

river, it was discovered that the Mate had blown his brains out in the fore-castle—and during the consternation which such an event naturally excited, a young lady, a passenger, took the opportunity to throw herself overboard, and immediately disappeared. What adds to the distress of this singular event, is, that the Mate has left a wife and several children in this City; and the father and brother of the young lady, were also passengers in the same vessel.

NEW-YORK, April 26.

By a gentleman who arrived here yesterday in the sloop Cato, in 7 days from Bermuda, we learn, that just before he sailed, the Circe frigate, with troops for the garrison, arrived there in a short passage from Jamaica. The news by this frigate was, that there were on the Jamaica Station, 22 sail of the line, 29 frigates, and a number of Sloops of War, including four Admirals, one of whom was Admiral Mitchell. They had learned at Jamaica, that the French Commander in Chief, at the Cape, had hung an American Capt. on suspicion of his intention to supply Toussaint with ammunition.

A letter from Malaga, to a merchant in this city dated the 9th ult. received via Philadelphia, mentions, that a most violent gale was experienced there the 24th Jan. which drove on shore 9 vessels, within three miles of the harbor; one of which was an English transport, from Egypt, with troops, bound home, and the others were foreign vessels—none were expected to be got off.

New-Brunswick.

SAINT JOHN,
WEDNESDAY, MAY 5, 1802.

Sunday last arrived here the Sch'r Lady Carleton, Capt. Disbrow, in 5 days from New-York.

By this vessel we have received New-York papers to the 27th ult. which contains London Advices to the 12th of March—their most interesting contents will be found in the opposite page. The English Channel Fleet, and that for the W. Indies, it appears, have been considerably reinforced, and other measures of a warlike appearance have been taken by the British Government, in consequence of the delay in signing the Definitive Treaty. These steps have excited considerable anxiety in the minds of the people, who are apprehensive that the Negotiations at Amiens will terminate unfavourably for Peace.

Private accounts from England state, that a change in the Administration is not very remote. Mr. Windham, formerly Secretary at War, is said to have a considerable weight in political affairs, and he is openly hostile to the terms of the Peace. Lord Loughborough (formerly Wedderburn) is also stated to have a similar influence and corresponding views.

ARRIVALS SINCE OUR LAST,
Schooner Olive, Finch, N. York
Fanny, Leavitt, Do.

BRICKS.

THE Subscribers respectfully inform the Public, that they will undertake to furnish any quantity of good Merchantable BRICK on the shortest notice from their Kiln on Long Reach.

Those persons who may wish to have a supply of the above article, are requested to send their orders in writing, which shall be punctually attended to.

JONATHAN GORUM,
JOHN WALLACE.

15,000 BRICKS

Now on hand and ready for delivery at any place in St. John, on the lowest terms.—Apply as above.
Long Reach, 4th May, 1801.

To be Sold or Let,
THE FARM in Hampton,
French Village, lately owned by Mr. JAMES FOWLER, deceased.—Has on it a well finished frame House, and is conveniently situated for a Tavern or retail shop of goods—16 miles from St. John, and 8 from Bickle's Ferry. Inquire of the Printer or of Mrs. Rachael Fowler, at Hampton.
St. John, 5th May, 1802.

FOR THE ROYAL GAZETTE.

