



St. JOHN: PRINTED and PUBLISHED by JOHN RYAN, Printer to the KING'S MOST EXCELLENT MAJESTY, at his Office, No. 58, PRINCE-WILLIAM Street, where ESSAYS, ADVERTISEMENTS, &c. will be thankfully received.

[VOL. XV.]

[NUMB. 749.]

Assize of Bread.

ESTABLISHED AUGUST 19, 1800.
The Sixpenny Wheaten Loaf } lbs. oz.
to weigh - - - - - 1 11
Ditto Rye - - - - - 2 7
And other Loaves in proportion.
WILLIAM CAMPBELL, Mayor.

LUDLOW, FRASER and ROBINSON,

HAVE RECEIVED,
By the *Britannia* from Glasgow, the
Hawke from London, and the *Liberty*
from Liverpool, and are now
opening for Sale at their Store
in Saint John-street,

A GENERAL ASSORTMENT OF MERCHANDISE;

Consisting, among others, of the
following Articles, viz:

SUPERFINE, Second & coarse Broad Cloths, Elastic Cloths, Yorkshire plains, Cassimeres, German ferges, Duffels, Fearnought, Red, white & yel- low flannels, Green and red bai- zes, 7-4, 8-4, 9-4 and 10-4 blankets, Point blanketing, Coverlids and car- peting, Calamancos, Durans, Moreens, Shalloons, Plain and striped wildbores, Camblets, Bombazeens, Bombazets, 4-4, & 7-8 Irish li- nens, Irish dowlas, Do. sheeting, Russia sheeting, Lancashire ditto, Scotch ditto, Irish diaper of all kinds, 6-4, 8-4 and 10-4 table cloths, Russia towelling, Flax and tow oz- naburghs, Checked and spot- ted handkerchiefs, Fancy do. Blue pullicats, Long lawns, Cambrics, Book and jaconet mullins, Mullin handker- chiefs, 9-8 and 7-8 print- ed calicos, Printed mullins, Cotton shawls, Mullin do. Cotton counter- panes, Men's cotton stoc- kings, Women's do. do. Linen and cotton checks, Striped cottons, Fine striped bed- ticks, Fustians, Corduroys, Thicklets, Striped nankeens,	Dimities, China, latin and love ribbons, Black galloon, Barcelona hand- kerchiefs, White and black latin, Black mode, Sewing silks and twist, Men's & women's gloves, Colored and white threads, Pound and paper pins, Ladies' fashionable bonnets, Do. Morocco slip- pers, Stationary of all kinds, Umbrellas, Hylon, fouchong, and bohea teas, Loaf Sugar, Raisins & currants, Pepper and pimen- to, Mustard, Powder and poma- tum, Starch and fig blue, Black lead, Porter in bottles & casks, Brown Stout in do. and do. Ale in do. and do. Port, Sherry and Lisbon wine, An assortment of buttons, Cutlery of all kinds 4d. 6d. 8d. 10d. 12d. & 20d. nails, Screws and brads, Spades & shovels, Frying pans, Andirons, Shovels and tongs, Patent sho., Bar and sheet iron, Cast iron stoves, 7 by 9 and 8 by 10 crown glass, Glass ware assorted, Earthen ware do. Brown and white soap, Mould and dipt candles, White rope, Salmon twine, Wool cards, Pewter & hard me- tal spoons, with a variety of other articles.
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They have also on hand,
Turk's Island SALT, a few Barrels
of excellent Muscovado SUGAR, and
a few Tierces of PORK.
St. John, July 18, 1800.

BY HIS EXCELLENCY
THOMAS CARLETON, Esq.
*Lieutenant Governor and Com-
mander in Chief of the Pro-
vince of New-Brunswick, &c.
&c. &c.*
Thos. Carleton.

A PROCLAMATION.

HEREAS the
GENERAL AS-
SEMBLY of this
Province stands
prorogued to the
Second TUES-
DAY of this inst.
JULY; I have
therefore tho't
fit, by and with the advice of His MA-
JESTY'S Council, further to prorogue
the said General Assembly, and the same
is hereby prorogued to the Second
TUESDAY in OCTOBER next ensuing.
Given under my Hand and Seal at
Frederickton, the Third day of
July, in the Year of our Lord
One Thousand Eight Hundred,
and in the Fortieth Year of His
MAJESTY'S Reign.
By His Excellency's Command,
JON. ODELL.

