

His Honor the President

THE NEW-BRUNSWICK

ROYAL GAZETTE.

[Volume IX.]

TUESDAY, 10th JUNE, 1823.

[Number 15.]

The Gazette.

By The Honorable WARD CHIPMAN, Esquire, President and (L. S.) Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

WARD CHIPMAN. A Proclamation.

WHEREAS in and by two certain Acts of the General Assembly of this Province, made and passed on the twenty-seventh day of March in the fourth year of His Majesty's Reign, one of which Acts is intituled "An Act to repeal an Act to increase the Revenue of this Province by imposing a duty on certain Merchandize," and the other of which Acts is intituled "An Act to alter and amend an Act intituled an Act to provide for the support of a Light House to be built on Partridge Island." Such provisions and enactments are made, that from and after the passing of the said Act, no duties of tonnage or impost, and no charges of any kind, are levied or exacted upon the Vessels of the United States of America admitted into the Ports of St. John and Saint Andrews in this Province, being two of the Ports enumerated in the Schedule marked A, annexed to a statute of the United Kingdom of Great Britain and Ireland, made and passed in the third year of His Majesty's Reign intituled "An Act to regulate the Trade between His Majesty's Possessions in America and the West Indies and other places in America and the West Indies," or upon any Goods Wares or Merchandize imported therein, in the said Vessels other or higher than are levied and enacted upon British Vessels, or upon the like Goods, Wares, and Merchandize, imported into the said Ports from elsewhere.

And whereas it is expedient to declare and make known the same. I have therefore thought fit to issue this Proclamation, hereby declaring that no other or higher duties, and no other charges of any kind are levied or exacted upon the Vessels of the said United States admitted into the said Ports, or upon any Goods, Wares or Merchandize, imported therein in the said Vessels other than upon British Vessels, or upon the like Goods, Wares, or Merchandize, imported into the said Ports from elsewhere.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the eighth day of April, in the year of our Lord one thousand eight hundred and twenty-three, and in the fourth year of His Majesty's Reign.

By The President's Command, Wm. F. ODELL.

By The Honourable WARD CHIPMAN, Esquire, President, (L. S.) and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

WARD CHIPMAN. A Proclamation.

WHEREAS in and by His Majesty's Royal Commission and Instructions to the Governor of this Province, it is provided that "in the event of the death of the Lieutenant Governor, the Senior Member of the Council who shall then be residing within the Province shall take upon him the Administration of the Government, and execute the said Royal Commission and Instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes, as other His Majesty's Governors, or Commanders in Chief should or ought to do in the absence of the said Governor, until his re-

turn, or in all cases until His Majesty's further pleasure be known therein." And whereas in and by the said Commission and Instructions it is further declared to be His Majesty's Will and Pleasure that the Governor of the said Province do, upon his appointment, "fit himself with all convenient speed to repair to the Seat of Government in the said Province, and being arrived there, to take upon him the execution of the office and trust reposed in him; and that after the Publication of His Majesty's Royal Letters Patent to him, he take the Oaths and make and subscribe the Declaration in such cases by Law required. All which being duly performed," the said Governor is authorized to proceed further in the execution of the said Commission and Instructions.

And whereas upon the death of the late Lieutenant-Governor and Commander in Chief of this Province, His Majesty's Council having forthwith assembled, and taken into consideration the said Commission and Instructions, did thereupon order that notice be immediately sent by express to the Honorable GEORGE LEONARD, the Senior Member of the Council, apprising him of this Event, and requesting him to repair immediately to the Seat of Government and assume the Administration of the Government, and in case he should in any way be prevented from repairing immediately to the Seat of Government, that he should be requested to signify the same in writing, and that thereupon the like notice and request should be sent forthwith to the Honorable CHRISTOPHER BILLOPP, Esquire, the next Senior Member.

And whereas neither the said GEORGE LEONARD, nor the said CHRISTOPHER BILLOPP, did, as required by the said Commission and Instructions, repair to Fredericton. And it appearing to His Majesty's Council to be necessary, in conformity with the said Royal Commission and Instructions, that the Person to administer the Government should be sworn in at Fredericton, being the Seat of Government of the Province; and the exigencies of the Province admitting of no delay, It was thereupon resolved, that the next Member in succession on the list of Councillors should be admitted to the Administration of the Government.

And whereas, being next in succession upon the list of Councillors, and being present in Council, I did thereupon, by and with the advice and consent of the said Council, on the first day of April last, take the usual and requisite Oaths, and did assume the Administration of the Government, as President and Commander in Chief of the said Province, until His Majesty's further pleasure be known therein; and no other Person has been appointed and sworn to Administer the said Government.

And whereas the Person to Administer the Government is, by sundry Acts of Parliament relating to Trade, to take the Oaths therein mentioned, before his entrance into his Government.

And whereas the said CHRISTOPHER BILLOPP, not regarding the said Commission and Instructions, and the said several Acts of Parliament, did cause to be printed and published in the City of Saint John, certain Instruments, purporting to be Proclamations in his name, as Administrator of the Government and Commander in Chief of the Province, in which Instruments it is declared that all Proclamations, Civil Appointments and Public Acts whatsoever done and issuing in my name and by my authority as President and Administrator of the Government of the Province are absolutely illegal and of no effect, to the disturbance of the Public Peace and great disquiet of all His Majesty's Faithful and Loyal Subjects in this Province.

