any one of the members,—yet five Presbyterians were members of the House, and the whole number of dissenters was at least a dozen. And it is equally worthy of remark, although the Charter was printed and extensively circulated that neither at that time, nor during the subsequent session, before the Charter was accepted, did the Church of Scotland, or either of the other dissenting denominations offer the slightest objection to it, in any of its parts. Objections were, however, made to the acceptance of the Charter, in consequence of some of its provisions; but these objections, strange to say, came from the very persons who are now charged by Q. Luther and others, with *bigotry, intolerance, narrowness of mind and bitterness of spirit,*—because they are determined to uphold an Institution, the constitution of which was forced upon them, by the Liberals of that day, with the passive concurrence of the dissenters. It is unnecessary to state the grounds of all their objections; and equally so to mention all their names It will suffice to name the Bishop of Nova-Scotia, who wished for an incorporation of the College with that at Windsor: the late Archdeacon Best, who objected to the annexation of the office of President, to that of Archdeacon of the Province: and Chief Justice Chipman, who disapproved of the Professors being members of the Council, and was desirous of having the Charter more liberal in some few respects, than it is, although the liberals and dissenters themselves, were perfectly contented with it. So much for *Church bigotry!!*

The Session of 1828—29 commenced Dec. 9—Sir Howard Douglas in his speech called particular attention to the Grammar Schools, and that part of his speech was referred to a Committee, consisting of Mr. Parker, Mr. Chandler, Mr. Miles, Mr. Crane and Mr. Campbell. The Committee report Jan. 9: but on the last day of the year, the House adjourned over New Year's day, that they might, in a body, attend the ceremonial of the inauguration of the College, and acceptance of the Charter. The members of the Council who accepted the Charter, were Sir Howard Douglas, Chancellor; Chief Justice Saunders, Mr. Speaker Simonds, Mr. Attorney General Peters, Mr. Solicitor General Parker, and Mr. Secretary Odell. The Archdeacon, Mr. Justice Botsford and Mr. Justice Chipman were absent.

The report of the Education Committee was chiefly taken up with the County Grammar schools; and expressed the opinion, that the sums provided by law, were larger than the circumstances of the country, and state of the revenue would admit, and recommended a reduction. Mr. Parker, as soon as the report was accepted, brought in a "Bill for the Endowment of King's College;" and another in "amendment of the several Acts for establishing Grammar Schools." They were both read a second time the next day; and on the 12th, an order passed for referring the College Bill, to a Committee of the whole, on the morrow; this order was however repeatedly discharged, but the School Bill was agreed to in Committee of the whole on the 17th."

On Jan 16th, on motion of Mr. Colin Campbell, the following resolution passed unanimously—"Whereas doubts have arisen, as to the true meaning of that part of the Charter of King's College, which relates to the qualifications of professors of the said College: and whereas, it is highly desirable that all doubts respecting the same, should be removed—Therefore resolved, that an humble address be presented to His Excellency the Lieutenant Governor, praying, that he will be pleased to make known to this House, whether the College Council are of opinion, that persons, other than members of the Church of England are eligible, by virtue of the said Charter, to be professors in the said College; and also, whether permanent situations, with the accustomed honors and emoluments, are, by construction of the said Charter, to be conferred on persons other than of the Established Church of England and Ireland."

The Governor on the 19th, sent by message, the answer of the Council, viz. the "College Council have no hesitation in expressing their unanimous opinion, that, by the terms of the Charter, any persons of suitable character and qualifications, are eligible to the office of Professors in the college, whatever may be their religious tenets or professions; and that, all the honors and advantages to be conferred by the college, under the charter, are open to persons of every religious persuasion, as fully and freely as to members of the Church of England, *with the single exception of the Degrees in Divinity*, signed John Saunders, Charles Simonds, Robert Parker, W. F. Odell."

On the 21st, Mr. Taylor moved, that, as it was expedient, that the House should be informed, as to the yearly increase of the College previous to the endowment of it, the Lieutenant Governor be addressed for such information. This information having been furnished, the Endowment Bill was agreed to in Committee, and the report accepted on the 23d: Yeas. Messrs. Simonds, Parker, Crane, Chuch, Partelow, Ward, Weldon, Barlow, Taylor, Ketchum, M'Kay, Hayward, Wyer, Campbell, Allan, Miles. Nays. Messrs. Humbert, Palmer, Harrison, Gilbert, Scott, Freeze, Rankin, Munro, Dow.

