

SECRETARY'S OFFICE,
16th January, 1818.

WHEREAS divers Persons have at different Periods, had allotments of LAND and have neglected to take out their GRANTS for the same as required by the Royal Instructions, notwithstanding the caution given on this subject in a Proclamation dated 24th January, 1815. Such Persons are therefore hereby notified that the LANDS which may have been so allotted to them, are by the Royal Instructions, forfeited, and are open to any new application, although the LANDS in question may have been cultivated or transferred to other Persons.

List of Persons who have forfeited their LANDS in KING'S COUNTY--2d Edition.

NAMES OF APPLICANTS.	DISTRICT.
JOEL DANIEL,	Mill Stream--Sussex.
Samuel Smith,	Hammond River.
John Murray Upham,	do.
Joshua Upham, Esq.	do.
Benjamin Waymouth,	Studholme's Mill Stream.
Nicholas Waymouth,	do.
Mary Upham,	No. 16--E. side Kennebeckasis River.
William Brittain,	N. side Bellisle Bay.
Thomas M'Donald,	Washademoach Road--Head of Bellisle.
Benajah Northrop,	Head of Bellisle Bay.
Charles Robertson,	Hammond River--Quaco Road.
Thomas Green,	do.
Asa Dimork,	do.
Briant Dimork,	do.
Shubal Dimork,	do.
Amos Dimork,	do.
David Brown,	Cumberland Road.
Alexander M'Laughlan,	do.
John Pool,	do.
James Chambers,	do.
James Hamilton,	do.
Oliver English,	Westmorland Road.
Elisha Witter,	Hammond River.
Samuel Sharp the 3d.	Kennebeckasis.
Nathaniel Young,	Sussex Vale.
Stephen Atherton,	do.
Andrew J. Sherwood,	Hammond River.
Richard Best,	Mill Stream--Sussex.
Wm. Best,	do.
Jasper Belding,	do.
Gabriel Fowler,	Hammond River.
Josiah Fowler,	do.
Abraham De Mill,	do.
Henry De Mill,	do.
Thomas De Mill,	do.
Andrew Sproule,	Pattycake Creek.
Thomas Brownwhich,	E. Branch Trout River.
Thomas Green,	Hammond River.
Jacob Fluewelling,	Pattycake Stream.
James Secord,	do.
Elijah Secord,	do.
William M'Kay,	do.
Ralph M. Jarvis,	Road Leading to Hopewell.
William Jarvis,	do.
Edward J. Jarvis,	do.
Adino Paddock, junr.	do.
Thomas Paddock,	do.
Robert Hazen,	do.
Edward G. Lutwyche,	do.
Lewis Bliss,	do.
Benjamin Baxter,	Pattycake Creek.
Robert Kemble,	do.
Robert Kemble, junr.	do.
Isaac Guion,	Rear of Baxter's Grant.
Peter Hurder,	Pascobac Stream.
Philip Hurder,	do.
Ehram Carr,	Studholme's Mill Stream.
Thomas Fayerweather,	do.
Wm. Fayerweather,	do.
Thomas Fayerweather, junr.	do.
Henry Fayerweather,	do.
Charles Fayerweather,	do.
Samuel Fayerweather,	do.
Edwin Fayerweather,	do.
James Fayerweather,	do.
Henry Belding,	Sussex.
Cornelius M'Monagle,	Cedar Camp--Trout River.
John M'Monagle,	do.
Robert M'Monagle,	do.
William Stockton,	Salmon River--Sussex.
William Stewart,	do.
Thomas M'Farlane,	Sussex.
Thomas Murray,	Westfield.
Joseph Bailey,	do.
Peter Connor,	do.
Francis Gilmore,	do.
Hulett Dobbs,	do.
John Manning,	Pennington's Brook.
William Manning,	do.
Samuel Helms,	do.
Thomas M'Kowan,	do.
Richard Martz,	do.

