

Ward Chipman Esq

THE NEW-BRUNSWICK

ROYAL GAZETTE.

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SECRETARY'S OFFICE, 24th May, 1819. CAUTION.

ALL Persons are cautioned against purchasing Allotments made to the MILITARY in this Province since the late War; as no Title can be given to such Lands until the original Military Settlers shall have resided on them for three years, and made a suitable cultivation.

By the Honorable JOHN SAUNDERS, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

NOTICE is hereby given, that upon the application of David Tozer, of the Parish of Northesk, in the County of Northumberland, Yeoman, to me duly made, pursuant to the directions of the Act of Assembly in such case made and provided, I have directed all the Estate, as well real as personal of Benjamin Chaplin, late of the Parish of Northesk, in the County of Northumberland, aforesaid, Yeoman, (which said Benjamin Chaplin is departed from and without the limits of this Province, or concealed within the same, with intent and design to defraud the said David Tozer and the other Creditors of the said Benjamin Chaplin, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of law as is alleged against him) to be seized and attached; and that unless the said Benjamin Chaplin do return and discharge his said debt or debts, within three months from the publication hereof, all the Estate as well real as personal of the said Benjamin Chaplin, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Benjamin Chaplin.

Dated at Northumberland aforesaid, the thirtieth day of August, in the year of our Lord one thousand eight hundred and nineteen.

JOHN SAUNDERS.

GEO. L. WETMORE Att'y.

By ALEXANDER DAVIDSON, Esq. one of the Justices of His Majesty's Inferior Court of Common Pleas for the County of Northumberland, in the Province of New-Brunswick.

NOTICE is hereby given, that on application of JAMES LEDDEN and JAMES ABBOTT, of the Parish of Newcastle, in the County of Northumberland, Merchants, to me duly made, pursuant to the directions of the Act of the General Assembly in such case made and provided, stating that James Stewart, late of the Parish of Ludlow, is justly indebted to them in the sum of two hundred and thirty-eight pounds, fifteen shillings and eight-pence, and hath departed from this Province after the said debt was contracted, or keeps himself concealed to avoid being served with the ordinary process of law, with an intention of defrauding his Creditors, which departure or concealment has been proved to my satisfaction, I have directed all the estate real and personal, of the said James Stewart, within the said County, to be seized and attached; and that unless he the said James Stewart shall return and discharge his debt or debts, within three months after publication hereof, all his estate, real and personal, will be sold for the payment and satisfaction of his Creditors.

Dated at Nelson, in the said County of Northumberland, the fifth day of July, in the year of our Lord one thousand eight hundred and nineteen.

ALEX. DAVIDSON, J. C. P.

THOMAS H. PETERS, Att'y.

Commissioner-Office, Fredericton, 8th December, 1819.

THE following named discharged Soldiers' Pensions to the 24th instant, are payable at this Office.

Alex. Murchison, Michael Cavanagh, Charles Stewart, Moses Holmes, John McAnnally.

BY AUTHORITY.

SECRETARY'S OFFICE, 26th April, 1819.

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 repeated cautions given on this subject: Such Persons are again 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 they may have been cultivated or transferred to other Persons.

AT a Special Session of the Peace holden at the County Court-House in Fredericton, in and for the County of York, on Thursday the 20th May, 1819, for the purpose of Regulating the Assize of Bread in the Town of Fredericton, Ordered, that from Thursday the 27th inst the ASSIZE OF BREAD be as follows:

THE Sixpenny Wheaten lb. oz. Loaf to weigh - - - 2 : 0 Ditto Rye do. 3 : 0 And other Loaves in proportion.

By Order of the Court, G. CLOPPER, Clerk of the Peace.

