

BY AUTHORITY.

An Act for the erection of a Court House and Gaol in the County of Kent.

Passed 5th April, 1828.

WHEREAS it is necessary that a Court House and Gaol should be erected in the County of Kent.

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be held, or the major part of them, be, and they are hereby authorized and empowered to contract and agree with able and sufficient workmen, for building and finishing a Court House and Gaol in the said County, and to agree for such sum or sums of money, as to them may seem meet, in order to carry their object into effect: and the said Justices are hereby authorized and empowered to make a rate and assessment upon the said County, of any sum not exceeding the sum of five hundred pounds, in such proportions, and at such times as they in their discretion may think necessary, for the erecting and finishing a Court House and Gaol in the said County; the said sum or sums to be assessed, levied, collected, and paid, in such proportions, and in the same manner as any other County Rates can or may be assessed, levied, collected, and paid, under and by virtue of any Act or Acts in force in this Province, for assessing, levying, and collecting of rates for public charges.

An Act to authorize the Justices of the Peace of the County of Kent, to make Rules and Regulations respecting the taking of Fish in the different Harbours, Rivers, and Creeks, in the said County.

Passed 5th April, 1828.

WHEREAS the local situation of Fisheries in the County of Kent, render further and other Regulations than those contained in the several Acts for regulating the Fisheries in the different Rivers, Coves, and Creeks of this Province, necessary for carrying the said Act into effect.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Justices of the County of Kent, in their General Sessions, to make such further Regulations relating to the Fisheries in the said County, as they may find necessary.

II. Provided always, That such Regulations are not contrary to, and do not interfere with the General Regulations and Restrictions, contained in any Act of the General Assembly, or with private rights.

An Act to empower the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of St. John, to dispose of lots in the new Burial Ground in the Vicinity of the said Parish.

Passed 5th April, 1828.

WHEREAS the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, have by their Petition to the General Assembly, set forth that they have lately purchased from George G. Gilbert, a Lot of Ground situate in the Parish of Portland, in the Vicinity of the City of Saint John for a Burying Ground; and divided the same into small Lots, which they are desirous of selling to such Individuals as may be willing to purchase the same; which said Land is bounded as follows: Beginning at the South West corner of the Public Road leading to the Sand Flats, thence South eighty Degrees West, along the Easterly Line of the Great Westmoreland

Road, towards the Aboideau six hundred and thirty feet, thence South ten Degrees East five hundred and fifty feet, thence North eighty Degrees East, seven hundred and thirty-five feet, or until it meets the Western Line of the aforesaid Road leading to the Flats, thence North twenty one Degrees, thirty Minutes West, five hundred and sixty feet to the place of beginning.

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, shall be, and they are hereby authorized and empowered to make sale of the said Burying Ground, or any part or parts thereof, for such price or prices, and under and subject to such Conditions, Covenants, Agreements, and Regulations, as by them may be deemed necessary or proper; and thereupon to make and execute good, legal, and sufficient conveyances of the same; any former Law to the contrary notwithstanding.

II. And whereas the making separate conveyances of each of the said small Lots into which the said Burial Ground is divided, would be attended with great trouble and expense; Be it further enacted, that the said Rector, Church Wardens, and Vestry, shall make or cause to be made, a Plan or Plot of the said Burying Ground, as divided into Lots, distinguishing the Lots by certain Numbers marked on the said Plan, which said Plan shall remain in the care and keeping of the Clerk of the Vestry for the time being; and one true and exact counterpart thereof, shall be deposited in the Office of Register of Deeds, of the City and County of Saint John, and one other Counterpart shall be deposited in the Common Clerk's Office, of the said City and County; all or any of which said Plans may at all proper times be seen and inspected by any person desiring to view the same; and that the names of several Purchasers in severally may be included in one Deed or Conveyance; mentioning the numbers of the Lots so conveyed to the said Purchasers respectively, and referring to the Plan or Plot of the said Ground; which said Deeds so made to several Purchasers, shall be good, valid, and effectual, without the mention or insertion therein of the particular consideration paid for the same; such Deeds being duly registered in the Register's Office for the said City and County.

III. Provided always, and be it further enacted, That such Lots shall not be assigned or transferred by the Purchasers thereof, without the assent of the said Rector, Church Wardens, and Vestry; and that they shall not be liable to be levied upon, or taken in execution, but shall be altogether free from seizure, at the suit of any Person or Persons whomsoever; and that the property in any one of such Burial Lots or part thereof, shall not prevent any confined Debtor from receiving support, under the Law in force for the relief and support of confined Debtors.

IV. And be it further enacted, That nothing in this Act contained shall extend or be construed to affect the Rights of any Person or Persons, Body Politic, or Corporate whatsoever, other than the said Rector, Church Wardens, and Vestry.

A Court of Special Sessions of the Peace, to be holden at the County Court House in Fredericton, in and for the County of York, on Saturday the 26th April instant; Mr. ALWARD HARNED, was appointed Collector of Dog Tax, in the Town of Fredericton.

H. G. CLOPPER, Clerk of the Peace.

FREDERICTON, (N. B.)

MONDAY, MAY 12, 1828.

