

THE NEW-BRUNSWICK ROYAL GAZETTE.

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The Gazette.

The following Act passed by the Legislature of the Province of New-Brunswick, in the month of March 1820, is confirmed, finally enacted and ratified, by an order of The KING in Council, dated at the Court at Carlton House the 9th day of June 1821.

AN ACT to alter, and in addition to an Act, intituled an Act for establishing a tender in all payments to be made in this Province.

WHEREAS the passing of the milled Doubloon at the current rate of Four Pounds, although conducive of great benefit, has a tendency while the same is not made a legal tender, and while the Spanish Dollar and other Silver Specie are kept at the present current rates, to diminish the circulating quantity of all other Specie in the Province, and is found to be highly inconvenient—

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the milled Doubloon, or Four Pistole Piece of Spain, shall pass current and be received and paid for Four Pounds each, and the aliquot parts thereof at a proportionate value, and the Spanish milled Dollars shall pass current and be received and paid for Five Shillings and Fourpence each, and the aliquot parts of said Dollar shall pass current and be received and paid in the like proportion, and the French Five Franc Pieces shall pass current and be received and paid for Five Shillings each.

II. *And be it further enacted,* That the herein before mentioned Gold and Silver Coins shall be deemed and considered as a legal tender at the rates aforesaid, in all payments of money to be made in this Province, and shall be so adjudged in all Courts of Justice in the same. *Provided always,* that nothing herein contained shall extend to make any Doubloon or part of a Doubloon that may be plugged, a lawful tender, or any Doubloon weighing less than seventeen pennyweights eight grains, or any aliquot part of a Doubloon deficient of proportionate weight, a lawful tender in any case whatever, except at a deduction of twopence farthing for every grain so deficient.

III. *And be it further enacted,* That so much of the Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for establishing a tender in all payments to be made in this Province," as relates to the Spanish milled Dollars being made current at Five Shillings, be, and the same is hereby repealed.

IV. *And be it further enacted,* That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

By Command,
GEO. SHORE,
Dep. Sec.

By JOHN KEILLOR, Esquire, one of His Majesty's Justices of the Inferior Court of Common Pleas for the County of Westmorland.

NOTICE is hereby given, that upon the application of *John Rennison*, of the Parish of Dorchester, in the County of Westmorland, labourer, 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 *James Hamilton*, late of the said Parish of Dorchester, in the County of Westmorland aforesaid, stone cutter, (which said *James Hamilton* hath departed from this Province, with intent and design to defraud the said *John Rennison*, and the other Creditors of the said *James Hamilton*, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of the Law as is alleged against him) to be seized and attached; and that unless the said *James Hamilton* do return and discharge his debts, within three months from the publication hereof, all the estate as well real as personal of the said *James Hamilton*, within this County of Westmorland, will be sold for the payment and satisfaction of the Creditors of the said *James Hamilton*.

Dated at Dorchester, the thirteenth day of October, in the year of our Lord one thousand eight hundred and twenty-one.

JOHN KEILLOR, J. C. P.

By the Honourable JOHN ROBINSON, Esquire, one of the Judges of the Inferior Court of Common Pleas for the City and County of Saint John, in the Province of New-Brunswick.

To all to whom it may concern, Greeting: NOTICE is hereby given, that upon the application of *John L. Venner*,

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

Dated at St. John, the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and twenty-one.
JOHN ROBINSON, Mayor.
W. B. KINNEAR, Atty.

NEW-BRUNSWICK,
In Chancery,

The twenty-second day of October, in the second year of the Reign of King George the Fourth.

Between *Harris Hatch*, Plaintiff,
and
Joseph Randall, Defendant.

FORASMUCH as the Court was this day informed by Mr. *Swymer*, of Counsel for the Plaintiff, that the Plaintiff on the thirteenth day of August, one thousand eight hundred and twenty-one, filed his Bill in this Court against the Defendant and took out Process of Subpœna, returnable on the second Tuesday in October 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 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 March next.

By the Court,
M. C. HAILES, Register.
H. SWYMER, Solicitor.

At a Special Session of the Peace holden at the County Hall in Fredericton, in and for the County of York, on Saturday the 3d day of November, 1821—
ORDERED, that in future the ASSIZE of BREAD in the Town of Fredericton, be as follows:

THE Sixpenny Wheaten	15. 00.
Loaf to weigh.	2 : 0
Ditto, Rye, do.	3 : 8
And other Loaves in proportion.	

H. G. CLOPPER,
Dr. Clerk of the Peace.

FROM THE ENQUIRER. A LESSON FOR JURORS.

Sir,—The following lesson for Jurors, which cannot be too generally known and circulated, appears to be well calculated for a place in your Enquirer:

A Judge, who travelled the north-west circuit of Ireland, (about thirty-five years ago,) presided at the trial of the following cause: It was the case of a Landlord's prosecution against a poor man who was his tenant, for assault and battery, committed on the person of the prosecutor by the defendant, in the preservation of his only child, an innocent and beautiful girl, from ravishment.

When the poor man was brought into Court and put to the bar, the prosecutor appeared and swore most manfully to every article in the indictment. He was cross-examined by the Jurors, who were composed of honest tradesmen and respectable farmers. The poor man had no lawyer to tell his story; he pleaded his own cause—and he pleaded, not to the fancy, but to the judgment and the heart. The Jury found him NOT GUILTY.

The Court seemed highly displeas'd; but the surrounding spectators gladdened to exultation, uttered a shout of applause.