By the Hon. WARD CHIPMAN, Esquire, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

To all whom it may concern, GREETING:

NOTICE is hereby given, that upon the application of SAMUEL SCOVIL, Esquire, to me duly made, according to the form of the Act of Assembly in such case made and provided, I have directed all the Estate, as well real as personal, within this Province, of Benjamin Emmons, late of the City and County of Saint John, Carpenter, (which same Benjamin Emmons is departed from and without the limits of this Province, with intent and design to defraud the said SAMUEL SCOVIL and the other Creditors of the said Benjamin Emmons, (if any there be) of their just dues, or else to avoid being arrested by the ordinary process of the Law, as it is alleged against him) to be seized and attached; and that unless the said Benjamin Emmons do return and discharge his said debt or debts within three months from the publication hereof, all the Estate, as well real as personal, of the said Benjamin Emmons within this Province, will be sold for the payment and satisfaction of the Creditors of the said Benjamin Emmons.

Dated at the City of St. John, the 10th day of September, one thousand eight hundred and nineteen.

WARD CHIPMAN, J. S. C.

Wm. Boyd KINNEAR, Att'y.

KING'S BENCH, Tuesday Oct. 12.

TRIAL OF MR. CARLILE FOR PUBLISHING PAINE'S AGE OF REASON.

The Chief Justice took his seat on the bench about half-past nine o'clock. Mr. Hunt immediately rose and said, he had heard from his Lordship's mouth, that no Special Jury cause should be taken out of its turn, yet, in this instance, a cause in which he was plaintiff was passed by, in order to make room for the present. The Chief Justice said he had never made such a declaration. What he stated was, that all cases should be taken in order, subject, however, to the discretion of the proper officer, whose duty it was to consult the convenience of the Court. On Thursday next the case alluded to might be heard, or on any other day convenient for both parties. Mr. Carlile then made application for the admission of several of his friends, who had brought a number of books, to which he should have to refer in his defence. They were ordered to be admitted.

The list of Special Jurymen was then called over, and the following persons answered; C. Wood, Abchurch-lane, R. Hutchison, Clemen's-lane, J. Hanson, Crooked-lane, G. Harvey, Lawrence-lane, A. C. Allen, Ironmonger-lane, J. Wilson,

Queen-street, R. Chambers, Dovecourt, W. Parker, John-street.

Mr. Bellamy was about to swear those gentlemen, when Mr. Carlile submitted that this Court was not competent to try the charge against him. The Chief Justice said: "The Court is competent to try any criminal information filed by the Attorney-General." Mr. Carlile. "I submit that there is no law which applies to this case." The Chief Justice. "If there is no such law, you will be acquitted." Mr. Carlile. "I protest against the proceeding. The Chief Justice. "You protest! Very well." The Attorney-General then prayed a tales, and the following four talesmen were drawn, viz.: R. Plant, G. Coutts, baker, Farringdon Without, J. Trigg, chairmaker, Farringdon Without, M. Holtyer, ditto.

Mr. Campbell having opened the pleadings in the usual form.

