

be the discharge of the duty he owed to the superior government which sent him there; no action lies against him. Gentlemen, no man would accept the situation of Governor of any province, if he was to be made answerable, either in an action, or in a criminal proceeding for that which he did *bona fide*; though therefore, I should prove that the Plaintiff was suspended by the act of the Governor, yet, Gentlemen, I admit, unless I can go farther, and satisfy you that the Governor suspended the Plaintiff, knowing at the time he had no cause for suspending the Plaintiff, and that he did it from motives of malice against the Plaintiff, I cannot, upon this part of the charge, ask for your verdict; it is for me to make out, not merely the suspension, but the want of probable cause for that suspension, and the malice operating upon the mind of the Defendant, suspending and inducing him to cause that suspension to be made."

EVIDENCE FOR THE PLAINTIFF.
William Firth, Esquire, sworn.—Examined by Mr. Serjeant Pell.

You were some time since Attorney General of Upper Canada?—I was.
Governor Gore was the acting Governor there?—He was.

Lord Chief Justice GIBBS. Nothing that passed between you and him upon private communication from him to you ought to be disclosed; you must feel that yourself, from the situation in which you stood, because there must be much of communication between the Governor and the Attorney-General, and nothing that passed officially between them ought to be communicated.

Mr. Serjeant BEST. I should not wish and I am sure my Learned Friend still less, to ask any question as to any prosecution which the Governor proposed, but any loose conversation I should submit would be evidence.

Lord Chief Justice GIBBS. I have learned and you may learn hereafter, there is much communication, not immediately for the purpose of giving a direct opinion upon any subject, but such communication passes between the officers of Government and the Attorney General for their guidance which ought not to be divulged.

Mr. Serjeant BEST. If it was for the purpose of any proceeding it ought not to be divulged.

Lord Chief Justice GIBBS. Without being for that purpose, communications which pass between them, because the one is Governor and the other Attorney-General, ought not certainly to be disclosed.

[The witness produced a pamphlet.]
Mr. Serjeant PELL. Was that Book delivered to you by Lieutenant Governor Gore?—It was.

Tell me as nearly as you can what passed between the Defendant and you at that time upon this subject?—I do not recollect particularly.

Lord Chief Justice GIBBS. I ought, on account of the witness, to point out to him what his situation is; you see he is the Attorney-General. I do not mean in strictness of Lieutenant-Governor Gore; but Lieutenant Governor Gore represents His Majesty there, and in the same degree of confidence with Governor Gore is the Attorney General there, that the Attorney-General in this country stands to His Majesty and His Ministers; and it is in the course of that confidence that these communications took place. I feel this very strongly; such offices cannot be executed, if the private communications between those who execute them are to be dissolved.

Mr. Serjeant PELL. My question rather confined itself to that book which is given in evidence.

Lord Chief Justice GIBBS. And he says he has no recollection of any conversation previous to that book being given to him.

Mr. Serjeant PELL. I am satisfied.
And if I had it would fall under the head of confidential communication.

Lord Chief Justice GIBBS. Then it ought not to be stated; confidential communications between the Governor of the Province, and the Attorney-General, who is the only person upon whom he can lean there, ought not to be disclosed.

The Plaintiff fully proved the publication by Governor Gore, of the libel charged, and not being allowed to go into proof, of Governor Gore's having written letters to the Colonial Department to prevent his re-

stitution to office, and finding a Governor was not answerable in a Court of Law for suspending, unless actual malice be proved. The prosecution here closed. The following is part of the

SUMMING UP.

Lord Chief Justice GIBBS.—“Gent. of the Jury,
“This is an Action by Mr. Wyatt, who was Surveyor-General in the Province of Canada (which, as it appears, was an office held at will by him), against Lieutenant-Governor Gore, for having originally, from malicious motives, suspended him from that office. For having afterwards from malicious motives, misrepresented the truth to the Secretary of State, in order to prevent him from being restored; and for having likewise published a malicious and defamatory libel against Mr. Wyatt. It turns out most unfortunately for the public, and for those who were administering the affairs of the public, that the Province of Upper Canada was in a very troubled and confused state; that those who, at a distance from the mother country, filled high offices there, and ought to have had no object in view but the advancement of the interest of the community at large were quarrelling among themselves, and that the population of the district was torn to pieces by dissensions of this description. Mr. Wyatt had been Surveyor-General, I know not for how long, for some years I think. In 1807 he was suspended from that office by Lieutenant Governor Gore. Now Lieut. Governor Gore had a right to suspend an officer who held his office at will, and he had a right to suspend him without being answerable for the motives on which he acted, for if you make an officer in that situation answerable for the grounds on which he acts in this way, that is, to be questioned by the persons whom he suspends, and to go into proof in a court of justice of the evidence before him, and the grounds which actuated his conduct, it would be utterly impossible that any office of the sort could be executed by any person with security to the interests of the public. (Residue in our next.)”

