

# THE NEW-BRUNSWICK ROYAL GAZETTE.



[Volume XI.]

TUESDAY, 16th NOVEMBER, 1824.

[Number 38.]

## The Gazette.

By His Excellency Major General Sir HOWARD DOUGLAS, Bart. (L.S.) Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c. HOWARD DOUGLAS.

### A Proclamation.

WHEREAS the General Assembly of this Province, stands prorogued to Wednesday the first day of December next, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the first day of February next ensuing — then to meet at Fredericton, for the dispatch of business.

Given under my Hand and Seal at Fredericton, the twelfth day of November, in the year of our Lord one thousand hundred and twenty four, and in the fifth year of His Majesty's Reign.

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

### SECRETARY'S OFFICE,

Fredericton, 19th August, 1824.

HIS Majesty having directed returns to be forthwith made of the general Establishment of the Government of this Province, arranged according to Departments, and including every Individual employed therein, with all the particulars specified in the annexed Schedule, and also a return under similar heads of those public officers who may not be attached to any particular department: all Persons concerned are hereby required in obedience to His Majesty's commands, to forward immediately to this office their respective reports, agreeably to the form prescribed.

By order of His Honor the President.

Return to express in separate columns the following particulars.

- Name, and designation of Office.
- Office.
- Date of appointment.
- By whom appointed and under what Instrument.
- Whether Office executed by Principal or by Deputy; if by Deputy his name.
- Annual salary in sterling and Currency, with rate of Exchange.
- Fees during the year which has expired, in currency and sterling value.
- Nett amount received by Principal and by Deputy, in currency and sterling.
- Whether Principal or Deputy be allowed a House for personal residence, or what allowance, if any, for House rent or Quarters.
- Whether Office be held by Principal in conjunction with any and what other Civil, Military or Naval office or appointment or place of Profit, in any Colony or on the establishment of the United Kingdom. If the office be held by a Military or Naval Officer whether upon full or half Military or Naval pay, the total amount of pay and allowances of every kind actually received by him in addition to the Profits of his Office.
- Periods during which the officer has been absent on leave from the Colony.
- Whether the Principal or his Deputy enjoy any and what other advantage or profit, not required to be stated in the preceding columns.
- Remarks in explanation of the duties of the office and of such subjects as require elucidation.

By the Honorable JOHN MURRAY BLISS, Esquire, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

NOTICE IS HEREBY GIVEN, that upon the application of James Fraser, of the City of Saint John, Merchant, to me duly made according to the

form of the Acts of Assembly in such case made and provided, I have directed all the estate as well real as personal within this Province, of Joseph Kenah, late of Fredericton, in the County of York, in the said Province, Esquire, (which same Joseph Kenah departed from without the limits of the Province upwards of eighteen months ago, and has not resided within the same for any time during the last six months, and is indebted to the said James Fraser, in one thousand eight hundred Pounds and upwards, over and above all Discounts) to be seized and attached; and that unless the said Joseph Kenah, do return and discharge his said debt and all other his just dues within six months from the publication hereof, all the estate as well real as personal of the said Joseph Kenah, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Joseph Kenah.

Dated at the City of Saint John, this twenty-second day of September, one thousand eight hundred and twenty-four.

J. M. BLISS.  
R. PARKER, Attorney.

By THOMAS WYER, Esquire, one of the Justices of His Majesty's Inferior Court of Common Pleas for the County of Charlotte, in the Province of New-Brunswick.

NOTICE is hereby given, that upon the application of John Carrick, of the Parish of Saint George, in the County and Province aforesaid, to me duly made according to the form of the Act of the Assembly in such case made and provided, I have directed all the Estate as well real as personal within this Province, of Samuel Ray, late of the Parish of Saint George, (which same Samuel Ray is departed from and without the limits of this Province, with intent and design to defraud the said John Carrick and the other Creditors of the said Samuel Ray, (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 Samuel Ray do return and discharge his said debt or debts within three months from the publication hereof, all the estate as well real as personal of the said Samuel Ray, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Samuel Ray.

Dated at Saint Andrews, this fourth day of September, 1824.

THOMAS WYER, J. C. P.  
JAS. BARBER, A. U.

NEW-BRUNSWICK, } and July, 1824.  
In Chancery. }  
Between Mallory Raymond, Complainant,  
and  
Richard Carlow, & James Carlow, Defendants.

FORASMUCH as the Court was this day informed by Mr. Wetmore, of Council for the Complainant, that the Bill in this cause was filed on the 10th day of April last, as by the Certificate of their Clerk in Court appears, and process of Subpoena taken out against the said Defendants, but that the said Defendants now reside 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, and the truth of the above allegation being made out to the satisfaction of the Court, It is ordered that the said Defendants do appear and answer to the Complainant's Bill, on or before the third Tuesday in February next.

By the Court,  
D. LUDLOW ROBINSON, Registrar.

NOTICE IS HEREBY GIVEN, That We, the Subscribers having been duly appointed Trustees of all the Creditors of James Develin, late of the Parish of Chatham, in the County of Northumberland, Carpenter, 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 such case made and provided: And we do hereby require all persons indebted to the said James Develin on or before the Twenty-eighth day of October 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 Develin, and to deliver all other effects of the said James Develin, which

they, or either, or any of them may have in his, her, or their hands, power or custody, to us, or some, or one of us aforesaid: And we do desire all the Creditors of the said James Develin, 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 James Develin, in order that right and justice may be done pursuant to the form of the Act of Assembly in such case made and provided.