I have therefore thought fit, by and with

the advice and consent of His Majesty's Council, to issue this Proclamation, hereby to make known and declare that the said Publications so printed and published as aforesaid, by and in the name of the said CHRISTOPHER BILLOPP, are altogether without any legal authority, and are null and void, and of no effect. And I do hereby, by and with the advice and consent aforesaid, forewarn and prohibit all Persons from printing or publishing, in any manner or form whatsoever, any Instrument, Document, Act or Deed, whatever, as the Act or Deed of the Executive Government, or of any Person as the Administrator of the Government, or of His Majesty's Council of this Province, unless the same shall be previously authenticated by Publication in the Royal Gazette, printed at Fredericton, and by the official signature thereto of the Secretary of the Province, or his Deputy thereunto lawfully authorized, or by some one of those marks of authenticity. And I do hereby require all Magistrates and public officers and all other His Majesty's faithful and loyal subjects, to take due notice of this Proclamation, and to govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the first day of May, in the year of our Lord one thousand eight hundred and twenty-three, and in the Fourth year of His Majesty's Reign.

By The President's Command, Wm. F. ODELL.

By His Excellency Major-General GEORGE STRACEY SMYTH, Lieutenant-Governor and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

G. S. SMYTH. A Proclamation.

WHEREAS several Persons have memorialled for Licences to cut Pine Timber off the Crown Lands, without coming forward to take out the same, and have their Births surveyed agreeably to regulation--Such Persons are hereby cautioned against proceeding to cut the Timber applied for, under the penalty of being proceeded against in common with other Trespassers.

A list will be published in the Royal Gazette, of the names of those Persons who have taken out their Licences and complied with all the requisite conditions; after which notification, no more Licences will be granted for the present Season.

Given under my Hand and Seal at Fredericton, the third day of February, in the year of our Lord one thousand eight hundred and twenty-three, and in the fourth year of His Majesty's Reign.

By His Excellency's Command, Wm. F. ODELL.

By His Honor WARD CHIPMAN, Esquire, President and Commander in Chief (L. S.) of the Province of New-Brunswick, &c. &c. &c.

WARD CHIPMAN. A PROCLAMATION.

WHEREAS the General Assembly of this Province stands Prorogued to Wednesday, the twenty-fifth day of June next, then to meet for the dispatch of Business: AND WHEREAS for divers weighty and important considerations, it has been deemed expedient further to prorogue the same General Assembly: I do therefore further prorogue the said General Assembly, and the same is hereby prorogued to WEDNESDAY the TENTH day of SEPTEMBER next ensuing; whereof all persons concerned will take due notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the 26th day of May, in the year of our Lord, one thousand eight hundred and twenty-three, and in the Fourth year of His Majesty's Reign.

By The President's Command, Wm. F. ODELL.

NOTICE is hereby given, that we the Subscribers have been duly appointed Trustees of all the Creditors of William Dougald, late of the City of Saint John in

the Province of New-Brunswick Mariner, 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 William Dougald, on or before the tenth day of July 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 William Dougald, and to deliver all other effects of the said William Dougald, 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 William Dougald on or before the same day, to deliver to us, or to some or one of us as aforesaid, their respective accounts and demands against the said William Dougald, in order that right and justice may be done agreeably to the form of the Act of Assembly in such case made and provided.

Given under our hands at the City of Saint John aforesaid this tenth day of April, in the year of our Lord one thousand eight hundred and twenty-three.

DANIEL SCOVII, Wm. TYNG PETERS, STEPHEN SMITH. } Trustees.

By the Honorable JOHN SAUNDERS, Esquire, Chief Justice 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 application of Henry Smith, Esq. 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 Jesper Underhill, late of the County of Northumberland, (which same Jesper Underhill is departed from and out of the limits of this Province, or else remains concealed within the same, with intent and design to defraud the said Henry Smith, and the other creditors of the said Jesper Underhill, 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 Jesper Underhill do return and discharge the said debt or debts, within three months from the Publication hereof, all the estate as well real as personal of the said Jesper Underhill within this Province, will be sold for the payment and satisfaction of the creditors of the said Jesper Underhill.

Dated at Fredericton, the third day of May, in the year of our Lord one thousand eight hundred and twenty-three.

JOHN SAUNDERS, C. J. D. L. ROBINSON, Atty.

NOTICE is hereby given, that we the Subscribers have been duly appointed Trustees for all the creditors of James Turnbull, late of St. Andrews in the County of Charlotte, 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 James Turnbull, on or before the 28th day of July next ensuing the date hereof, to pay to us, or some or one of us, all such sums of money or other debt, duty or thing which they owe to the said James Turnbull, and to deliver the said effects of the said James Turnbull, which they or any of them may have in his, her or their hands, power, or custody, to us, or some one of us as aforesaid, and we do also desire all the creditors of the said James Turnbull, on or before the 28th day of September next, to