FREDERICTON, (N. B.)
31ST MARCH, 1818.

MONUMENT TO THE PRINCESS CHARLOTTE.

A general subscription has been commenced in England for a monument to the memory of the late Princess Charlotte. It is intended to raise a Cenotaph on some public spot, which will consist of a Temple of the purest Architecture, to contain a Statue of the deceased Princess, in Parian Marble, with a surrounding Monumental Group. The subscription is under the patronage of the Duchess of York. A large sum has been already obtained—yet no one is allowed to subscribe more than one guinea—and the smallest sum is received—2s. and 3s. are against some names. Many columns of subscribers' names have been published. *Bos. Paper.*

From the Halifax W. Chronicle.
Arrived, Sunday, Grace packet, Capt. Vivian, 5 days from New York.

The Grace packet brought New York papers to the 9th instant.

Accounts from Gibraltar to the 1st January, state that the *Plague* still continued its dreadful ravages on the coast of Algiers, from Bona to within a few leagues of Oran. It was said that the new Dey had already become unpopular with the Janissaries, and had found it necessary to withdraw to the citadel of Caspa for safety. The squadron which put to sea on the 28th of September, with the *Plague* on board, returned to Algiers on the 19th of November; and the ships were instantly un-rigged and laid up.

Ferdinando VII. has just published a decree, the purport of which is to encourage emigrants from any part of Europe, to settle at the Island of Cuba.

DIED Lately, in Savannah, Mr. PHILIP D. WOLHAUPTER, Printer, of that place.

— In Ireland, Thomas O'Connor, Esq. the only lineal male descendant of the ancient Monarchs of Ireland.

From the Boston Daily Advertiser of March 7.

To His Excellency FRANCIS PICKMORE, Vice Admiral of the White, and Governor, and Commander in Chief in and over the Island of Newfoundland, and its Dependencies, and President of the Society for the improvement of the Poor of St. Johns.

SIR—The recent conflagration of a great part of the town of St. Johns at a period of the year when it may be impracticable to obtain relief from the parent country; and the calamity which must necessarily ensue to a large number of our fellow beings, have been felt in this town with all the sympathy which they are calculated to inspire.
A subscription for the purpose of affording some

immediate aid to the sufferers has been consequently opened in this place, and the means of purchasing a quantity of such articles as are considered to be best adapted to the exigencies of the moment, have been readily contributed by a number of the Inhabitants.

The American brig Messenger, Captain Peterson, having been chartered for the exclusive object of carrying this offering to Saint John's, we have now the honour to enclose you a bill of lading and manifest of her cargo, consisting of the following articles:

- 174 bbls. Flour,
- 256 do. Meal,
- 11 tierces Rice,
- 29 bbls. and } Bread.
- 963 bags,

Which in behalf of the contributors we request you will have the goodness to receive and cause the same to be distributed among the sufferers by the late conflagrations, in such manner and in such proportions as their respective circumstances may require.

We beg leave to recommend the bearer Captain Peterson, to your kind protection, and pray that every facility may be afforded to him in the prompt discharge of his cargo, and the dispatch of his vessel.

The cause of humanity alone has induced him to undertake, at this inclement season, a voyage, which under other circumstances, he would have felt himself obliged to decline.

We have the honour to be, with due consideration, your Excellency's obedient humble servants.

(Signed)
James Perkins, } Committee of the
Arnold Welles, } Contributors to
Jona Amory, Jun. } the relief of the
Benjamin Rich, } distressed Inha-
Tristram Barnard, } bitants of Saint
John Houston, } John's.
Boston, December 27, 1817.

FORT TOWNSHEND, ST. JOHNS, }
(N. F.) 29TH JAN. 1818. }

GENTLEMEN.

I have the honour to acknowledge the receipt of your letter of the 27th ult. acquainting me that a subscription had been entered into at Boston, for the purpose of affording immediate aid to the sufferers by the recent conflagrations at Saint Johns, and that a cargo of such articles as were considered best adapted to the exigencies of the moment, had been purchased and forwarded by the American brig Messenger, Capt. Peterson, consigned to me as President of the society for improving the condition of the poor of St. Johns.

I have the satisfaction to acquaint you, that the Messenger arrived here, on the evening of the 16th instant, and having discharged the cargo agreeable to the bill of lading, is now ready to return to Boston.

I beg to assure the Committee, that I shall use my best endeavours in the distribution of this bounty, to fulfil their benevolent intentions: but I confess myself unable to express in adequate terms on the part of those whose relief has been the object of the human consideration of the inhabitants of Boston, the feelings which their generous act has excited. Individually, I desire to offer my warmest acknowledgments to them, and shall not fail to communicate to His Majesty's Government, this spontaneous act of liberality, which in its effects, I trust, will tend to increase and connect more firmly the relations of friendship which now so happily subsists between the two nations.