Alms House and Work House.

COMMISSIONER FOR THE WEEK, D. L. ROBINSON, Esq.

SAVINGS BANK.

TRUSTEES NEXT WEEK, HENRY C. CLOPPER, ESQ. JAMES TAYLOR, ESQ. MR. PETER FISHER.

SUPREME COURT. EASTER TERM.

During the sitting of the Court on Wednesday, the Attorney General stated to the Court, that he should be prepared on Thursday morning to proceed with the Trial of the Indictment which had been found against John Baker, and two others; and understood the Defendant was in attendance.

On Thursday, immediately after the opening of the Court, The Attorney General moved for Trial; and as the Jury were called, it was intimated to the Defendant Baker, by the Court, that he might challenge any of the Jurors for cause: The Defendant declined availing himself of this privilege, and the Jury were sworn in the order they appeared.

The Clerk of the Crown read the Indictment, which charged the Defendants John Baker, James Bacon, and Charles Studson; that they, being factiously and seditiously disposed, and greatly disaffected to the Government of His Majesty, within this Province; did, at the Parish of Kent in the County of York, conspire, combine, confederate, and agree together, maliciously, and seditiously, to bring into contempt the King and his Government, and to create false opinions and suspicions in His Majesty's Subjects, of and concerning the King's Government and Royal Power and Prerogative within the same; and did thereupon then and there erect a flag Staff, and place thereon a flag as the Standard of the United States, and did declare the place to be the territory of the United States; and did also afterwards present to His Majesty's Subjects, a Paper writing, and requested them to sign it, declaring that by such Paper they would bind themselves to oppose the execution of the Laws of Great Britain in that part of the said Parish called the MADAWASKA SETTLEMENT: and did also obstruct the passage of His Majesty's Mail, declaring that the British Government had no right to send its Mail by that route; and that they had received orders from the United States to stop the conveyance of the Mail through the same: and did also afterwards at another time, hoist the flag of the United States on a Staff there erected; declaring that they had actually entered into a written agreement to keep the same flag there, and nothing but a stronger force should take it down; and that they had bound themselves to resist by force the execution of the Laws of Great Britain; in great contempt of the King and his Laws, to the evil example of all others in like case offending, and against the Peace &c.

The ATTORNEY GENERAL, in his opening to the Jury, stated, that though this was a case which it was his duty as the Law Officer of the Crown to bring before them, it had not originated with him: It was an Indictment which had been laid before the Grand Jury at the former Term, by a Gentleman who then held the high office,

(the duties of which he was for the present discharging,) and of whose services and eminent talents the Crown and Country had been deprived by death since the last sitting of this Court: It had been in the ordinary course of that Gentleman's duty; and the Grand Jury of the County having returned it a true Bill, the present Defendant John Baker was arraigned, and having pleaded Not Guilty, and traversed the Indictment until the present Term, had now appeared to take his Trial, and the Jury were empanelled to try the issue joined in that Traverse. The Defendant John Baker stood indicted, together with James Bacon and Charles Studson, for having conspired and combined, factiously and seditiously, to molest and disturb the Peace and common tranquility of the Province, to bring into hatred and contempt the King's Government and Laws, and to create false opinions and suspicions of and concerning His Majesty's Royal Power and Prerogative; and in pursuance of this conspiracy and combination, had committed certain specific acts which are set forth in the Indictment. These are called in the language of the Law overt acts, and proof of them or any of them might manifest the guilt of the party. That tho' these acts were so specifically set forth, they did not form the main point of the offence. The chief and material fact which they had to try, was whether the Defendant Baker did conspire and combine with Bacon or Studson, with intent to subvert the Government of this Province, and to excite sedition and disaffection among His Majesty's Subjects in the Madawaska Settlement so called: and if any one of the overt acts were proved, it would be sufficient to support the charge, if the Jury were, from the circumstances attending it, convinced of the conspiracy of the Defendants. The offence was therefore punishable no further that by fine and imprisonment; but it was one of a very serious nature, and might be productive of the most grievous consequences: It struck at the root of all Society; for if Individuals could be permitted to unite for the purpose of subverting the Jurisdiction, putting down the Laws, and bringing the Government into contempt, without being liable to punishment; and could be justified in so doing, because they took on themselves to deny the authority of the Established Government; all protection for life and property was taken away. The inhabitants were virtually outlawed, and made the prey of every marauder who came with superior force to their own. Had murder, or any other of the highest crimes, been committed by the Defendants; they might on the same ground escape with impunity, as there could be no law by which they could be tried, no tribunal before which they were compelled to answer. There could be no redress for private wrongs, no remedy for agreements broken, no recovery of Debts contracted; and the whole land, instead of being inhabited by an organized Society, living under the blessings of a free Constitution, might shortly be overrun by the outcasts of other Countries, and the present possessors destroyed or driven out. Such would be some of the effects of success in Conspiracies like the present. It was not for him (the Attorney General) to anticipate the defence which might be set up on the present occasion; but if the Defendant still persisted in his former declaration, he would probably, instead of disproving, endeavour to justify the acts which he had committed. The Defendant was, he believed, a native of the United

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