The Judge told the Jury they must go back to their room, and reconsider the matter, adding, "He was astonished they could presume to return so infamous a verdict." The Jury bowed, went back, and in a quarter of an hour returned, when the Foreman, a venerable old man, thus addressed the Bench:—

"My Lord, in compliance with your desire we went back to our Jury room, but as we found no cause to alter our opinions, or our verdict, we return it to you in the same words as before, NOT GUILTY. We heard your Lordship's extraordinary language of reproof—but we do not accept it as properly or warrantably applying unto us. It is true, my Lord, that we ourselves, individually considered, in our private capacities, may be poor insignificant men; therefore in that light we claim nothing, out of this box, above the common regard due to our humble but honest stations; but, my Lord, assembled here as a Jury, we cannot be insensible to the great and constitutional importance of the department we now fill; we feel, my Lord, that we are appointed, as you are, by the Law and Constitution, not only as an impartial tribunal to judge between the King and his Subjects—the offended and the offender,—but we act in a situation of still greater confidence; for we form (as a Jury) the barrier of the people, against the possible influence, prejudice, passion, or corruption of the Bench.

"To you, my Lord, meeting you within these walls, I, for my own part, might measure my respect by your private virtues,—but the moment I am enclosed in this place, your private character is invisible; for it is in my eyes veiled by your official one, and to open conduct in that, only we can look.

"This Jury, my Lord, does not, in this business presume to offer the Bench the smallest degree of disrespect, much less of insult; we pay it the respect one tribunal should pay to another, for the common honour of both. This Jury, my Lord, did not arraign that Bench with partiality, prejudice, infamous decision, nor yet with influence, passion, corruption, oppression, or tyranny; no, we looked to it as the mercy seat of royalty—as the sanctuary of truth and justice. Still, my Lord, we cannot blot from our minds the records of our school book, nor erase the early impressions written in our intellects and memories. Hence we must be mindful, that Monarchs are but fallible mortals, that tyrants have sat on thrones, that the mercy-seat of royalty and the sanctuary of justice have been polluted by a Tressilian, a Scraggs, and a Jeffries.

Here was a frown from the Bench.
Nay, my Lord, I am a poor man, but I am a free-born subject of the kingdom of Ireland—a member of the constitution—nay—I am now higher, for I am the representative thereof. I therefore claim for myself and fellow Jurors the liberty of speech, and if I am refused it here, I shall assume it before the people at the door of this Court-House, and tell them why I deliver my mind there, instead of delivering it in this place.

"I say, my Lord, we have nothing to do with your private character—we know you only in that of a Judge, and as such we would respect you: you know nothing of us but as a Jury, and in that situation we

would look to you for reciprocal respect; because we know of no man however high his titles or his rank, in whom the law or the constitution would warrant the presumption of an unprovoked insult towards that tribunal in whom the constitution had vested the clearest and most invaluable privilege the people possess. I before said, my Lord, that we are here met, not individually nor do we assume pre-eminence; but in the sacred character of a Jury, we should be wanting in reverence to the constitution itself if we did not look for the respect of every man who regards it, we sit here, my Lord, sworn to give a verdict according to our consciences, and the best of our opinions on the evidence before us. If we have erred—we are answerable, not to your Lordship, to that Bench, nor to the KING who placed you there, but to a higher power, THE KING OF KINGS."

The Bench was struck dumb, the Bar silent; but approbation was shouted throughout the crowd; and the poor man was discharged.

The noble independence and the firm virtue of this Jury require no comment—the energetic, constitutional, and glorious sentiment of their Foreman, are above all praise.

Your firm attachment to the principles of the British Constitution, and more especially to its jurisprudence as one of its greatest bulwarks, leave no doubt on my mind, that this will appear in the next number of the Enquirer.

I am, Sir,
Yours respectfully,
G. S.

As a good story is not the worst of being twice told, we have complied with the wishes of two of our Subscribers.

ST. ANDREWS, Nov. 13.

Capture of four Piratical vessels, by the United States' brig Enterprize.

The Larch sailed from Port Royal (Jamaica) on the 11th October. On Tuesday the 16th, spoke the American brig Luches, from Liverpool to Havanna, with a general cargo; kept with her during the night; next morning, at 6 a. m. 4 miles from Cape Antonio, she was fired at, boarded, and taken, by a small piratical schooner and sloop; they had drawn sabres, and beat the crew with the flat sides of them most severely, driving all persons below, and cutting every thing in their way: they served the Luches in the same manner. At 7 a. m. the marauders anchored the Larch and Luches in three and a half fathoms water, rocky bottom, Cape Antonio bearing S. ½ E. by compass, distant 9 miles; they were then preparing to plunder, when fortunately a brig and schooner appeared rounding the Cape from the Southward; the pirates then left both vessels, taking a new boat from the Larch, and one of her crew. At 8, 20, a. m. the brig and schooner came up, and proved to be the U. S. brig Enterprize, and an Insurgent privateer. The pirates then made for the land as fast as possible. An officer of the Enterprize boarded the Larch, and requested all the men they could spare, and all very cheerfully volunteered for the service, anxious for an opportunity of punishing the piratical thieves. Five boats soon after put off from the Enterprize, including that of the Luches. The pirates were then close to the shore, consisting of three schooners and a sloop. They had taken the morning before, an Am-brig, the Aristes, from Liverpool for New-Orleans, with a valuable cargo; they ran her on shore under the Cape. Two of the schooners were employed plundering her. At this time they had loaded a schooner, and taken every thing from the master and crew, but left her on the approach of the Enterprize. At 11 a. m. the boats got near them; the pirates then set fire to the loaded schooner, but had not time to fire the others. They then left the vessels, and went on shore, some of them with the boat of the