The Attorney-General then addressed the Jury. He deprecated the considering the present prosecution as an attack upon the liberty of the press. The perusal of the charge, accompanied with the few observations he should have to make, would satisfy the warmest friend to freedom of discussion, that he should have failed in his duty had he not instituted this prosecution. There was not the slightest ground for the assertion of the defendant, that the charge was founded on no law. The Christian religion, the most benign ever known to mankind, and which necessarily must be so, as emanating from God himself, was a part of the law of the land. It would be idle to enlarge on this topic, for it was acknowledged by the very oath which the Jury had taken; and it was alone under the sanction of that religion that justice was administered, and that they were now assembled to decide on the question before them; and unless they were purged from the solemn obligation of their oaths, it would be impossible to acquit the defendant of the offence laid to his charge. In the case of Taylor, in the reign of Charles II. who had called religion a cheat, and said he neither feared God nor devil. Sir Matthew Hale held, that to revile the Christian religion was "not only an offence against God, but also against the law of the state and the government of the realm." Taylor was convicted, sentenced to the pillory and a fine, and held to security for his good behaviour for life. He then referred to the prosecution of Woolston, in the reign of Geo. II. for a discourse against the miracles, and that of Williams and Eaton, for publishing the same work for which the defendant was prosecuted. In all these cases, it had been held that a general attack on the Christian faith was contrary to law. He then read the passages of the work set forth in the information, stating that he did so with great pain, and commenting as he went on. He put it to the Jury, as fathers of families, anxious to teach their children to fear God, and hope for that eternal happiness so gloriously displayed by our holy religion, what their feelings must be if they found such a work had been put in the hands of their offspring and domestics. After reading the passage relative to the miraculous conception, he exclaimed, "Are we living in a Christian age? Do we profess a religion at all? Surely it might have been expected that the most sceptical person, that the greatest infidel would pause before he wrote such a paragraph. The writer talked of the possibility that the Christian revelation might be true. What, then, must be the feelings of such a man in his last moments, when reflection would force its way, in the contemplation of that possibility, to reflect on what incalculable mischief he might have been the author, to consider how far the poison of his doctrines had circulated amongst the ignorant and uninquiring?" He again denied that this was a prosecution for opinion,

or for the oppression of any individual. Christianity, indeed, stood in no need of prosecution for its support; it stood upon a rock, from which no fidelity could remove it. To use the words of Mr. Locke "the religion of the bible had God for its author, salvation for its end, and truth, without any mixture of error, for its subject and matter." But the object of the prosecution was to protect the lower and illiterate classes of society from having their faith sapped, and their minds diverted from those principles of morality which were so powerfully inculcated by the Christian religion. There was no intention to prosecute any man for his religious opinions, provided those opinions, were not promulgated in such a way as to produce positive mischief to the community at large. It only remained for him to prove the case which he had stated. This he would do very shortly, by proving the sale of the book by the defendant; and unless they had made up their minds to treat as nothing the solemn obligation of the oath which they had taken, and to consider Christianity as a fable, and as a gross imposition, he was satisfied upon the facts that they would find a verdict against the defendant.

The Solicitor-General now called Mr. Griffith Swanson, clerk to the Treasury Solicitors, who deposed, that on the 17th December he purchased of the defendant Paine's Age of Reason, for 10s. 6d. Mr. Carlile knew witness to be the clerk to the Solicitors of the Treasury, and sent his compliments to Mr. Maule; adding, if he would allow him to eat his Christmas dinner at home, he would be prepared to meet him. Cross examined. Mr. G. showed no hesitation as to serving the witness. On the contrary, he did it rather cheerfully, asking if witness did not want half a dozen copies. The information was then read.

Mr. Carlile then entered on his defence. After some general observations, he proceeded to read the whole work of Paine, commenting as he went on. He finished this part of his defence at ten o'clock, when at his request, the Court adjourned till the next day. On Wednesday morning the defendant resumed his defence. He read Paine's address to the Theophilanthropists at Paris, and then went into an examination of the bible. He was frequently interrupted by the Attorney-General, who objected to the line of defence he was pursuing. He read extracts from several deistical and blasphemous books. The Court adjourned till the next morning. On Thursday the defendant resumed his defence, pursuing the same line of defence as on the preceding day. Having concluded, he called several witnesses who spoke as to his moral character, the Court having refused to allow him to examine persons of various religious opinions.

The Attorney-General replied at considerable length, and the Chief Justice summed up the evidence and charged the Jury. After being absent about half an hour, the Jury returned and pronounced a verdict of guilty.

The defendant was taken into custody on Thursday night, and has since been bailed.

On Friday Mr. Carlile, after a short trial, was found guilty of publishing another deistical work, entitled "Palmer's Principles of Nature."

The trial of the third information against him was, at his own request, postponed.

LONDON, OCT. 6.

The French journals mention that the equinox has been very severely felt upon the north-eastern shores of France. A vessel from Ha-