

The Head Quarters.

His abstraction terminated. He resumed; "I served on board his majesty's brig—under Captain—; he was a cruel tyrant, but that is no excuse—he will appear in judgement against me—heaven forgive me!" He trembled as he uttered this. I thought his imagination wandered, and would have terminated his disjointed narrative, but he prayed me to hear the remainder. "O, sir, he dogged me for looking at him—scarcely anything else did I do. I looked at him in a manner which displeased him; he ordered me to have three dozen. I writhed under the bloody throngs—I fainted—I was scolded at—hoisted—O heaven—I—I sought a revenge that a fiend would have shrunk from—I took an augur, bored holes in the pumps first, and then through the ships bottom—Oh, O—!" He fainted.

I moistened his lips, and turned rags under his nostrils. He resuscitated. I entreated him to resume his story, but he replied—"I pray you sir, to hear me, my soul is already much relieved. The ship went down—I did intend to drown with the rest, but love of life was too strong for me. I clung to a hen-coop. I heard some shriek. I heard some struggle. The water gurgled in the throats of some. Oh, sir, I saw some of their looks as they sunk. I saw my comrades that I had murdered. Oh, Heaven, save, save—IT IS HIM! save, save—"he vociferated and swooned.

The captain of whom I have before spoken, had come to my side, when the poor wretch exclaimed, "It is him!"

"Good Heavens!" the captain exclaimed, "It is, it must be Tom Rowler!"

"Do you know him, sir?" I inquired.

"The captain looked at his arm, and seeing the mark which was *tailored*, replied, "O yes, I know him well enough—he was one of my own men."

"Indeed sir!" I replied, "then there are other marks by which he may be identified, and I indignantly showed him the poor fellow's back, he colored—hummed a tune—and tried to assume an air of nonchalance."

"O, he deserved what he got," said he.

"Monster!" I muttered to myself.

"He will be glad enough to see me on terra firma again, I assure you, sir," said he; "poor devil, I thought he had made a shark's supper."

The poor fellow revived, but seemed afraid to open his eyes; he covered them in the palm of his bony hands. I stepped aside from him and asked Captain— if he could account for the foundering of his vessel.

"No!" he replied, with imperturbable coolness, "deuce take me if I can account for it. We found the water making very fast, the pumps would not draw a tea-cup full, it seemed as if some infernal spell had seized the ship. However she went like a pig of Kentledge. *Save qui pet* was the motto of all hands. I got into the launch and was picked up as I have already told you. This poor devil got quakers among the cock and hens, it appears."

I was rejoiced to perceive that he did not know of the atrocious crime which the wretched being before him had committed. I again approached the poor creature, took his hands and asked him if he felt better.

"Yes! yes!" he replied convulsively, as if out of breath with the tumult within him.

Hoy, Rowler!" unfeelingly bawled the captain. The wretched man sprang up from the cot at the sound, opened his eyes, as if frantic, uttered a horrible shriek, and exclaimed, "it is him! save me—save me—" Convolutions seized his whole frame. It was with much difficulty that we held him down to prevent him from destroying himself.

The fit left him in a state of extreme debility delirium and fever ensued; two days after, Death from whom we hoped we had rescued one, with our coffin or shroud, but not without a prayer.

Official Documents.

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 Provisional 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 these 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 apprise me to the death of Mr. Odell, and of the provisional arrangements which you have made for the performance of the duties of these 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, 1839, 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. Read 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 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 former 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 the 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 the same practical decision now announced as to the close of controversy, and to unite in the promotion not of objects of party strife and rivalry, but on 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 selection of that Gentleman would be attended with public advantage.

(Signed) STANLEY.

KING'S COLLEGE.

(copy) 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 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 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 asserted 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 undivided exercise of the Royal Prerogative, but on the authority of the Provincial Act of 1823, (4 Geo. 4 cap. 3) which enables 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 Prerogative, 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 1823, and again in 1824, granted large lands for the support of it, and for the erection of the Buildings; and the College is in the enjoyment of 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 sole source of the Collegiate property. The Legislature, in its present position, is not bound by the terms of the original Charter, but is at liberty to alter it, 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 objectionable, Her Majesty would be advised to assent to it, without raising any objections to that form of proceeding. But it can be conceived, that the changes introduced by it are highly offensive to a considerable class of Her Majesty's subjects in New Brunswick, and that the class so offended are precisely those for whose more essential 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 is far from being a monument but two impressive of the utility 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 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 allow the incapacity of Her Majesty's Executive Government to prescribe their course of Academic 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 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, Literature and in Science, those youths who from their birth, fortune, or their natural talents, are probably destined for the public service as Legislators, Divines, Jurists, or Physicians, 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 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 pre-

valais, 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 favor 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. There object is simply to remain 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 Graduates in Divinity. The Act before me proposes 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 indefinite, is recommended by no reason which I can either discover or conjecture. Whatever opinions may be entertained regarding the Oxford tests 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 in 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 will 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, and 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 back to the Legislative Council and Assembly are willing to concur in the course of proceeding which I have thus pointed out.

I have the honor, &c.

(Signed) STANLEY.

Provincial Parliament.

Legislative Council Chamber.

Tuesday, February 10, 1846.

COUNTY OF ALBERT.

The House went into Committee, on the Bill to amend the Charter of the County of Albert, by Hon. Mr. Botsford in the Chair.

On the reading of the first section of the Bill, which provides for giving one additional Member to the County of Albert, the Hon. Mr. Botsford rose, and observed, that he supposed it was in vain for him to oppose this Bill, but he must say, that he could not feel any satisfaction in what he considered a most unusual proceeding in the Legislature. Last Session a Bill was passed to divide the County of Westmoreland, and to erect the new County of Albert. One Member was then allotted for the representation of the new County of Albert, and the Hon. Mr. Botsford rose, and observed, that he supposed it was in vain for him to oppose this Bill, but he must say, that he could not feel any satisfaction in what he considered a most unusual proceeding in the Legislature. Last Session a Bill was passed to divide the County of Westmoreland, and to erect the new County of Albert. One Member was then allotted for the representation of the new County of Albert, and the Hon. 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