BY HIS EXCELLENCY
THOMAS CARLETON, Esq.
*Lieutenant Governor and Com-
mander in Chief of the Pro-
vince of New-Brunswick, &c.
&c. &c.*
THOS. CARLETON.

A PROCLAMATION.

BY VIRTUE of the Power and Au-
thority granted to me, in and by an
Act of Parliament made and passed in the
twenty-eighth year of His MAJESTY'S
Reign, intituled "An Act for regula-
ting the Trade between the Subjects of
His MAJESTY'S Colonies and Planta-
tions in North America and in the West
India Islands and the Countries belong-
ing to the United States of America, and
between His MAJESTY'S said Subjects
and the Foreign Islands in the West-
Indies"—I do, by and with the advice
and consent of His MAJESTY'S Council
publish this Proclamation, hereby autho-
rizing and permitting Wheat, Rye, Rice
or Indian Corn, and the Flour of Wheat
or Rye—also Ash Oar-Rafters and Cap-
stand Bars, Staves, Heading and Tree
nails to be imported by British Sub-
jects in British built ships, owned by
His MAJESTY'S Subjects, and naviga-
ted according to Law, from any of the
Territories belonging to the United
States of America, for and during the
term of Six Months from the first of
July next—and of this Proclamation
all persons whom it may concern will
take due notice and govern themselves
accordingly.

Given under my Hand and Seal
at Frederickton, the sixteenth
day of June, in the year of
our Lord, one thousand eight
hundred and in the fortieth
year of His Majesty's Reign.
By His Excellency's Command,
JON. ODELL.

NEW BOOKS.

FOR SALE,
At J. RYAN'S Printing Office,
Suwarroff's Life & Campaigns,
Translated from the German.—To
which is added a comprehensive History
of his Italian Campaign in the year 1799.
by Wm. Cobbett.—Price 12/6.

ALSO,
The Unsex'd Females,
A Poem, address'd to the author of
the Pursuits of Literature, with a sketch
of the public and private character of
Peter Pindar, Esq.—Price 3/9.

THE NURSE,
A Poem—translated from the Italian
of LUIGI SANSILLO—Price 1 dollar.

LAW REPORT.

GUILDHALL, LONDON, July 19.

PARR V. ELIASON AND OTHERS.

This action was brought to recover
back four several Bills of Exchange,
amounting in all to 188-1. 9s. 6d. The
Plaintiff, Mr. Parr, lived at Liverpool,
and the Defendants were the Assignees
of Perseus and Bodiker, Bankrupts.—
The Plaintiff being possessed of these
four bills, three of which were for 500l.
each, and the fourth for 387l. which
were drawn in Jamaica on a House in
this country, and accepted (they were
drawn at 15 months sight) Mr. Parr
sent them up to London, for the pur-
pose of getting them discounted. In
June 1799, when these bills had 13
months to run, they were accepted by
these Gentlemen, whose Assignees the
Defendants are. The discount amount-
ed to 104l. 9s. 2d. They gave the
Plaintiff no cash, but their own bills at
three months: 23l. ought to have been
allowed for the time these bills had to
run. In a variety of cases, a man who
discounted bills, instead of giving cash,
gave bills of his own that had only a
short time to run, and made a deduction
of discount for that time. But in this
case that was not done. The transaction
was therefore usurious, and if usurious,
the contract was null and void, and the
Plaintiff had a right to recover back his
bills.

Mr. Bodiker said, the Plaintiff's Agent
had applied to them on or about the
20th of June, 1799, to discount four
bills exceeding 1800l. They discount-
ed them at the rate of 5 per cent. and
the Plaintiff's Agent took their accep-
tances at three months. They became
Bankrupts before their bills became
due. When they became insolvent,
these four bills were no part of their
estate, but had gone from them into the
world in the regular course of negotia-
tion; and they had come back into the
hands of their Assignees, in payment of
a debt which was due to their estate.

