

Edward Tarned
The Royal
NEW-BRUNSWICK



Gazette, and
ADVERTISER.

WEDNESDAY,

APRIL 28, 1802.

St. JOHN: PRINTED and PUBLISHED by JOHN RYAN, Printer to the KING'S MOST EXCELLENT MAJESTY, at his Office, No. 9, LONG-WHARF, South side Market-Slip, where ESSAYS, ADVERTISEMENTS, &c. will be thankfully received.

[NUMB. 923.]

[VOL. XVI.]

Assize of Bread.

PUBLISHED April 20th, 1802.
The Sixpenny Wheaten Loaf 7 lbs. oz.
to weigh - - - } 2 6 1
Ditto Rye - - - } 3 2
And other Loaves in proportion.
WILLIAM CAMPBELL, Mayor.

To the Inhabitants of YARMOUTH or
CAPE FORBES, in Nova-Scotia.

CAPT. GEORGE MATTHEW and
MR. ROBERT ARMOR, late of the
brig *Industry*, which was unfortunately
burnt on her passage from Halifax to
this Port, beg leave to express their
grateful acknowledgments to the Inha-
bitants of Yarmouth, and in a particular
manner to Doctor Bond, Mr. and Mrs.
Blancher, and Mr. and Mrs. Crosby, for
the kind and humane treatment given
to them, and their fellow sufferers, sur-
vivors of the melancholy accident, on
their arrival at that port, after being at
Sea in an open Boat 7 days, and experi-
encing the severest hardships from the
inclemency of the season, &c. and to
assure them that a recollection of their
hospitality and friendship, will never be
effaced from their memory.

St. John, 21st April, 1802.

Artillery Bills.

BILLS OF EXCHANGE to the
amount of £100 Sterling, on the
Pay-Master of the Royal Artillery,
London, to be disposed of.—Apply
at the Office of Ordnance.

St. John, 21st April, 1802.

TO BE SOLD

AT PUBLIC AUCTION,
[By direction of the Executors.]

On Thursday the 13th May next, pre-
cisely at 11 o'clock.

THE whole real and personal Es-
tate of the late JOHN CARNES, of
Frederickton.—It consists of a Town
Lot near the Soldiers Barracks, with a
small dwelling House and Shop there-
on.—A corner new Two Story House,
near the Soldiers Barracks containing 6
Rooms and a commodious Cellar, fitted
up and situated for mercantile business
of any kind.—One hundred Acres of
Land directly opposite the Barracks—
Four hundred Acres of Land on the
Pennesuek about ten miles from Frede-
rickton: likewise sundry articles of
Household and Kitchen Furniture,
&c. &c.

The Sale to commence at the new
House above mentioned.

ANDREW PHAIR.

Frederickton, 5th April, 1802.

NOTICE.

ALL Persons having any demands
against the Estate of Peter Hants,
late of King's County, deceased, are re-
quested to exhibit their accounts for
settlement, within six months from the
date hereof; and all those indebted, are
desired to make immediate payment to
either of the Subscribers.

ELIZABETH HANTS,

Administratrix,

ANDREW HAMM,

Administrator.

King's County, 20th April, 1802.

NOTICE.

ALL Persons having any demands
against the Estate of MARTIN
FAHY, late of Norton, in King's County,
deceased, are requested to send in their
accounts in twelve months from the
date hereof; And those persons indebt-
ed to said Estate are desired to make im-
mediate payment to

ABIGAIL FAHY,

Administratrix,

JOSEPH BAXTER,

Administrator.

Norton, 14th April, 1802.

SEAMEN'S JOURNALS, neat-
ly printed and stitched in Marble covers,
may be had at this Office.

FOR THE ROYAL GAZETTE.

MR. RYAN,

NOTWITHSTANDING the high
opinion I entertain of the abilities
of a writer in your paper of the 21st,
under the signature of Amicus, in an-
swer to a publication under that of X of
the 7th, I cannot resist the inclination
of attempting a reply to the ingenious
arguments and subtle reasoning adduced
by him, although I acknowledge myself
incompetent to so arduous an under-
taking; and am conscious no observations
of mine will convince him he is wrong
in his construction of the statute of the
7th Geo. 3d. I however have some
hope there are others who are less in-
terested in supporting the right of a
prior entry at the Custom-House, and
consequently can examine arguments
relative to it with an unsundiced eye;
you will therefore oblige me by insert-
ing the following remarks.