But though the Endowment Bill was then agreed to in committee, the passing of it was delayed, by the opposition made in the Legislative council to the Grammar School Bill, who threw out two bills, sent up to them for concurrence. On the 6th Feb. an entry in their Journals was read in the House, to the effect, that being of opinion, that the provision for the Grammar Schools was too large, they would "at all times be ready to concur in a Bill, to introduce retrenchment, *provided such Bill is perpetual.*" The Endowment Bill on motion of Mr. Chandler was recommitted the next day; and the Grammar School bill incorporated in it. It finally passed Feb. 7, the Nays being Mr. Harrison, Rankin, Munro, Dow, Freeze, with Mr. Ketchum & Wyer, who had both voted for the acceptance of the report, when first committed.

It should also be noticed, that a petition was presented from Messrs. James Taylor, senr. & Co. and William Cross, for remuneration for losses incurred in building the College, and £1000 was granted them, the division being 18 to 6. The Yeas on the first division for giving them £1500, being Mr. Simonds, M'Kay, Ketchum, Hayward, Miles, Allen, Cunard, Rankin, Wyer, Munro, Dow, Campbell and Clarke.

The account of the proceedings of this Session may be closed, with an extract from an address to the Lieutenant Governor, on his departure "unanimously agreed to by the House." In which they say,—"To the persevering exertions of Your Excellency, we are indebted for the establishment of 'an University, upon such *enlightened principles*, as 'cannot fail to make it eminently useful in promoting Literature, so conducive to the happiness of 'mankind."

In the course of this year, the Rev. Dr. Jacob who had been selected for the office, arrived from England, and assumed the duties of Vice President of the College. This event is thus alluded to, by Mr. President Black, in his speech to the Legislature, at the opening of the Session of 1830. "I am happy to acquaint you, that some time ago I had the peculiar gratification to see opened for instruction, 'on its new and liberal foundation, that noble institution, King's College. From the eminent and 'sterling abilities of its accomplished Principal, and 'the other learned Professors, with the auspicious 'number of students already under their charge, 'that important *Colonial* object, I feel confident, 'will, with the Divine blessing, in due time realize 'the good and salutary purposes of its establishment, to the fullest expectation of its warmest advocates, and reflect great and imperishable honor 'on the Legislature of New-Brunswick, which, I 'am sure, will vouchsafe to it, and our other seminaries of Education, the cordial continuance of 'their fostering care and patronage." The reply of the Assembly was—"It is our earnest hope, that 'the wishes and expectations of your Honor and 'the Country, with regard to King's College may, 'to the fullest extent, be realized. The auspicious 'commencement of its operations, under the able 'direction of the Vice President, aided by the zeal 'and ability of the other Professors, leaves no room 'to apprehend any impediments to the successful 'progress of that *noble Institution.* This and all our 'other Institutions of Education shall have our anxious and unremitted attention."

This will be a convenient place for another break in the history of King's College, I shall, therefore instead of proceeding, refer to what has been stated already. It will be seen that the College, was the child of the Assembly: the project of a Royal charter was started by them, and every preliminary arrangement made by them, and the whole credit of it belongs to them; and that throughout, the Legislative Council was entirely passive, concurring in every measure of the Assembly, without even the formality of a debate, requiring nothing, but that the acts repealing the *perpetual* acts for establishing Grammar Schools, should itself be perpetual. This is a most important point, and serves to place the subsequent extraordinary conduct of the leaders of the Assembly, particularly that of Mr. C. Simonds, in a most odious light. It will also be seen, that not one step was taken by the College council, in the erection of the buildings, without the previous consent and approbation of the Assembly—the plan and estimate, and the tenders having been submitted to their consideration; and that in the acceptance of the charter the Assembly concurred, attending the ceremonial in a body, and their Speaker being a member of the Council, as their representative.

(*To be continued.*)

R.

THE CHRONICLE.

ST. JOHN, AUGUST 31, 1838.

North Eastern Boundary.—If reports in some of the American papers be correct, the Surveyors will commence, To-morrow, September 1st, running the Boundary Line, agreeable to their definition of the Treaty of 1783.—Other American papers state, that the state of Maine Commissioners, are already running the Boundary Line and will have expended their appropriation about the 1st of September. Whichever report shall prove correct, we hope, that John Bull will not *again* be found asleep, but that some of his *special commissioners* will also be found fully prepared to run a contrary Line, as long as appropriations can be found to support them.