Richard Spragg,	Bellisle Bay.
Samuel Spragg,	do.
Abijah Odell,	do.
David Odell,	do.
Caleb Odell,	do.
Jesse Jones,	Between River St. John and Bellisle Bay.
Daniel Jones,	do.
David Jones,	do.
Edward Jones,	do.
John M'Kowan,	Salmon River--Sussex.
Joseph M'Kowan,	do.
Henry Hayward,	Pennington's Brook.
George Munroe,	do.
Farquhar M'Kenzie,	do.
George Howell,	Cumberland Road.
Felix Ryley,	Ward's Brook, Sussex.
James Barter,	Nerepis Creek.

SAINT JOHN COUNTY--2d Edition.

JAMES M'LEOD,	Rear of the Quaco Grant.
Wm. M'Leod,	do.
Jeremiah Drake,	Musquash.
Gilbert Drake,	do.
Michael Ambrose,	Quaco.
Jonathan Bliss,	Road leading to Hopewell.
Ward Chipman,	do.
Ward Chipman, junr.	do.
Thomas Wetmore,	do.
Harry Peters,	do.
Wm. Tyng Peters,	do.
Munson Jarvis,	do.
Nicholas Roach,	Westmorland Road.
Thomas Roach,	do.
Sarah Ellison, and	do.
Thomas Ellison,	No. 34, near Point Mesparc.
Joseph Blood,	Westmorland Road.
Archibald M'Larren,	do.
Matthew Haywood,	Loch Lomond.
Jonathan Dunham,	do.
Joshua Mercer,	do.
Thomas Boyne,	do.
Joseph J. Scribner,	do.
William Heuett,	do.
William Dunham,	do.
Geo. Kay, junr.	do.
Charles Kennedy,	do.
David Gable, junr.	do.
Jacob Kay,	do.
Thomas M'Cromwell,	do.
David Ansley,	do.
David Vaughan,	Road leading from St. Martin's.
Thomas Havens,	do.

LAW PROCEEDINGS.

CHARLES BURTON WYATT, Esqr.
versus
FRANCIS GORE, Esqr.
(Concluded from our last.)

He was suspended so long ago as the year 1807. It was for His Majesty's Government, upon the representations made to them, to judge whether that suspension was or was not well founded. From that time to this nothing has been done for restoring Mr. Wyatt; on the contrary instead of being suspended, which was the only act Governor Gore did, he has in effect been removed by the appointment here of a successor. Therefore it stands, that Mr. Wyatt never has been restored to his office; that it was opened to him to make any representation that he pleased to the Secretary of State, no one can doubt; and if he had any thing to charge against Lieutenant-Governor Gore, for his conduct in suspending him, it was open to him to lay that charge before the Secretary of State; if there is any such we must suppose he has advanced it, but the result is, that Mr. Wyatt remains suspended and ultimately removed, and that Lieutenant-Governor Gore is sent back to his office. Now, from these circumstances we cannot collect, that Lieutenant-Governor Gore, in suspending Mr. Wyatt, acted from any malicious motives, for if he had, one should have expected, that on investigation, he would have been sent back to his office, and not Lieutenant Governor Gore to the Government where he had so misconducted himself.

Gentlemen, I stated while the Counsel for the Plaintiff was opening his case, and in answer to enquiries he evidently meant to make in the progress of his address to you, what it was incumbent on him to prove, in order to support the first charge in this declaration. Upon the second charge he admits, that he has no evidence, namely, that misrepresentations were sent over by Lieutenant-Governor Gore to the Secretary of State, to prevent his being restored again after his suspension, therefore of that you will discharge your minds altogether. The charge upon this part of the case rests entirely upon that which he brought forward in the front of his statement, namely, that Lieutenant Governor Gore suspended him originally from malicious motives. I have observed to you what is to be inferred from the result. It lies upon the Plaintiff, as I stated to the Counsel in the progress of the cause, in order to support any charge of this sort, against a person acting in a situation in which the Lieutenant-Governor acted, to prove positive and actual malice; you cannot call upon him to go into a defence of his conduct; he must be supposed to have acted conscientiously, until the contrary is proved. There may be cases in which an action might be maintained against a Governor, for suspending an inferior

officer, but not only because the Governor did not, in a court of justice, lay before the public the grounds upon which he acted. The sort of case which will authorize such an officer to maintain an action against the person who removed him, must be a case resting on positive proof of malice, such as was opened by my learned Brother to whom the interests of the Plaintiff in this case are committed. Evidence of declaration, that he would, right or wrong, remove this man from his office, and if any such declarations, previous to his dismissal, had been proved upon Lieutenant-Governor Gore; or if any declarations of his, subsequent to the suspension, of his having acted from such motives, had been proved, then this part of the charge against him might unquestionably have been supported; but without any evidence of that sort, without something that fixes positive malice upon him, the action cannot be supported, and in this case I find no proof of that sort.

