

THE ROYAL GAZETTE.

FREDERICTON, AUGUST 5, 1828.

ALMS HOUSE AND WORK HOUSE.

COMMISSIONER FOR THE WEEK, CHARLES LEE, ESQ.

SAVINGS BANK.

TRUSTEES NEXT WEEK.

HENRY G. CLOPPER, ESQ.
JAMES TAYLOR, ESQ.
GEORGE MINCHIN, ESQ.

SECRETARY'S OFFICE, 4th August, 1828.

WHEREAS in compliance with an Address to His Excellency the Lieutenant-Governor, founded on a Resolution of the House of Assembly of this Province at their late Session; His Excellency has been pleased to appoint *Thomas Heaviside*, of the City of Saint John, Esquire, to audit and examine the several accounts of expenditure of the public money of the Province, and to call for all necessary information relating thereto: Therefore all persons in any way concerned are hereby required to take due notice of this appointment, and submit their respective accounts for examination to Mr. *Heaviside*, who will report his proceedings to His Excellency in order that the same may be laid before the General Assembly at their next Session.

By order of His Excellency,
The Lieutenant-Governor,
WM. F. ODELL.

LATEST INTELLIGENCE.

LONDON, June 14.

The accounts, by a former arrival, of great battles having been fought between the Russians and Turks, prove to have been the coinage of speculators on the continent.

The passage of the Pruth, by the Russians, appears to have been known at Constantinople on the 13th May. Meetings of the Divan were duly till the 18th, when war was announced orders issued for a general arming. A communication was made to the European ministers, requesting them to inform their respective Courts, that the Porte "was going to try the fortune of war in defence of its incontestable rights, and that it would rather perish than submit to have laws dictated to it, as long as it had arms in its hands." All expectation therefore, that the Porte would yield to terms on the approach of the Russian Army, is at an end.

The French papers say that the declaration of war by the Porte, which was announced in all the mosques and market-places, had been treated by the Turks with their characteristic indifference, and Constantinople remained in perfect tranquillity. The utmost exertion was, however, used by the Government to infuse a spirit of enthusiasm into the people; and arms of every description were distributed for a general arming. The Standard of the Prophet had, however, not been displayed, although such a powerful appeal to the devotion of the Mussulmans is usual upon the declaration of war.

A gentleman, just returned from Turkey, represents the spirit of the troops, who are disciplined and clothed after the European regulations; to be excellent; they go through their evolutions with a precision quite astonishing for the time, and mount guard with bayonet fixed, in true soldier-like style. The men appear to glory in the adoption of the improvements. They are dressed in trowsers, short coats, and cloth caps.

The London Courier, after giving a summary of the U. States Tariff Act, concludes as follows:—"Compare the *animus* of commercial legislation like this with the fearless and liberal spirit of our own policy, which offers to every country, not only an equitable exchange of produce, but a fair competition in our market. If America fancies she will promote her own prosperity, by shutting herself in surly selfishness from the world, she will be grievously disappointed. The system of exclusion laid down in the Tariff, will produce her as little profit in a commercial view as honor in a national one."

The Foreign stock market has undergone no material alteration in the course of to-day.—Portuguese stock is upheld at its present price, by the general belief that the next packet from Lisbon will bring accounts of the overthrow of Miguel, and the restoration of the constitution under a new regency. The contrary winds have kept out all arrivals since that of 28th ult. by the steam boats: the packet which is next due was to sail on the 21st.

A long debate took place in the House of Lords

on the motion of the Marquis of Lansdowne, for concurring with the Commons, in the resolution expressive of the expediency of taking into consideration the laws affecting the Roman Catholics.—The question was finally put on the 10th of June, when the motion was lost by a majority of 45—the numbers being for the resolution 137, and against it 182. Three of the Royal Dukes took part in the debate, two of whom, the Dukes of Gloucester and Sussex, supported the motion; and the Duke of Cumberland opposed it. It was thought the question would again be brought up during the Session.

A Cabinet Council was held on the 12th, Sir Vessey Fitzgerald took his seat for the first time as President of the Board of Trade. The Duke of Wellington's Corn Bill was ordered to a second reading in the House of Lords, on the 13th ult. On the division, the Contents were 86, and the Noncontents 19. It seems to be admitted to be as equitable in its nature as the complicated interests of the case would admit. Mr. Huskisson was present during the debate, and appeared to be in an ill state of health.

The Marquess of Stafford has withdrawn his support from the Government—but the Marquess of Cleveland has given his; besides which many of the nobility of the highest class have now resolved to uphold the Ministry, which they would not do so long as Mr. Huskisson remained in office—as a proof of this, nearly one hundred Tory Members were in London at the time of the opposition to the repeal the Test and Corporation Acts, by Ministers, who did not go to the House of Commons on that occasion—the present majorities are as strong proofs of the Parliamentary feeling, as the rising of the funds upon the late change is of that of the mercantile body upon the same subject.

The *St. John Gazette* has furnished us with some very interesting remarks relating to the Disputed Territory, and on some of the most material points of Mr. Clay's letter to the British Minister at Washington (published in this number) respecting the same important subject: and we deem those observations so extremely apposite and correct, that we doubt not our readers generally will approve our having postponed other matter to make room for them; before perusing which, however, we would suggest the reading of Mr. Clay's letter, which will lead to a more perfect understanding of the judicious comments alluded to.

