

Ward Chipman Esq

THE NEW-BRUNSWICK

ROYAL GAZETTE.

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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. W. M. 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 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, W. M. 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 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, ROBERT S. MOWAT, WILLIAM GARNETT. } Trustees.

NEW BRUNSWICK } MAY 26th, 1823. In CHANCERY, 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, and JOSHUA E. FREEMAN, Defendant.

FORASMUCH as the Court was this day informed by Messrs. Charles E. 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 do 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.

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

[Continued.]

COPY.

LONDON, August 27th, 1822.

SIR

I have the honor to report to you, for the information of His Excellency the Lieutenant Governor, that the Bill which His Majesty's Government had determined, previously to my letter to you, of the 16th May last, to propose to Parliament, and of which I communicated to you the heads, was submitted to the Law Officers of the Crown, whose consideration of it necessarily occupied some time, and retarded its introduction, and the Secretary of State for the Colonies having in the mean time deemed it advisable to incorporate with this Bill, the provisions for regulating the inland intercourse of the Canadas with the United States of America, which the change of system lately adopted with respect to the trade of the British Colonies, rendered necessary, a further delay was occasioned, and near the end of the month of May, the Bill, embracing these regulations of trade, and the several enactments of which I had sent you the heads, was brought into the House of Commons, by Mr. Wilmot, the Under Secretary of State for the Colonies.

The extreme pressure of business before Parliament, occasioned the postponement of its subsequent stages, from day to day, but as soon as it could be again taken up, it was read a second time without opposition, and passed through Committee, and at the instance of His Majesty's Government, it was ordered to be recommitted on a day as distant, as the advanced period of the Session would admit, and in the mean time to be printed. One of the copies of the Bill thus printed for the use of the Commons I have lately sent to you. Upon the discussion which took place after this delay, several members objected strenuously to the immediate passing of that part of the Bill which provided for the Union of the Legislatures, on the ground that it did not appear that the people of the two Provinces were aware that so great a change was contemplated, and that they might have objections to offer, which, whatever might be the decision upon them ultimately, it was contended they ought to have an opportunity of urging. The expediency of the change proposed, was not denied in the discussion, and it was affirmed by those who interceded for the delay, that admitted the Union to be expedient, the terms on which it was proposed by the Bill to effect it, appeared equitable and proper. The objection went only to the inexpediency of passing a Bill at the late period of the Session, effecting an important change, of which it was alleged there was nothing before the House to prove the necessity, which had not been solicited on the part of either of the Provinces, and to which it was possible, one, or both of them, might be very much opposed. These objections were over-ruled by a great majority of the Members present, but upon a subsequent discussion which took place on the 23d of June, His Majesty's Ministers, finding that those who had objected to passing during the present Session those clauses which respected the Union of the Legislatures, persevered in their opposition, on the ground they had first taken, declared themselves unwilling to press the measure, finding it did not meet, as they had expected it would, with the general concurrence of the House, and proposed themselves, what had been suggested on the former debate, that so much of the Bill as related to the Constitution of the Canadas, should be separated from the rest, and be brought in as a separate Bill, and should pass so far through its ordinary stages, as to

admit of its being printed, in order that it might lie over for consideration, and an opportunity be afforded to the inhabitants of the two Provinces, to make any representations they might desire. It was expressly declared, however, by His Majesty's Ministers, that as they were entirely convinced of the expediency, and even of the necessity, of the measure, they only deferred it for the present, lest the opposition which had been unexpectedly given to it, though only with respect to the time of its passing, might excite a prejudice against the Bill, in the minds of the people of Canada, and induce them to acquiesce less cheerfully than they otherwise would, in any practical inconveniences which might at first be felt from the change. That they would therefore give time for an expression of opinion, but that they would proceed with the measure the next Session, unless some good grounds should be shown for supposing that the Union contemplated, would be injurious to the great interests of the Provinces. That though they acceded to it, they regretted the delay of a measure which appeared to them the best calculated to remove all future differences between the two Canadas, and to promote their ultimate security and prosperity, and which they thought, had it passed as they anticipated by the unanimous voice of the British Parliament, would have been received with the same conviction by the Provinces themselves. With this declaration of their present impression, and of their intention for the future, they moved that the Committee should be instructed to divide the Bill before the House into two parts, and that the first, comprehending the proposed Union, should be proceeded in no further, at present, than the second reading, that it might be printed, and lie over to the next Session. The latter part of the Bill, embracing the provisions for regulating the inland trade of the Canadas with the United States, and the several enactments for investigating and settling the claims of the Upper Province upon the Lower, and respecting the future distribution of the duties to be levied in the latter Province, upon importations by sea, (of the urgent necessity of which enactments, as well as of their justice, the House declared themselves satisfied,) was on a subsequent day reported by the Committee.

The postponement of the proposed Union of the Legislatures, and the possibility of his Majesty's Government, on further consideration, relinquishing the measure entirely, (which supposition however I have not the slightest ground for entertaining,) rendered it necessary to provide in the Bill about to be passed, against the recurrence of future inconvenience to Upper Canada from the Acts of the Legislature of the Lower Province, which would not have been necessary, or which could not consistently have been done, had the Legislatures of the Canadas been united. I therefore submitted the clauses numbered 28 and 29 in the Act, as it has passed, nearly in the terms in which I had first proposed them in the draft which I laid before Earl Bathurst previously to the measure of uniting the Legislatures being resolved upon by His Majesty's Government. The necessity also of protecting the exports of Upper Canada against taxation, direct or indirect, by the Legislature of Lower Canada, which is much insisted upon in the Report, impelled me to press for the adoption of the Clause No. 30 in the Act, and I accordingly submitted it to the Under Secretary of State, with the explanations contained in my letter to him, of which a copy is sent herewith, marked (A.) Objections were called for and urged in writing on the part of Lower Canada, against this clause, as against the enactments before proposed, and Earl Bathurst, having decided upon the reasonableness of affording the protection, it was submitted, and passed by the House.