If you should think that there is no proof in the case of actual malice against Governor Gore, that disposes of the first charge that was opened by thy brother Best, in behalf of Mr. Wyatt.

With respect to the second charge, it is not pretended that any evidence in the case applies to it.

We come then to the third charge, the charge of having published this pamphlet itself which was unquestionably an offence against the law; was an act against which Lieutenant-Governor Gore, who did publish it in the manner stated to you, cannot certainly defend himself in a Court of Justice. I cannot therefore state to you that there is any doubt in the case, but that the Plaintiff on the last charge, the charge for publishing this as a libellous paper, is entitled to your verdict.

Upon the first charge you have heard the observations I have made, and you will consider whether you think that there is any actual malice in the act of suspension proved against the Defendant. If you think there is not you will find a verdict upon that for the defendant; if you think there is, you will find upon that for the plaintiff. With regard to the second charge, it is deserted. With respect to the third, the Plaintiff has made out his case fully, so as to entitle him to a verdict; and it is for you to say what damages he is entitled to for that publication, which has been proved.

The Damages were laid at £26,000. The Jury withdrew, and returned in a quarter of an hour, finding a verdict for the Plaintiff. Damages £300.

Lord Chief-Justice GIBBS. "Upon which count do you find for the Plaintiff?"—Foreman of the Jury. "On the third count."—Lord Chief-Justice Gibbs. "For the Libel?"—Foreman. "Yes my Lord."—Lord Chief-Justice Gibbs. "That is on the fifth count."

BOSTON, FEB. 26.

NAVIGATION ACT.

The bill reported by Mr. Forsyth, in Congress, and called "A Bill supplementary to the Act regulating duties on Import and Tonnage, &c." appears to be a literal transcript of the Bill reported last year for countervailing the British colonial policy, a subject of deep interest, and calculated to excite an animated debate; and though nothing was done with the bill last session, it is evident that the leisure of Congress at present will be favourable to a full consideration of the merits of the case, and something definite may be done on the subject. It is certainly an object of great moment to this Country that our navigation should possess every facility that Congress can possibly give it by every prudent effort, to relieve it from any shackles growing out of our late treaty.

The convention of commerce between the United States and Great-Britain had two important objects in view; the one was to equalize the tonnage of each in each other's ports, and the second to place the cargoes of each on the same footing. But it was stipulated, by an express clause, that nothing should be construed so as to affect the intercourse between us and the West-India Islands, and other British Provinces. It certainly will be conceded, that a nation is bound to protect its colonies by securing to those colonies (if possible the exclusive advantages of trade. If we are affected by these regulations we are required to adopt such countervailing measures as may affect our object in the fullest extent; and Great Britain, refusing to modify her regulations relating to the colonial trade, has frankly stated, that no objections will be made to any countervailing steps which we may take. With this friendly understanding we are called upon to examine the ground, and ascertain what steps we can pursue to give our tonnage a fair portion of this trade, what measures can be safely adopted which may hold forth a prospect of permanency, for coercive measures may fail, but the harmony between the two countries be not thereby impaired, and we should not fail in anything if it can be prevented. Great Britain excludes our vessels from trading with her colonies, but we receive in her vessels the produce which we may require, and export through the same medium the articles most in demand, and which constitute no inconsiderable portion of our agricultural products. Thus, though our navigation may suffer, our commerce is benefited; and if we can benefit our navigation without sacrificing our commerce, we are bound to do so; nay, if it can be shown that our navigation may be benefited even by a loss of a portion of this commerce, the risk is worth the trial. Suppose we say that no article from the British colonies shall be permitted to enter the United States, unless under our flag, what shall we lose by it? Here we come to the question at once. We import coffee, sugar and rum. Can these articles be had in any ports in the West Indies not under British jurisdiction? we think they can, and not only in quan-