THE first case put by your friend
in refutation of my construction of the
7th Geo. 3d. requiring Masters of vessels
to come directly to the Custom-House
before proceeding with their vessels to
the place of unloading, is an improbable
and I may venture to say an impossible
one. He is pleased to say according to
my ideas, "a vessel arriving in this har-
bour may remain in the place where
"the first cast anchor, and in sight of
"His Majesty's Custom-House a twelve
"month or more, without making an
"entry or report to that office." I am
sorry the gentleman can find no stron-
ger ground to support his constructions
than that of supposing cases that can
never take place, and attributing ideas
and words to me which my expressions
will not warrant, as I never mentioned
the word *report*, but confined it to the *entry*
only—neither does the Act of 7th Geo.
3d comprehend it. I observed, that the
Master shall make a regular *entry* before
proceeding to the place of unloading, as
no time is specified in the Act for ves-
sels to lie in the stream; and I maintain,
since your friend will suppose a case for
me that a vessel may lie in the stream a
twelve month without entering at the
Custom-House, if the Master does not
intend to *unload*, he has only to report
every twenty-four hours; and it is not
uncommon for a Master to enquire the
state of the market previous to entry,
and frequently to leave the port with-
out: This indisputably establishes the
option of the Master to say whether he
is at the place of *unloading* or not, and
until he is he cannot be compelled to
enter his vessel, but may if he pleases
go to the Treasurer's office.

I have adverted to this argument of
your friend more for the information of
persons concerned, than from a convic-
tion of the 7th Geo. 3d being in force,
as I conceive so much of that Act as re-
lates to the entry of vessels is virtually
repealed by the 26th Geo. 3d, upon the
established principle that *leges posteriores*
prioribus abrogant. Later laws abrogate
prior ones, and as there is no later Law
repugnant or disannulling the Act of 7th
and 8th William the 3d, relative to the
rules of entering and unloading vessels in
the Colonies, it is in full force, and
when joined with that of 26th of Geo.
3d, makes a complete Act regulating the
mode and time of entry in the planta-
tions, which allows the Master twenty-
four hours before it is necessary to enter
at the Custom-House.

I am now to thank your friend for
agreeing with me in opinion, as he ex-
presses a regret "That the learned gen-
tleman had not looked a little farther
"into the statutes before he ventured
"to bold an assertion, he would proba-
"bly then have discovered that there
"is a time limited for such Master or
"owner to make a report or entry at
"the Custom House, and that if he ex-
"ceeds that time he will be subject to a
"penalty." This is all I have contem-
ded for, but I should have been more
gratified and it would have been more
consistent with the friendly signature

he has assumed, if he had have quoted
the statute limiting the time of entry
at the Custom-House—which I should
have concluded was that of 26th of
Geo. 3d, had not the Gentleman imme-
diately after observed, that this statute
did not extend to the Colonies. I hope
therefore for the benefit of those con-
cerned in trade, he will publish the Act
limiting the time of entry at the Cust-
om-House, or inform us whether, it
is 24 or 48 hours—perhaps more time
may be allowed for reporting at the
Treasurer's office.

The next supposed case put by
Amicus is, "that a vessel had arrived at
Campo Bello or Beaver-harbour (which
are not ports of entry) where she is to
discharge her cargo"—he thinks it could
not be reduced to a certainty for her to
report within 24 hours at the Custom-
House; so far he is right, but the laws
of trade do not require impossibilities
which is one reason why the Master
would not be liable, another is that the
officers of the Customs have authority
to appoint deputies to receive reports at
such places as they may conceive neces-
sary for the convenience of trade, conse-
quently they have it in their power to
remove the danger of the penalty, there-
fore would not exact it.

The gentleman then asserts, "that
"notwithstanding by the Act of 26th
"Geo. 3d, 24 hours is allowed for
"Masters to enter their vessels in Great-
"Britain, it is expected they make an im-
"mediate entry if they arrive within the
"vicinity of a Custom-House—if at an
"out-port the full time is allowed." It
would have been more satisfactory to the
many intelligent readers your friend's
ingenious publication will attract, if he
had produced some authority in support
of an assertion, which goes to set aside
an Act of Parliament, allowing all Mas-
ters without distinction, 24 hours to
enter.

The writer again returns to his
darling statute of 7th Geo. 3d. and not-
withstanding having before admitted
that there was a limited time by a late
statute for entry, says again, "no time
"is limited for this purpose, for the
"reasons he has already mentioned;
"but still the Master is strictly enjoined
"to come directly to the Custom-
"House—he may take 24 hours or per-
"haps as many days to get there." Here
I must acknowledge myself at a
loss to reconcile his distinctions. He
observes in one place a time is limited,
in another that it is not, and in the
same breath, says, the Master may take
24 hours and perhaps as many days and
yet come *directly* to the Custom-House.
Arguments of this kind are too refined
for my comprehension.