I have the honor to be,
Gentleman, your most obedient
humble servant,

FRANCIS PICKMORE,
Vice Admiral, and Governor of
Newfoundland.

To James Perkins, Jonathan Amory,
Arnold Welles, Benjamin Rich,
Trist. Barnard, and John Hous-
ton, Esq's. Boston.

JURY ROOM, ST. JOHNS, N. F. }
JAN. 20, 1818. }

GENTLEMEN—We, the Grand Jurors of this town, impressed with the highest sense of gratitude towards the good citizens of Boston, for the very handsome, liberal, and disinterested manner in which they came forward to the assistance of our fellowtownsmen at a time when the motives which induced them to it must have emanated solely from the purest spirit of philanthropy, the true characteristic of all that is great and good in the human mind; should think ourselves unworthy of the situation we hold in this community, if we suffered the messenger of their truly valued donation to return to them without our expressing our sincere acknowledgments for their generous efforts towards our relief.

We, therefore, gentlemen, entreat that you will be pleased to make our thanks acceptable, and to assure them that the arrival of the brig Messenger will ever be regarded by us as one of the most gratifying objects which ever entered this port, and we trust the recollection of their kindness will never be obliterated from our minds.

We sincerely pray that they may ever remain strangers to such calamities as have visited our unfortunate town, and that their

humanity may meet with that reward which the Giver of all Good can alone bestow.

We have the honour to remain, gentlemen, your most truly obliged and grateful servants.

NEWMAN W. HOYLE, Foreman,
and 18 others.
To the Committee, &c. &c.

POST-OFFICE, FREDERICTON,
30th March, 1818.

MAIL will be made up at this Office to be conveyed to the Post-Office at Saint Andrews on every Tuesday morning at 10 o'Clock, commencing Tuesday next the 7th April.
The Postage of all Letters for the United States must be paid at this Office.

A. PHAIR, P. M.

Just Published, and to be had at this Office,
price 1s. 3d.

REMARKS

ON

Dr. BURNS' VIEW

OF THE

Principles and Forms

OF THE

Presbyterian Kirk, as by Law established

IN

SCOTLAND,

By the Rev. J. Milne, A. M. Fredericton, New-
Brunswick.

31st. March, 1818.

ALL Persons having any just demands against the Estate of the late JONATHAN SHERWOOD, deceased, are requested to render the same duly attested, within three months from the date hereof, and all those indebted to said Estate are desired to make immediate payment to

MARY SHERWOOD, Administratrix.

DAVID NEWMAN, Administrator.

Myramichi, 27th February, 1818. if.

NOTICE is hereby given, that We, the Subscribers, have been duly appointed Trustees for all the Creditors of Gavin Smith, late of King's County, Farmer, an absconding debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of Assembly in that case made and provided; and we do hereby require all persons indebted to the said Gavin Smith, on or before the first day of October next ensuing the date hereof, to pay to us, or some, or one of us, all such sum or sums of money, or other debt, duty, or thing, which they owe to the said Gavin Smith, and to deliver all other effects of the said Gavin Smith, which they, or any, or either of them may have in his, her or their hands, power or custody, to us, or some, or one of us as aforesaid; and we do also desire all the Creditors of the said Gavin Smith, on or before the same first day of October next, to deliver to us, or to some or one of us as aforesaid, their respective accounts and demands against the said Gavin Smith, in order that right and justice may be done, agreeably to the form of the said Act of Assembly in such case made and provided.

Given under our hands at the City of Saint John, this twenty seventh day of March, 1818.

EDWARD J. JARVIS, } Trustees.
HUGH JOHNSTON, junr. }
RALPH M. JARVIS. }

RAN AWAY

FROM the Subscriber, an indented Apprentice named JAMES FERRELL,—all persons are hereby cautioned against harboring or trusting said Apprentice on the subscribers account, and whoever will bring him back shall be liberally rewarded.

ELIJAH WHITLOCK.
31st March, 1818.

CONTRACT:

ANY Person who may be desirous to Contract for erecting a substantial Post and Rail FENCE, upon the Road side of the Grounds around Government House, finding the Materials, will give in Proposals, either at the Office of the Secretary, or of the Attorney-General, by the first day of April next, when the lowest offer, if approved of, will be accepted.

The Fence will be required to be set up as soon as the Frost is sufficiently out of the Ground.
Fredericton, 14th March, 1818.

NOTICE.

THE SUBSCRIBER

INTENDING to leave Fredericton, on or about the first of May next, request all those indebted to him to make immediate payment. All Persons having demands against him, will please call on him for a settlement, prior to the above date.

WM. TAYLOR,
Fredericton 18th March, 1818.

New Goods.

Ezekiel Sloat & Co.

HAS just received per *Minerva* from London, part of their Spring supply of MERCHANDIZE, which they offer for Sale very low for Cash or good Bills of Exchange. They expect, daily, the remainder of their assortment from Liverpool.
Fredericton, 22d July, 1817.