ST. JOHN, July 30, 1828.

On the 2d instant, we copied from NIELSON'S Quebec Gazette, an article, the design of which was to disapprove of the conduct of the authorities of New-Brunswick, for having proceeded to the trial of JOHN BAKER, an American citizen, charged with seditious conduct, on the disputed territory, at Madawaska; and we then made a few remarks on that article. In the remarks then made, we said, that the perfect silence of the American Official Journals, was to us sufficient evidence, that the American Government acquiesced in the propriety of the proceedings which were had regarding Baker; and that we did not think, that the Authorities of New-Brunswick would be found fault with, either by the British or the American Government, for their conduct in that business. In about two weeks after the remarks were published, we found in American papers, copy of a correspondence expressly on the subject, which took place some time prior, between the American Secretary of State, and Mr. VAUGHAN, the British Minister at Washington, which we copied into our last number. This correspondence must have been published at Washington, simultaneously with our remarks here, or nearly so, or at all events, it had not in any shape obtained publicity in this Province, till after the remarks appeared. As we always intend to represent things truly as they come to our knowledge, we deem it proper to give the foregoing explanation; and to add, that the time which had elapsed after the trial of Baker had taken place, and before the correspondence alluded to appeared in this place, was sufficiently long to excuse us from the charge of intentional misrepresentation, or of being over-hasty in our conclusion. And perhaps, as the case appeared so perfectly plain and reasonable to us, we were the more confident that no such complaint as that contained in Mr. CLAY'S letter would, or indeed could, with propriety be made. And now since the correspondence has been published, we have read and attentively considered the complaints alluded to by Mr. Clay, and with all due deference to the American Secretary of State, we cannot see either propriety or soundness in the principles which he labours to establish, nor in the conclusions he strives to draw

from them; and our views upon the subject remain unaltered.

At the trial of Baker, in charging the Jury, His Honor Judge CHIPMAN distinctly stated, that "the question as to the national right of this Territory, now well known to be in controversy, is one which this Court is utterly incompetent to enter into, and can have nothing to do with: It is a matter of State, to be settled between the two Nations, Great Britain and the United States, to be dealt with by the Government of the two Countries, and not by this Court." And Mr. Clay himself in his letter, expresses a determination "to avoid as much as possible, any discussion of the respective claims of the two Countries to the disputed territory," and admits, that "by arrangements between the two Governments, the question of right has received a different disposition, and is to be referred to the decision of a common friend." We say then, that in accordance with Judge Chipman's Charge, and upon Mr. Clay's own admission, and shewing, it is clearly evident, that the question of right and claim to the territory in dispute, is not involved, but stands perfectly open and unconnected with Baker's trial altogether. Mr. Clay's complaint is then limited to the following points, namely: the right of British jurisdiction over the disputed territory generally, and the particular right of bringing Baker to trial, for the offences he had committed thereon. To which is also annexed, an intimation "of a claim for the immediate liberation of John Baker, and a full indemnity for the injuries he had suffered by his arrest and detention." As to the first of these points, it appears that the earliest attempt to enumerate the settlers on the Madawaska, as a part of the population of the United States, was made in the year 1820, that is 37 years after the treaty of 1783, although it must have been well known, that settlements had been formed, and British Jurisdiction exercised many years before that time. This attempt must have been made without any previous concert with the Provincial authorities, and it is to be regretted that no trace of the remonstrance then made against it, is to be found in the Office of the American Secretary of State. Mr. Clay, however, does not, and cannot set aside the fact, that shortly after the Treaty of 1783, and as early as 1786, the territory now in dispute was then settled by British subjects, as such, and that from that time till now, it has been under British Government and Jurisdiction. The assurance stated to have been given, on the 21st November last, "that the Governor of New-Brunswick had resolved to maintain the disputed territory in the state in which it was at the conclusion of the Treaty of Ghent; which Treaty was signed on 24th December, 1814," and on which assurance, Mr. Clay rests much weight, cannot, with any degree of fairness, be so construed, as to afford even a colour of plausibility to the point which Mr. Clay labours most particularly to establish. On the contrary, it most effectually saps the very foundation of his pretensions. That assurance, can only in fairness be construed to imply, that Grants of land should not be given, and that licences for cutting timber should in future be withheld, and every other act be suspended, by which the intrinsic value of the territory in question should be lessened; the whole of which we believe, has been sacredly and scrupulously attended to. But was the British Jurisdiction established and exercised in full force in the year 1814? certainly it was. Then upon Mr. Clay's own ground the British Jurisdiction must continue to be exercised, as a most important and fundamental part of the *statu quo*; and if when the question is finally settled, the territory shall be ceded to the American Government, it will on that very account, be much more valuable to the United States, than if during the intermediate time, it had been without Laws or Government. As to the admitting the exercise of a joint Government, partly British and partly American, in the same territory; the very idea is too absurd to be proposed. And as to transferring the possession and jurisdiction to the Americans, while the British Government conceives itself to have so strong and just a claim,—instead of using arguments to shew the unreasonableness of this idea, we will only ask Mr. Clay, and every judicious American to say, if the case were reversed, and if the claim of the British Government stood exactly upon the same grounds that the Americans now stand upon, and the American claim stood exactly upon the same ground upon which they suppose the British claim to stand, with the possession in them,—we ask, would Mr. Clay, as a member of the American Cabinet, advise to transfer