The next circumstance alluded in
support of the gentleman's arguments,
is, "that masters of vessels arriving at
"this port and ignorant of the late pro-
"vincial Act, may incur a penalty by
"going to the Custom-House before
"going to the Treasurer's;" this like
many other suppositions put is very
improbable, as all Masters unacquainted
with a port, are either directed to ap-
ply to some merchant resident in it, or
their cargoes are consigned to some per-
son who will inform them in what man-
ner to proceed, and to whom such Mas-
ter will directly apply: *even before going*
to the Custom House. And I am satisfi-
ed that should any person of this de-
scription, make himself liable to the
penalty through ignorance, it would
not be exacted by the Treasurer, nor do
I think any person will be prosecuted
by officers of the Customs for not enter-
ing before proceeding to the place of
unloading.

Having endeavoured to follow your
friend through all the labyrinths of his
learned arguments, which I declare my-
self unable fully to comprehend or ex-
plain, it is necessary for me to avoid the
charge of ingratitude, by thanking him
for his advice relative to my "peremp-
"tory exposition of a statute, which
"may lead the trading part of the com-

munity astray," and have only to say
in my defence, that I did it for two rea-
sons, one from a consciousness of recti-
tude of opinion—the other from mo-
tives of benefit to that class of the com-
munity; the former I see no reason to
alter from your friend's reasoning—the
latter I hope will be proved by their a-
voiding the forfeiture of £100, which
they must inevitably incur if they enter
at the Custom-House before going to
the Treasurer's: And on the other hand
they will be in no danger from the Cust-
om-House, if they enter within 24
hours after arrival, and before going to
the place of *unloading*. By way of
strengthening his construction the gen-
tleman observes, that it is *known* to be
the legitimate opinion of a gentleman of
the Law, that my construction is false;
it may be known, and perhaps only
to himself, as His Majesty's Attorney-
General, upon the application of Mas-
ters of vessels, has given his opinion in
favour of complying with the Provincial
Act; it cannot therefore be this gentle-
man of the Law to whom he alludes.

I shall conclude by apologizing
for the use of the word *imperious*, which
appears to hurt your friend's feelings,
and can only say in excuse that it is de-
rived from the latin word *imperator*—a
person of great authority; or in other
words a person high in office, of course
applicable to an officer in His Majesty's
Customs—and I hope for that reason, in-
titled to a place in a gentleman's collec-
tion.

For the ROYAL GAZETTE.

MR. PRINTER,

If you are a well wisher to the Streets,
you will insert the following.

WHY are our Streets out of order?
Have the Common Council done their
duty? Have they ordained the neces-
sary number of days work? Have they
appointed proper officers to carry their
ordinances into effect? And have those
officers faithfully discharged their duty?
Have they given, or have the Common
Council demanded clear and satisfacto-
ry accounts? Or has it been the case
for two years past, that a sufficient num-
ber of days work have not been esta-
blished? That no satisfactory accounts
have been rendered of even the small
portion of work required? And have
the Common Council received those in-
sufficient accounts—accounts either no-
toriously incorrect, or at best doubtful
for want of vouchers? Was it attempt-
ed the last Council to pass and approve
the account of the late Supervisor with-
out a single voucher for the expendi-
ture of near fifty pounds, further than
his own dictum that it was laid out for
Spades, Shovels, Wheel-barrows, &c.
&c.? And was the Mayor's refusal to
put the question the occasion of its not
passing? If such has been the case the
reason is extremely plain. Can any
person answer these questions?

QUID NUNC.

NEW-YORK, April 3.

By the ship Warren, in 42 days from
Rotterdam, we learn that the ship Nia-
gara, Capt. Sands, was lost the 13th
January, on the coast of Holland, in a
tremendous gale. The whole of the
crew perished. Next day, 5 or 600
dead bodies from the crews of other
vessels, were floating along the shore;
and several ships were seen on the coast,
apparently in great distress.

ALL Persons having any legal de-
mands against the Estate of LAW-
RENCE, of the City of Saint John,
Merchant, deceased, are requested to
present them properly attested, within
twelve months from the date hereof, to
either of the Subscribers.—And all those
indebted to said Estate, are desired to
make immediate payment to

THOMAS LAWTON,

OR

WILLIAM WHITLOCK.

Administrators to said Estate.

St. John, December 8th, 1801.