

Ward Chipman

THE NEW BRUNSWICK

ROYAL GAZETTE.

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The Gazette.

MILITIA GENERAL ORDERS.

HEAD-QUARTERS, FREDERICTON, 24th MARCH, 1821.

No. 1. The Commander in Chief is pleased to appoint GEORGE SHORE, Esquire, a Captain in the Army, to be Adjutant-General to the Militia Forces, with the Rank of Major in the same.

All communications are to pass through this Officer accordingly.

No. 2. Commandants of Corps will transmit without delay, the time that they propose as most convenient for the General Muster of their respective Battalions in the present year, together with the names of the places of assembly, in order that arrangements may be made for the Adjutant-General to be present at the same.

No. 3. The Commander in Chief is pleased to accept the resignations of Major GOULDING and Captain R. SMITH of Queen's County Militia, who retire with their respective ranks.

Capt. R. YEAMANS will assume the temporary command of that Battalion, and is held responsible for the duties of it.

No. 4. Officers commanding Battalions will please forthwith to send a nominal return of the Officers of their respective Regiments, with the dates of their appointments, and at the same time recommend fit Gentlemen to fill up all vacancies, observing, that special reasons must be assigned in all cases, when recommendations for promotion from one rank to another, are not according to seniority.

By Command, GEO. SHORE, Adj. Gen. Militia Forces.

By the Hon. 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 SAMUEL STEPHEN, late of Aberdeen, in North Britain, Merchant, but now of the City of St. John, in the Province of New-Brunswick, as well on behalf of himself as for and on the behalf of, and as the duly authorised and empowered Attorney for WILLIAM CLARK, of Aberdeen aforesaid, Ironmonger, to me duly made, pursuant to the directions of the Act of the General Assembly in such case made and provided: I have directed all the Estate as well real as personal, of JAMES ROBSON and ALEXANDER ROBSON, late of the City of Saint John aforesaid, Saddlers and Ironmongers, trading as Co-Partners, (which said JAMES ROBSON and ALEXANDER ROBSON, have either departed from and without the limits of the said Province, or are concealed within the same with intent and design to defraud the said SAMUEL STEPHEN and WILLIAM CLARK, and other Creditors of them the said JAMES and ALEXANDER ROBSON, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of Law, as is alleged against them) to be seized and attached: And that unless the said JAMES and ALEXANDER ROBSON do return and discharge their said debts, within three months from the publication hereof, all the Estate as well real as personal of the said JAMES and ALEXANDER ROBSON, within this Province, will be sold for the payment and satisfaction of the Creditors of the said JAMES and ALEXANDER ROBSON.

Dated at Fredericton, this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and twenty.

JOHN SAUNDERS.

G. F. STREET, Att'y.

NEW-BRUNSWICK, }
In Chancery,
The tenth day of March, in the second year of the Reign of King George the Fourth, A.D. 1821.

Between { David Hatfield, Plaintiff, and James Croft, Defendant.

FORASMUCH as the Court was this day informed by Mr. Peters, of Counsel for the Plaintiff, that the Plaintiff on the twenty-seventh day of October, A.D. 1819, filed his Bill in this Court against the Defendant, as by the certificate of the Clerk in Court appears, and took out Process of Subpoena, returnable on the third Tuesday in February then next, requiring the said Defendant to appear to and answer the same; but that the said Defendant could not be found so as to be served with such Process, and is gone out of this Province or doth otherwise abscond to avoid being served therewith, as by affidavit appears: And the said certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the said Court,

It is ordered, that the Defendant do appear to the Plaintiff's Bill, on or before the first day of August next.

By the Court, WM. F. ODELL, Register. R. PARKER, Jun. Solicitor.

NEW-BRUNSWICK, }
In Chancery,
The tenth day of March, in the second year of the Reign of King George the Fourth, A.D. 1821.

Between { William Ledden, and James Ledden, } Plaintiff, and James McClelland, Defendant.

FORASMUCH as the Court was this day informed by Mr. Peters, of Counsel for the Plaintiff, that the Plaintiff on the thirtieth day of May, A.D. 1818, filed his Bill in this Court against the Defendant, as by the certificate of the Clerk of the Court appears, and took out Process of Subpoena, returnable on the second Tuesday in July then next, requiring the said Defendant to appear to and answer the same; but that the said Defendant could not be found so as to be served with such Process, and is gone out of the Province or doth otherwise abscond to avoid being served therewith, as by affidavit appears; and the said certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the said Court,

It is ordered, that the Defendant do appear to the Plaintiff's Bill, on or before the first day of August next.

By the Court, WM. F. ODELL, Register. R. PARKER, Jun. Solicitor.

By the Honourable WARD CHIPMAN, Esq. 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 Malcolm Wilmot, of the Parish of Moncton, in the County of Westmorland, Esquire, 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 Thomas Dawson, late of the Parish of Kilsborough, in the said County of Westmorland, Farmer, (which said Thomas Dawson, hath departed from this Province, with intent and design, to defraud the said Malcolm Wilmot, and the other Creditors of the said Thomas Dawson, 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 Thomas Dawson, do return and discharge his debts, within three

months from the publication hereof, all the Estate as well real as personal of the said Thomas Dawson, within this Province, will be sold for the payment and satisfaction of the creditors of the said Thomas Dawson.

Dated this fifteenth day of March in the year of our Lord one thousand eight hundred and twenty one. WARD CHIPMAN, J. S. C.

QUEBEC, FEB. 16.