MR. RYAN,

WHEN I heard that my learned friend intended to favor the public with another specimen of his literary talents, I did hope, I must confess, that I should be gratified with something like an answer to the observations contained in my address to you of the 21st instant, or at least that some new light would have been thrown upon the subject of our controversy, but in this I am sorry to say I have been most completely disappointed. To arguments, if such they may be called, which have already, I flatter myself, been confuted, to authorities which have already been proved to be inapplicable, the learned gentleman again resorts, without even, in the slightest manner, touching upon the real question, or once attempting to bring it into view; in short, he has left the subject precisely as he found it. I might then with great propriety here take my leave of him, but as he appears to have an inclination to try his strength in a literary skirmish, by way of drilling himself perhaps for some more important contest, I will indulge the gentleman for once, and e'en break a lance with him. My learned friend has taken an advantage, and not an unfair one I must acknowledge, of an inconsistency in my former argument, which arose from the accidental omission of a word or two. I meant to say that if the gentleman had read the Acts of Parliament with a little more attention, he would have discovered that although there was no time limited for Masters of vessels in the Colonies to make a report or entry at the Custom-House, yet if they made any unnecessary delay they would subject themselves to a heavy penalty. Having explained myself on this point, any answer to the observations it has given rise to, will I trust be deemed unnecessary, and I flatter myself, should I not ultimately succeed in this contest, I shall at least be able to secure a safe retreat. The learned gentleman sets out with saying, that he is sorry I can find no stronger ground to support my construction than that of supposing a case that can never take place; and in the next breath maintains the practicability of that very case, and draws an argument from it. If I have misconceived him he will correct me. In another place the gentleman observes, that the Master shall make a regular entry before proceeding to the place of unloading, as no time is specified for vessels to lie in the stream, &c. and at the close of the period he says, that such Master shall say whether he is at the place of unloading or not, and until he is, he cannot be compelled to enter his vessel.—The gentleman I dare say, in his next performance, will have the goodness to afford his readers some light on these difficult passages.

I will now maintain on my part that provided such vessel was cleared out for this port, she must enter at this port, nor can she depart from hence with any part of the cargo she brought hither, without a clearance from the Custom-House. It is true that a vessel cleared for Jamaica, may visit every port in that Island, but she must enter at one of them; and on the same principle, if a vessel clears out for the Windward or Leeward Islands, she may visit any, or every one of those Islands, by way of trying the market; but she must enter at one of them; with such clearance she cannot be regularly admitted to an entry in any other part of His Majesty's dominions. To my utter astonishment, the learned gentleman boldly asserts, that the Act of 7th George 3d, is virtually repealed by the 26th George 3d, on the principle that *leges posteriores priores abrogant*, whether, I suppose, they are contrary or not. But my learned friend has forgot that this general maxim, or rather *leges posteriores priores contrarias abrogant* is to be understood only when the latter statute is couched in negative terms, or where its matter is so clearly repugnant, that it necessarily implies a negative, "and that one statute must be so construed by another that the whole may if possible stand: *ut res magis valeat quam pereat*." But I believe the gentleman will not venture to assert that agreeably to this general principle, a Law made expressly for Great-Britain only will abrogate a law made expressly for the Colonies only, and yet the gentleman has asserted what is tantamount; for the Act of the 26th Geo. 3d, I maintain is of the first description, excepting the clause relating to Manifests. The learned gentleman then goes on to say, that the Act of the 7th and 8th of William 3d, which, as I have observed on a former occasion, ex-

tends the regulations of the 14th Charles 2d, only to the Colonies, when joined to that of the 26th of His present Majesty, makes a complete Act regulating the mode and time of entry in the Plantations, &c. If it be true that the Act of the 7th George 3d is virtually repealed, it is certainly high time for the officers of His Majesty's Customs to apply to the Commissioners for new Instructions, as the old ones, being principally founded on this Act, can no longer be of service to them.

The gentleman is very right when he observes, that the Laws of trade do not require impossibilities, and for that very reason I assert, we must exclude his favorite clause, in the 26th Geo. 3d.—Surely the gentleman could not be serious, when he talked of appointing a Deputy in every harbour in this port, to receive reports. What would be the advantage of such an arrangement?—How could a Master of a vessel escape the penalty by merely reporting to this office, when the Act the officers of the Customs are governed by expressly says, he shall on his arrival go directly to the Custom-House, and enter his vessel? But this Act the gentleman has thought proper to repeal, finding it obstructed him in his progress, and having no other way I presume, of getting rid of it. My learned friend's observations on my remarks, respecting a Master of a vessel incurring the penalty, under the province Law, before he could know that any such Law existed, are certainly not intitled to a serious answer; it must be obvious to every man of common sense that such a case as I stated is likely to happen very often. I have no doubt of the purity of the gentleman's motives for coming forwards as the Champion of the rights and privileges of the Treasurer's office, but I question very much whether his zeal on this occasion will be of much benefit to the trading part of the community, or prevent any Master of a vessel incurring the penalty of One hundred pounds, under the province Law as it now stands.—The learned gentleman has strangely, and I believe singularly, misconceived me, in supposing I could mean the legitimate opinion of any other gentleman of the Law than himself. On the contrary I have reason to believe that that opinion is a unique among the gentlemen of the profession.

