

THE NEW-BRUNSWICK
ROYAL GAZETTE.

[Volume IX.]

TUESDAY, 29th JULY, 1823.

[Number 22.]

The Gazette.

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

A Proclamation.

WARD CHIPMAN.
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 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 SCOVIL, } Trustees.
WM. TYNG PETERS, }
STEPHEN SMITH. }

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 deliver to us, or some or one of us as aforesaid, their respective accounts and document against the said *James Turnbull*, in order that right and justice may be done agreeable to the form of the said Act of Assembly in such case made and provided.

Given under our hands at Saint Andrews aforesaid, in the County aforesaid, the twenty-sixth day of April, A. D. 1823.
JOSEPH CLARKE, } Trustees.
ROBERT S. MOWAT, }
WILLIAM GARNETT. }

NEW BRUNSWICK, } MAY 26th, 1823.
In CHANCERY, }
Between } HENRY SMITH, Administrator of
JAMES BELL, deceased, Plaintiff, and
THOMAS HUMPHREYS, ROBERT
BOSWELL and BETSY his Wife, and
others, Defendants.

FORASMUCH as the Court was this day informed by Mr. ROBINSON of Council for the Complainant, that the Complainant's Bill in this cause was filed on the fourteenth day of August last, as by Certificate of his Clerk in Court appears, and Process of Subpoena taken out against the said Defendant ROBERT BOSWELL and BETSY his Wife, but that the said Defendant, ROBERT BOSWELL and BETSY his Wife, now resides without the limits of this Province, or doth otherwise abscond to avoid being served with such Process, 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 Court: IT IS ORDERED, That the said Defendant ROBERT BOSWELL and BETSY his Wife, do appear and answer to the Complainant's Bill on or before the first day of September next.
By the Court,
D. L. ROBINSON, Registrar.

NEW BRUNSWICK, } MAY 16th 1823.
In CHANCERY, }
Between HUGH JOHNSTON, } Complainant,
HUGH JOHNSTON, Junr } ants,
And JOSHUA E. FREEMAN, Defendant.

FORASMUCH as the Court was this day informed by Messrs. Charles I. Peters and James Peters, Junr, of Council for the Plaintiffs, that the Bill in this cause was filed on the 27th day of February last, as by the Certificate of their Clerk in Court appears, and process of Subpoena taken out against the said Defendant, but that the said Defendant now resides without the limits of this Province, or doth otherwise abscond to avoid being served with such Process as by affidavit appears; and the said certificate and affidavit being read, the truth of the above allegations made out to the satisfaction of the Court: IT IS ORDERED, that the Defendant do appear and answer to the Complainant's Bill on or before the 28th day of August next.
By the Court,
D. L. ROBINSON Registrar.

Fredericton, 22nd July, 1823.
MILITIA GENERAL ORDERS.

HIS Honor the President and Commander-in-Chief, is pleased to make the following appointments:

1st Batt. Charlotte County Militia.
John Atherton, Gent. to be Lieutenant in the Rifle Company attached to the 1st Battalion.

2nd Batt. Charlotte County.
Lieut. James Pratt, to be Captain of a new Company.

To be Lieutenants.
Ensign Lauchlan Cameron, vice Armstrong, who retires with his rank.
Edward Waddington, vice Justison, who retires with his rank.

William Flaherty, 1st of the Rifle Company.
Abraham Wetmore, 2d of ditto.

To be Ensigns.
John G. Campbell, Gent. vice Waddington, promoted.
Hugh Matthewson, Gent. of a new Company.

Peter Goss, Gent. vice Wetmore, promoted.
Thomas Turner, Gent. vice Cameron promoted.

3rd Batt. Charlotte County.
Lieut. James Wilson, to be Captain of a new Company on the Island of Campo Bello.

2nd Batt. Westmoreland.
To be Captains.
Lieutenant Bill Chappell.
David Chapman.

James Hewson, vice Wells, resigned.
Martin Chapman, vice Gilbert, ditto.

Ensign Amasa Wheldon, vice Derry, ditto.
John Harris, vice Boulienshoun, do.
Oliver Barnes, of a new Company.

To be Lieutenants.
Ensign William Raworth, vice Chappell, promoted.
Malcolm McEachern, vice Chapman, ditto.

Charles Smith, Gent. of a new Company.
Geo. L. Kinnear, Gent. of Artillery.
William Burnham, Gent. ditto.

To be Ensigns.
James Barnes, Gent.
Reuben Taylor, do.
Mansfield Cornwall, do.

Thomas Lowerson, do. vice Carter, deceased.
George Oulton, do.
Samuel Easterbrooks, do.
James Evans, do.

A. Edwin Botsford, do.
W. P. Sayre, do.
Benjamin Charters, do.
James Sayre, Junr. to be Quarter Master, vice James Sayre, Esq. resigned.

Martin Chapman, to be Adjutant, vice Withered, deceased.
Marmaduke Backhouse, Esq. to be Surgeon.

By the President's command,
GEO. SHORE, Adj. Gen. M. F.