Given under our hands at Chatham, the 28th day of July, in the year of our Lord one thousand eight hundred and twenty-four.  
ALEXANDER FRASER, junr. } Trustee.  
JOHN M. JOHNSON, }  
THOMAS VONDY. }

### CANNIBALISM.

(From the Boston Daily Advertiser.)

In the brig Sultana, which arrived at this port yesterday, from London, came passenger, Mr. Joseph Price, of Wilmington, Delaware, who was one of the crew of the brig Gen. Gates, of Boston, and was taken prisoner by the natives of New Zealand. The Gen. Gates sailed from Boston in 1821, on a sealing voyage, and on the 10th of August following, Price was landed with five others, on the coast of New Zealand, to catch seals. After remaining there six weeks, having procured 3563 skins, they were taken by a party of natives of New Zealand, at ten or eleven o'clock at night. The natives set fire to their huts, burnt their skins, and destroyed their provisions, not knowing the use of them. They then tied their hands behind them, marched them to Looking Glass Bay, a distance of more than a hundred and fifty miles. They had nothing to eat but roasted fish. They were then marched 200 miles to Sandy Bay, where they found a collection of savages, who carried them before their King and Queen. As soon as they arrived, one of their number, John Rawter, of London, was ordered to be killed. He was tied to a tree and struck on the head by two savages, armed with clubs. His head was cut off and buried, and the rest of the body they roasted in a kind of oven and offered to the survivors to eat, and having nothing else they were forced by hunger, to partake of it. They tied the remaining five to a tree, with 50 men to guard them. The next day, James Webster was killed and roasted; the day after, William Rawson, of New London, and the day after, Wm. Smith, of New York, shared the same fate. The next day, from what they could learn from the chief, James West, of New York, was to die; but the night previous, a heavy squall rose from the east, with thunder and rain, which so frightened the natives, that they all ran away to the west, with a hideous noise, leaving them tied under the tree. They succeeded in untying themselves, escaped to the shore, found their boat, and then put to sea without provisions. They were not thirty yards from the shore when they saw 700 savages coming in search of them. They had been three days in the boat, when they were picked up by the brig Margery, of Sydney, New South Wales.

Late accounts from Smyrna, on the affairs of Greece, state:—As for the Asiatic savages, in the first place we wholly disbelieve the numbers said to be on their march.—The first from their lawless undisciplined state will meet with certain death, and for the Egyptian expedition we do not believe it will ever sail at all. If the Turks can bring no better forces into the field than Asiatic barbarians, they will have but a sorry hope indeed. The progress of liberty in Greece is too far advanced to be endangered by any force Turkey can send against her.—*Exeter Gazette.*

One hundred and fifty Brazilian soldiers had sailed from Lisbon for Para, who had been sent prisoners from that province; the king had ordered the liberation of those sent from Maranhao also.

### LAW INTELLIGENCE.

Supreme Court.—Michaelmas Term.

HALIFAX, Oct. 19.

#### The King vs. Blackadar.

This action came on for trial during the last Easter Term. The defendant was tried in the year 1822 by a Military Court Martial, in consequence of a deficiency of Two Thousand Pounds, which appeared upon the examination of the monies in his charge, as Cashier of the Commissariat Department in this Garrison. The original sentence of the Court was, that he make good the deficiency of Two Thousand Pounds to the King, and be imprisoned until the fine be paid, as directed by the military act. His Majesty's government disapproved of the sentence as being at variance with the finding of the Court, and directed them to revise their proceedings.

It appeared by the testimony of the Judge Advocate, given at the last Session of the Supreme Court, that the Court Martial again assembled in pursuance of such directions, permitted fresh evidence to be adduced and passed a similar sentence; upon which sentence a writ of Capias was issued against the party. The Judges who tried the cause were of opinion that the admission of such evidence, gave the transaction the character of a new trial; that consequently the sentence founded upon such proceedings was irregular, and directed the Jury to find a verdict for the defendant.

A Bill of Exception was then tendered by the Attorney General to the charge of the Court and a writ of Error sued out, but no proceedings had upon it, nor judgment signed. A rule nisi was granted to shew cause, why the Defendant should not have judgment entered upon the said verdict, and receive the benefit thereof, by being discharged from prison under the Capias issued in this cause.

This Rule was ably supported by Mr. Johnson who strenuously urged to the Court the right of the defendant to his discharge under the verdict given, and that the writ of Error could not operate as a supersedeas, as that writ was made returnable before any judgment signed, and consequently the judgment could not be affected by it, the judgment in all such cases being necessary in order to support such writ. The Court without hearing further argument upon the rule, signed judgment upon the verdict given in the defendant's favour.

The Attorney General for the plaintiff contended that the writ of Error operated as a supersedeas, that the verdict being in the defendant's favour it became his duty to get the judgment entered up, and having neglected to do so, he could not take advantage of his own laches, that whatever defect there was in the writ of error, it could only be taken advantage of in that Court to which it was returnable, that the Supreme Court could take no cognizance of it, that the writ of Error was always constructed to the day of signing the judgment, that the defendant under such circumstances was not entitled to his discharge till a final decision was had, that the King having obtained the person of the defendant to answer his suit, he had a right to detain him in prison till it was completely determined or until he gave bail for his liberation, and that he could not procure the object of his rule without an order of the Court.

The Chief Justice said that the defendant had committed no laches or neglect in not having the judgment signed, as he had applied long previously to the Court for that purpose, and that he did not sign the judgment. He delivered it as the decision of the Court (which then was full) that the writ of error when correctly and properly sued out operates as a supersedeas in the court out of which it issues. That the defendant hav-