We this day publish Letter No. 2. addressed to Lord Brougham, by a *British Subject*, the writer of these letters, is *Sir Francis Bond Head*, a name which will be ever endeared in British North America. We earnestly recommend these excellent letters to the perusal of every British Colonist.

Theatre.—"The Merchant of Venice," with the Farce of the "Highland Boy," performed for Miss Angelica's Benefit on Friday last, drew a fashionable and crowded audience, and the performances gave great satisfaction.

Maturin's celebrated Tragedy of "Bertram," was performed on Monday for the first time, the bursts of applause, so repeatedly given by the audience, we think would fully warrant a repetition of this most excellent Tragedy. Mr. Harrison as *Bertram*, performed the character in a masterly manner, and Mrs. Harrison as *Imogine*, though unsupported by *Clotilda*, was every thing that could be desired. Mrs. Tessier, was announced in the Bills of the day, to perform *Clotilda*, but through some factious or capricious conduct on the part of the lady, she did not make her appearance, which consequently threw a heavy and greater task on Mrs. Harrison. We hope that the public, will not be again so trifled with, when Performers names are announced in the Bills, they ought invariably to make their appearance on the Stage, unless prevented by ill health. Petty jealousies or disputes one with another, can form no excuse for public disappointment.

Shakespear's celebrated Play, "Macbeth," was performed on Tuesday for Mrs. Anderson's Benefit, Mr. Harrison did ample justice to the character as *Macbeth*; Mrs. Anderson sustained her part well, and was loudly applauded in her character of *Lady Macbeth*. In the Farce of the "Lottery Ticket," Miss Angelica as *Susan*, was rapturously applauded, and Messrs. Bellamy and Nickinson, in the characters of *Wormwood* and *Capias*, kept the audience (as usual) in highly exhilarated spirits.

Mr. Raffile's Benefit took place on Wednesday, when "Othello" and "Black Eyed Susan" were performed for the second time, the performances went off well, and the audience appeared highly pleased.

Mr. Bellamy's Benefit takes place this evening, the pieces selected, are the Irish Melo Drama of "Brian Borhoime," and the Farce of "Teddy the Tiler." From the general satisfaction, expressed on all occasions, of the performances of Mr. Bellamy, as a good actor, we anticipate a *Bumper*. The pieces chozen are such, as cannot fail to produce a mirthful hour, and we think that the public will agree with us, when we say that Mr. Bellamy well deserves a full house.

Mr. Harrison's Benefit will take place on Monday evening next, on which occasion, Col. Goldie has given special permission for the attendance of the Band of the gallant 11th regiment. Mr. Harrison's excellent performances, and superior talents having gained him the applause of the community, we think, there can be no doubt, of a full and fashionable audience on Monday evening.

Another Fish Affair.—The schr. Tusket Lady, Capt. Sullivan, last Monday fell in with a large black Whale, apparently not long dead, which she towed into the Tuskets. Capt. S. expects to get about fifty barrels of oil out of the carcase.—*Yarmouth Herald.*

The N. E. Boundary.—Governor Kent of Maine, with Gen. Wool and Major Graham of the Engineer Department, have fixed sites for fortifications on the Eastern frontier and at the mouths of the Penobscot and Kennebec—as if the north-eastern boundary question might become quite serious yet. The Main commissioners are, it seems, now running the north-eastern boundary line, and will expend the present appropriation about the 1st of September.—*Philadelphia Weekly Messenger.*

Mr. Foulis repeated his Introductory Lecture to a course of Chymistry on Monday, to a highly respectable audience. We understand that the Chief Justice, who was present, expressed great approbation, and at the conclusion complimented Mr. F. on his adroitness in performing the various interesting experiments. We sincerely hope that this useful Institution may flourish.—*Observer.*

A labouring man named Edward Toole, while returning to his dwelling in Duke street, on Monday evening, was struck by some person on the forehead over the left eye, with a stick, and the bone fractured. He lies in a precarious situation, though his life is not yet despaired of. The person who gave the blow has not yet been taken.—*Ib.*

On Thursday morning, a Coroner's Inquest was held on view of the body of Benjamin Roberts, late mate of the brigantine *Napoleon*, from Philadelphia, whose death was caused by accidentally falling from the foot rope of the fore yard in attempting to get on board of that vessel at low tide last evening.—Verdict accordingly.

An Inquest was held at Partridge Island on the 15th instant, on the body of Thomas Evans, who had been knocked overboard from the schr. Victory on the 5th June last, by the foresail. Verdict accordingly.