Letters from Mr. Commissioner Robinson, on the Canada Trade, and Canada Union Bills, communicated by the Lieutenant-Governor, January 22nd, 1823.
[Continued.]

As to the probable determination of Parliament upon the measure, I can only state, that I attended the discussions upon the Bill, and that I heard no opposition whatever offered to the principle, but that the expediency of uniting the Legislatures, seemed to be the prevailing opinion, and that had the Government pressed it the last Session, the number of those who resisted on the ground of time only, was by no means sufficient to have prevented the Bill passing. I mention these facts that they may assist in forming a judgment of the probable issue of the measure. It was suggested in discussion in the House, that witnesses should be examined at the Bar, as in the year 1791, and either Province heard by Counsel, if it requested it. What steps the Province of Lower Canada may

take, I cannot conjecture; some few merchants here, connected with that Province, petitioned at a very late period of the Session, in favor of the Bill, and their petition has been ordered to be printed. Other gentlemen of the same class, preferred a remonstrance to His Majesty's Government against it; and Mr. Murray, a Member of the House of Commons, declared that he had received many communications from persons connected with that Province, who were unfriendly to the Union. One thing strikes me as most important to be attended to;—whatever may be the opinion as to the Bill in its present shape, and that is, that if the change does take place, and in consequence of the representations of Lower Canada, it should be effected upon terms which will give to Upper Canada, less influence in the joint representation, or without any of the restrictions interposed to secure its interests, it may have the effect of making the latter Province a mere dependency upon the other, which I cannot but believe would be very fatal to its growing prosperity, and that consequently, it is most important if the Bill should pass, that it should pass in these respects unaltered.

Nothing further occurs to me which it can be of service to state, respecting this measure, but it remains that I should entreat His Excellency's earliest attention to the very perplexing situation in which I am placed by its being thus depending. The business which I was deputed to urge, is fully accomplished by the Act which I now send out, and nothing remains of those matters which I am officially charged, which should longer detain me from the discharge of my public duties in the Province, or from attending to my private affairs, from which a much longer separation will be attended with serious inconvenience and loss, but feeling deeply the interest which attaches to the approaching discussion, it appears to me that though the confidence of the Government and of the Legislature was reposed in me for other purposes which are fulfilled, I must in this unfortunate state of things, consider myself so far the Public Agent, that I cannot, at least without the sanction of His Excellency, withdraw myself from this country, before the measure is disposed of, the result of which, and indeed in its minutest details, the future political state of the Province, and consequently its welfare and its happiness are so deeply concerned.

To attend to the further progress of this measure, as representing the interests of Upper Canada, involves a responsibility which I would most willingly see committed to other hands, but which if possessed of the confidence, and informed of the sentiments and wishes of the Province, I could not properly decline, and from which, at all events, I should feel a reproach to fly. It would be very gratifying to me to assist in the deliberations to which the agitation of this question will probably lead, in the Legislature of the Province: but not yet determined what course to take in a situation which many considerations concur to render very embarrassing I have endeavoured in this and former communications, to put His Excellency in possession of all the information which I could communicate, were I present, either respecting the Bill depending, or the Act which has been passed. I forget whether in my note written hastily to you immediately on my perceiving the probability of the present result of the discussion before the Parliament, I made any observations on the situation in which it placed me. If in the satisfaction I felt in the prospect of that result, such a consideration did not so immediately occur to me, I think it will not have failed to suggest itself to His Excellency, and I earnestly hope I may receive some communication from you in answer to that note, which may put me in possession of His Excellency's sentiments on that head. If not, I take the liberty of begging to be favored with them as speedily as possible, in reply to this letter. In the former case the communication would certainly arrive in time, and in the latter, it possibly might, to enable me to return to Canada, so as to attend the Session of the Legislature at the ordinary period, if His Excellency should think I might with propriety leave this Country.

I have the honour to be,
Sir,
Your most obedient
Humble Servant,
(Signed) JOHN B. ROBINSON.

To Major HILLIER,
Secretary to His Excellency
Sir P. MAITLAND, K. C. B.
Lt. Governor, &c. &c. &c.

COPY (A.)
July 24th, 1823.
Sir,
I now submit to you the clause respecting duties imposed in Lower Canada, upon Scows, Rafts, &c. passing from Upper Canada, through its waters, upon which I spoke to you yesterday.

Being entirely prospective, it was unnecessary to propose it while the measure for uniting the Legislatures of the Provinces, formed part of the Canada Bill. In addition to what I have already urged on this subject, I beg to refer to pages 39 and 40, of the report of the Legislature of Upper Canada, in which the rates in question are complained of, and to page 50, for a copy of the Act by which they are imposed, and by which it will be seen that those rates are very considerable in amount, and that as they are raised solely by the Legislature of Lower Canada, so they are to be expended solely at its discretion.

I will only add that flour and lumber are the principal exports of Upper Canada, the former of which is sent down the Saint Lawrence, in scows, the latter in rafts and cribs, and that chiefly upon