It appears that an important argument, in the Court of Appeals, is about to be published.—The case will be in the recollection of many of our readers, from the discussions it produced, when under consideration in the Court of King's Bench. Application being made by the Rev. Mr. Spratt, as the minister of St. John's Chapel, in this City, to the Judges, agreeably to an Ordinance on that subject, for the requisite authority to keep a baptismal register: he was refused, upon the ground that he was not "a Minister" within the meaning of the Act upon which he relied. Against this decision an appeal was entered; and, at the last session of the Court of Appeals, an elaborate investigation took place into the right of the appellant, as a Dissenting Preacher, to perform all the functions of a minister of the gospel; and it was urged to baptize, to marry, and to bury, were three of the most important. His case was argued, by Mr. STUART, in a most able manner. He traced, in energetic language, the objects of the various papal councils, and the steady resistance which had constantly been opposed, in France, to any interference of the ecclesiastical authority in civil matters, although its supremacy, in those relating to the Church was absolute.—The consequences of the conduct were contrasted with those resulting from the arbitrary dominion the Pope once maintained in England, in political as well as ecclesiastical affairs—"in France, he remained the absolute head of the Church—from England he had been driven by force, and not a vestige of his power could be found in State or Church; and such (said Mr. S.) must ever be the fate of arbitrary power." Mr. SOLICITOR GENERAL, on the part of the Crown, contended, with usual ability, (although he handsomely admitted the "probity, piety and learning" of the Appellant) that Mr. Spratt could not be considered as within the purview of the Ordinance; and the Judgment of the Court below ought therefore to be affirmed. In the District of Montreal gentlemen similarly situated with Mr. Spratt do keep registers; but Mr. Solicitor General suggested that Chief Justice Monk having expressed a wish to hear this case re-argued, it did not appear that his mind was fixed as to the propriety of their doing so. The decision of the Court of Appeals, confirming that of the King's Bench, will, we suppose, rescind the power hitherto exercised by Dissenting Ministers, in Montreal, and place persons who have been baptized or married by them in a very disagreeable dilemma.

The CANADIAN COURANT of March 10 says—The late decision respecting Dissenting Ministers, has covered our table with communications on the subject. Many of them displaying elegance of composition, sound judgment, and clearness of reasoning—in short, every requisite to entitle them to admission; but, we have formed a resolution, that our columns shall not become the vehicle of RELIGIOUS CONTROVERSY. Religion is a subject which we hold in too high veneration to place in company with political subjects, or the common topics of the day; independently of which such disputes are apt to excite an unbecoming degree of irritation, disgraceful to the

parties, and deeply injurious to the sacred cause in which they pretend to be engaged.

LIVERPOOL, Eng. Jan. 23. The Plantagenet from St. John, N. B. experienced most dreadful weather, and lost every thing from her deck. She fell in, on the 14th inst, with the Driver, Cherokee, and a Cutter, sent out by Government to supply ships in distress. The Commander of those vessels were very attentive, and gave the Plantagenet every possible assistance. The Ant, Croker, from New York fell in, Jan. 13, with ship Barret, also from St. John, with main and mizen masts gone, and full of water. The captain and four hands had died on board—took off first and second mate and eleven men. Jan. 17, long. 12 20, spoke ship David, from Bristol for New-Brunswick. Arrived, Hope of St. John, Tucker, from Jamaica—At Malaga, Dec. 14, George, —, from Newfoundland.

PRICES. Jan. 22—23. Oil—Cod, £20—£21—Seal—brown, £23—ditto, pale, £30—£31. TIMBER—The demand for British Pine his improved, and several cargoes have been taken on speculation. Good Miramichi cannot be bought under 17½d. in quantity; or 18d. in small parcels. Very little is doing in Baltic timber; American in trifling request.

LONDON MARKET, Jan. 19. Raw sugars have been in high demand this week—a lot of fine Jamaica brought 80s. Coffee has improved this week, and 122s. has been demanded for St. Domingo. Public sales have gone on briskly.

LIVERPOOL TRADE. The number of vessels reported at the Custom-House during the last year, 1820, was 3859—exclusive of 2694 Coasters—making a total of 6553 vessels, to the 5th of the present month; besides from 10 to 60 vessels navigating the river Mersey, between the Irwell, the Weaver, Sankey and Ellesmere navigations—their tonnage may be averaged at about 40 each.

NEW-YORK, MARCH 16.

MUTINY. We have received by the brig Diligence, from Guadaloupe, the particulars of a mutiny on board the British ship Kate, of London, when on her passage from Berbice to Halifax. The crew put the Captain, his wife, and two children, R. Meredith, passenger, and the steward, into the jolly-boat. After this, they plundered the ship of 5,600 dollars, got into the long boat, scuttled the ship, and arrived at Point Petre, having previously divided the plunder. When first questioned, they said they belonged to the ship Retrieve, Capt. Howes, belonging to Messrs. Spydham & Wyckoff of New-York. The fate of those put into the jolly boat was not known.

BOSTON, MARCH 17.

MELANCHOLY. The schr. Elizabeth, Vail, from Matanzas, with coffee, fruit, &c. was overset in a gale—after cutting away the lanyards, the vessel righted, and the crew and passengers, 9 in number, lashed themselves to a spar fixed near the stern, in which situation they remained no less than eleven days, with the sea almost constantly beating over them, and not the smallest sustenance, excepting a few roots of unripe plantain, and 7 oranges, which floated from the hold—during which time 3 of the number perished with cold and hunger—one poor wretch, Mr. Weygent, passenger, after having gnawed off his benumbed fingers to the 2d joint. On the 11th day the remaining six were taken from the wreck, in a most deplorable situation, by the brig Statira, and conveyed to New-York.

Col. EUSTIS, commanding Fort Independence, has been cast in an action for damages to the amount of 1500 dollars, for