

THE NEW-BRUNSWICK ROYAL GAZETTE.

[Volume IX.]

TUESDAY, 15th APRIL, 1823.

[Number 7.]

The Gazette.

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

WARD CHIPMAN. A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Wednesday the fourth day of June next ensuing, I have thought fit, by and with the advice of His Majesty's Council, further to prorogue the said General Assembly, and the same is hereby prorogued to Wednesday the twenty-fifth day of the same month of June, then to meet at Fredericton for the dispatch of business.

Given under my Hand and Seal at Fredericton, the second 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 His Honor's Command. WM. F. ODELL.

By His Excellency Major-General GEORGE STRACY 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. NEW-BRUNSWICK, } February 25th, In Chancery, } 1823.

Between George Ludlow, and others, Complainants, And Joseph Young, Defendant.

FORASMUCH as the Court was this day, informed by Mr. Robinson, of Counsel for the Complainants, that the Bill in this cause was filed on the thirteenth day of July 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 allegation being made out to the satisfaction of the Court: It is ordered, that the said Defendant do appear and answer to the Complainants' bill, on or before the tenth day of June next.

By the Court, D. L. ROBINSON, Registrar.

Legislature of New-Brunswick.

26th March. (Continued.)

Mr. Simonds moved the following resolution:

"Whereas the report of the majority of the Select Committee of Privileges, as received by this House on the 14th inst. being highly objectionable, for the following reasons—that is to say:

1.—Because professing to give a faithful account of the proceedings of former Houses of Assembly in this Province, it does not detail the whole of the proceedings of the year 1799,—having omitted to state, that in that year four Bills of Revenue and Appropriation, were sent to the Council for concurrence.

2.—Because the report conveys an unjust reflection on the Executive, by stating that the Governor had made the Act of 2 G. 4. c. 5, a matter of complaint, when he had recommended the passing of the same, and that the said Act had not been disallowed at the time of such complaint being made, but had received the Royal Sanction, the Committee were not in possession of any facts to warrant any such reflection; on the contrary, it does appear evident that the Royal Sanction to the Act above recited, was not received in this Country until after the close of the last Session.

3.—The report states that in 1801, the House of Assembly, in consequence of a conference with the Council, the result of which is not on the Journals, conceded to the Council a most important right, by adopting the mode of sending each item of Appropriation to that Branch of the Legislature for concurrence, previous to their being put into a Bill, and that they find many instances of the arbitrary abuse of the unconstitutional power thus yielded to them by the House.

4.—And because the report concludes by recommending to the House, a perseverance in the practice which has prevailed for some time past, which is acknowledged to be a surrender of the rights of the House, and contrary to the principles of the British Constitution, and the invariable practice of the Imperial Parliament—"

"Therefore resolved, that the report of the majority of the Select Committee of Privileges, be not retained on the Journals of this House."

Mr. Allen moved the previous question, viz:—"That the said resolution be not adopted."

—Upon which the House divided, as follows—YEAS 10—NAYS 7. It therefore passed in the affirmative.

Read a third time as engrossed, a bill "in amendment of an Act to encourage the Inhabitants of this Province, who are engaged in prosecuting the Cod and Scale Fisheries, by granting Bounties on the same."

Resolved that the bill do pass.—And ordered that Mr. Ritchie and Mr. J. Wetmore, carry the same to the Council and desire their concurrence.

Read a third time as engrossed, a bill "to provide for the calling in the Arms issued to the Militia of this Province."

And on motion of Mr. Wetmore, the following was moved as a Rider to the said bill:

"Sec. II. And be it further enacted, That this Act shall continue and be in force

for three years, and thence to the end of the then next Session of the General Assembly."

Resolved that the bill with the rider do pass.—And ordered that Mr. McKay and Mr. Campbell, carry the same to the Council and desire their concurrence.

Mr. Simonds, from the standing Committee appointed to examine, liquidate, and report on public and private accounts, made a further report—viz.

W. is an account of the expenditure of £50, granted by the Legislature in 1821, for the purpose of purchasing Farming Implements and Seeds for the Black Refugees settled near Loch Lomond, by Mr. George Cody. He credits £50 received from the Treasury.

It appears by the account, that every attention to economy has been paid by Mr. Cody. The proper affidavit is annexed to the account, and the whole is satisfactory.

X, is the account of the Clerk of the House of Assembly, for contingent expenses of the present Session—amounting to £258 5 9. The necessary vouchers are produced. Ordered that the same be received and lie on the table.

Read as engrossed, the resolutions of Appropriation made and passed yesterday (the 25th) and this day.

Ordered that Mr. Stubs and Mr. Miles, do carry the same to the Council and desire their concurrence thereto.