Lord KENYON.—"These bills were
not usurious in their first connection.
If they had never gone out of the hands
of the Bankrupts who had discounted
them, and had since their Bankruptcy
remained in the possession of their As-
signees unnegotiated, the Assignees
could not have been in a better situation
than the Bankrupts themselves, and
they would have been affected by the
usury. But here these bills, which were
not originally usurious, pass through the
hands of bona fide holders for a valuable
consideration, before they come into
the hands of these Gentlemen, who are
the Defendants. It is an exceedingly
common case, and instances of the sort
are to be found in Siderfin's Reports,
where a man takes an estate as a mere
volunteer, if he can shew that in deri-
ving title to it, it came through the
hands of a person for a valuable con-
sideration, that will protect him. Now
the persons who discounted these bills,
negotiated them and sent them away,
and they came back into the hands of
their Assignees, but they came back
with all the strength of the persons
from whom they came. They have got
back with them the title of the pay-
ment of a debt. The Assignees of a
Bankrupt take his property, subject to
every infirmity it would have in his
hands, but these Bills having afterwards
got into the hands of bona fide holders,
and as in their hands they could not be
impeached; so the Defendants in this
case, who received these bills from
them, have a right to borrow all the
goodness—all the perfection of their
title.

The Counsel for the Plaintiff thought
it was a case of considerable nicety.

Lord KENYON.—"My opinion is
with the Defendants, but as this is a
large sum, I desire that my opinion may
be reviewed by the Court of King's
Bench. If you please, the Gentlemen

of the Jury may give a verdict for the
Defendants, and you may move for a
new trial.—Plaintiff non-suited.

BROFF, ESQ. V. CRAIG.

The Counsel for the Plaintiff said,
his client could not, consistently with
that attention which was due to his own
honor and character, abstain from bring-
ing this case before a Jury for their de-
cision. With respect to the Plaintiff
himself it was a question of the last im-
portance. As it affected the interests
of the Public, it was of no less impor-
tance. Whether they considered the
relative situation of the parties, the man-
ner and the time in which the libel for
which this action was brought was pub-
lished, it appeared to him that the de-
mand Mr. Broff had to make upon their
justice, would be for a very considera-
ble sum. The Plaintiff had spent 30
long years of his life in the honorable
discharge of his duty in the service of
the East-India Company, at Bencoolen;
and at the conclusion of a long life,
when he thought he had a right to in-
dulge himself a little and to enjoy the
fruits of his services, he had the misfor-
tune to find himself the object of the
gross, scandalous, abominable, unfoun-
ded malice of the Defendant. The
Defendant, at the time he had an op-
portunity of libelling this most respect-
able servant of the Public, was the
Commander of one of the East-India
Company's ships, the *Queen*. He was
detained from this country to Fort
Marlborough, of which the Plaintiff
was then Deputy Governor. As this
country was then engaged in hostilities
with foreign powers, for the purpose
of arming the Company's ships with
more strength, Capt. Craig had a Letter
of Marque on board; and when he
came to Fort Marlborough, a boat came
from Batavia with necessaries. It oc-
curred to Capt. Craig, that this was a
good opportunity to seize this boat, and
to resist by force the authority of his
superiors; and he was sorry to state in
the discharge of his duty that this was
at the expence of some valuable lives.
For the accommodation, and sometimes
for the salvation of the settlement, it
was at times necessary to permit such a
trade. It was judged fit to alter the
destination of the *Queen East-India*-
man, and send her to Bengal. Capt.
Craig, at his departure, took an oppor-
tunity of publishing this most infamous
libel. He took on him to say, that it
was the most malicious and most ran-
corous libel that ever occurred to the
mind of a Demon to invent for the
ruin of another. At that time, the
Plaintiff was the Defendant's superior,
and had the controul of his actions. In
this libel, he charged the Plaintiff with
peculation, with malversation in his
condition of Deputy Governor of Ben-
coolen, and as one of the Council of the
Settlement; with carrying on an illicit
trade with the enemy; and, in short,
he charged him with High Treason.
If these charges had been true, he ought
to have been sent home, and if he had
been tried and found guilty, he must
have been executed. Capt. Craig was
at last suspended from his command,
and he was restored to his command
again on a ground which seemed of late
rather to be gaining upon us—he was
restored on the ground, that all this
was done in some frenzy fit.

The first witness called, on the part
of the Plaintiff was Mr. John Crisp,
who said that in August 1797, he was
second in Council at Fort Marlborough;
that Mr. Broff at that time was Deputy
Governor, and was only subject to the
Supreme Government of Bengal. Capt.
Craig was there in August 1797. On
account of the dispute that arose be-
tween the Governor and him, it was
thought proper to send him to the
Supreme Government at Bengal. The
libel was sealed up like other official
papers, and sent to the Governor. As
it related to the Government, he was