Launched, on Saturday, from the Building yard of Messrs. C. & S. Smith, a copper-fastened Ship, 565 Tons old measurement, called the "*Gleneagles*" owned by Hugh Doherty, Esq. of this City. She is built on the same model of the *Strathaine*, launched by them last year. All who have inspected her, agree in the opinion that she is the stoutest and best finished ship ever turned out of these Provinces. We had with pleasure the progressive improvement in the model and finish of our vessels, and feel satisfied that it wants only a few such examples to prove to British ship owners that in Marine architecture we can successfully compete with the best efforts of our American neighbours. Another advantage to be obtained by aiming at superior strength and fastenings in our ships, is the more favourable position which, if properly represented, they will be entitled to on Lloyd's List. The *Strathaine* was placed on letter A. I. for seven years; a period, we believe, never before accorded to any vessel built in British America. It is to be regretted that some authorised agent of Lloyd's is not resident here, who might inspect vessels in frame, and thus assure them of the qualification to which their build might entitle them.—*Communicated.*

The trial of Capt. Longmire, accused of murdering Smith, late cook of the Brig Clara, on the high seas, came on in the Court of Vice Admiralty, specially convened for that purpose, last Wednesday. We were unable to attend, but understand that after a fair hearing of the accusation and defence, the jury left the box and returned in a few moments unanimously pronouncing Capt. Longmire *not guilty*. He was therefore immediately acquitted.—*Acadian Recorder.*

Liverpool, July 20.—"Canada produce has not improved since our last report. Timber is heavy.

West India produce is on the decline. The sales to-day were heavy. The Stocks are increasing.

Our Grain markets are looking firm, notwithstanding we have had beautiful weather for the crops, which it is expected will prove below an average.

British North America Bank Shares are at 2 1-2 per cent. premium"—*Quebec Gazette correspondent.*

Lewiston, Aug. 15, 1838.—*The Short Hills Convicts.*—It may be a matter of interest to your readers to be informed of the fate of the sixteen state convicts, sentenced to be executed on the 25th.

Three of them, Chandler, Watt and McLeod, are to be executed on the 25th agreeably to their sentence.

Eight others, including Miller and other Americans to be transported to some one of the British colonies for life. Three others, to the Penitentiary for three years.

The case of the remaining convict, Waggoner, has not yet been decided—great efforts having been made by his friends to procure his banishment to the States.

The trial of Beamer, who led a body of lancers at the affair of the Short Hills, will come on to-day or to-morrow; and the general belief is that he will be convicted, and sentenced to [illegible]—*Albany Argus.*

Montreal, August 14.—We learn from the *Courier* of this morning, that the *Quotidienne*, one of these mushroom journals which almost daily make their appearance amongst us, has published a statement reflecting upon the conduct of several officers of the 73rd regiment, towards a few Canadians, while on their passage, in the steamboat *Canada*, from Quebec to this city. The statement, as might be expected, proved to be an utterly false one; and has been positively contradicted by Colonel [illegible] of the 73d, in the following letter. We cheerfully to find that means have been taken to trace the author of the infamous libel:—

TO THE EDITOR OF THE MORNING COURIER.

Sir,—Preceiving in a paper published in this city called *La Quotidienne*, of the 11th inst., the motto of which is "*Moralite, Paix, et Bonheur*," a paragraph under the head of "Military Outrages" that reflect upon the character of the Regiment I have the honor to command; I beg you will permit me through the medium of your respectable journal, to contradict most decidedly, (and which I can safely do on the authority of every officer who was on board,) the whole of the statement alluded to, as a contemptible, base, and most calumnious fabrication, which could only have been invented by some vile and mischievous person for the very worst of purposes, that of endeavouring to create a bad feeling between the Canadians and British subjects, at a time when it is desirable for the happiness of the country, that the greatest harmony should subsist.

Measures will be taken to trace the author of the libel; in the meantime, I shall feel obliged by your giving circulation to the contradiction.

I remain, Sir, your most obedient, humble servt.

H. F. Love,

Colonel Commanding 73d Foot.

St. Helens, Aug. 12, 1838.

Quebec, August 17.—Yesterday afternoon their Excellencies Major General Sir Colin Campbell, and Sir Charles A. Fitzroy, Lieutenant Governors of Nova Scotia and Prince Edward Island, arrived in H. M. steamship *Medea*, and landed at the Queen's wharf, under a salute from the Citadel. They were received by a Guard of Honor from