The House proceeded to take into consideration the amendments made by the Council to the bill "for appointing Firewards in the Towns of Fredericton and St. Andrews, &c. sent down for concurrence this day. The said amendments being severally read to the House, are as follow:

Sec. V, at A, dele "Town Plots," and insert "Towns."

" " at B, dele "closely shut."

Sec. IX, at C, dele the remainder of the Section, and insert

"X. And be it further enacted, That this Act shall continue and be in force for five years, and thence to the end of the then next Session of the General Assembly."

The question being severally put for passing the said amendments, they were not concurred in by the House.

Read a third time as engrossed, a bill "further to increase the Revenue of the Province, by imposing a duty upon all Rum and other Spirituous Liquors that shall be distilled within the same."

Resolved that the bill do pass.—And ordered that Mr. Ritchie and Mr. Wetmore, carry the same to the Council and desire their concurrence.

Adjourned.

27th March.

In consequence of the extreme illness of His Excellency the Lieutenant-Governor, the House met at 7 o'clock this morning.

A Message from the Council.

Mr. Lockwood delivered the Message—as follows:

"Mr. Speaker,—The Council have agreed to the bill for altering the Terms of holding the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland."

And then Mr. Lockwood withdrew.

A Message from the Council.

Mr. Black delivered the Message—as follows:

"Mr. Speaker,—The Council have agreed to the resolutions of Appropriation, dated 25th and 26th March, sent up by the House for concurrence: And they have likewise agreed to the bill "to increase the Revenue of the Province, by imposing a duty upon all Rum and other Spirituous Liquors that shall be distilled within the same:" And also to the bill "to provide for the calling in the Arms issued to the Militia of this Province."

And then Mr. Black withdrew.

Read a first, second, and third time, the

bill "to appropriate a part of the Public Revenue for the services therein mentioned."

Resolved that the bill do pass.—And ordered that Mr. McKay and Mr. Campbell, carry the same to the Council and desire their concurrence.

Read a second and third time, the bill "to appropriate a part of the Public Revenue for the ordinary services of the Province."

Resolved that the bill do pass.—And ordered that Mr. Stubs and Mr. Miles, carry the same to the Council and desire their concurrence.

A Message from the Council.

Mr. Black delivered the Message—as follows:

"Mr. Speaker,—The Council have agreed to the bill to appropriate a part of the Public Revenue for the ordinary services of the Province: And also to appropriate a part of the Public Revenue for the services therein mentioned."

And then Mr. Black withdrew.

THE ARMY.

All Regimental Bands are to be increased from one serjeant and ten men to one serjeant and sixteen.

We understand that it is the determination of Government to embody four additional Veteran Batalions immediately.

His Majesty has directed that Lieutenant-Colonels of the Line, not having the Army Rank of Colonel who may exchange with Lieutenant-Colonels and Colonels of the Life Guards; and Majors of the Line not having the Army Rank of Lieutenant-Colonel, who may exchange with Majors and Lieutenant-Colonels of those Regiments, are not by such exchanges to obtain the rank of Colonel and Lieutenant-Colonel respectively, without the special authority of the King, as in other cases of Brevet Rank.

All Officers upon the list of Retired Full Pay, are (after the 24th of December 1822) to make the declaration required from Officers upon half-pay, as to their not holding any other place or employment of profit, civil or military, under his Majesty, or in the service of any other Government, in addition to the declaration heretofore required, that they are entitled to such Retired Full Pay.

The following regulations respecting the clothing for the Army have just been issued from the Horse Guards, and are as follow:

"That the Parade Dress of all Regiments of infantry is to consist of white overalls for the summer season, and grey for the winter, in lieu of breeches and gaiters; and on all particular occasions, the full dress to consist of white breeches and leggings, with a black strap below the knee. Officers of the Light Company to wear the horse-hair plume in the chaco for general service, and the plume in coq. for full dress."

LISBON, DEC. 13.

We have already stated the Queen's refusal to take the oath of obedience to the Constitution.

On the 22d of Nov. the Ministers of Marine and of the Interior having represented to her Majesty the inconveniences of her persisting in such a refusal, the reply which she made was in these terms:—

"I have already declared my formal and solemn resolution not to take the oath; I now repeat it."

"I am ready to submit to whatever the King shall order, consistent with law. I am bound, however to observe, that the state of my health imposes a necessity upon me at this moment, and the preservation of my life is a natural right. I am persuaded neither the King nor the Government desire I should die upon the road. For we are now in the depth of winter, and I dare not undertake the journey until it is passed. To prove I do not seek any pretence, I am ready to retire in the Palace of Ramalhao, with