I have little to add to my former argument. The Act of the 7th Geo. 3d, which the learned gentleman has been pleased to say is virtually repealed, is beyond all doubt in full force in America; and there is as little doubt I presume, that the Act of the 26th Geo. 3d does not apply to the Colonies, except in the instance I have already mentioned, and that the Act 7th and 8th William 3d, only extends the rules and regulations specified in that of the 14th Charles 2d, consequently every Master of a vessel coming into this port, is bound to repair to the Custom-House, directly on his arrival, under a penalty of One hundred pounds, &c. The following extract from one of the gentleman's favorite Acts, the 7th and 8th of William 3d, will show how anxious Parliament were, even at that day, to guard their Acts, which extended to the Plantations, from any Legislative infringements in these Plantations.

"And it is farther enacted and declared by the authority aforesaid, that all Laws, bye Laws, usages or customs at this time, or which hereafter shall be in practice, or endeavoured, or pretended to be in force or practice, in any of the said Plantations, which are in anywise repugnant to the before-mentioned Laws, or any of them, so far as they do relate to the said Plantations, or any of them, or which are in any way repugnant to this present Act, or to any other Law, hereafter to be made in this Kingdom, so far as such Law shall relate to and mention the Plantations, are illegal, null and void, to all intents and purposes whatever."

I now on the principle of this Act maintain that any provincial Law tending in the least to obstruct the operation of an Act of Parliament, is unconstitutional; that the present Revenue Act of this Province has this tendency is, I conceive, unquestionably true; for as I have repeatedly observed, the Act of Parliament enjoins a Master of a vessel on his arrival in any British Colony to come directly to the Custom-House, and enter his vessel; the province Law arrests him in his progress there, and obliges him to pursue another course.—I do not pretend to say that His Majesty's service is likely to suffer by the operation of this Law, though it certainly might; for if the

Treasurer has a right to detain a Master of a vessel one hour, before he enters at the Custom-House, he may detain him one day or more, as the time for his remaining at the Treasurer's office is not limited by the Act. But this at present is not the question. The question is whether such Law is or is not repugnant to Act of Parliament. I think I have proved the affirmative. It would certainly be somewhat novel, to see His Majesty's Attorney General prosecuting a Master of a vessel, under a provincial Law, for making the best of his way to His Majesty's Custom-House, in obedience to a positive injunction of an Act of Parliament. To this phenomenon I trust I shall never be a witness. That gentleman knows too well what belongs to his character and situation, either to undertake, or recommend to extraordinary, so dangerous a proceeding. The gentleman has roundly asserted, that there is a similar clause to the one in question, in the Revenue Act of Nova-Scotia. I have made it my business to enquire into this matter, and have heard, and I believe from good authority, that no such clause is to be found in that Act.

I now assert this as a truism, that under the present existing Laws, admitting the Act of the Assembly to be of validity, and in full force, that, strictly speaking, no Master of a vessel coming into this Province, can avoid subjecting himself to a penalty of One hundred pounds.

The gentlemen of the Customs no doubt, have a due sense of their obligation to my learned friend for the favor he has conferred upon them, in giving them the etymology and definition of the word imperious, which they must be presumed to have been unacquainted with before; and as he is pleased to allow them to be men of great authority, they trust he will no longer endeavour to undermine the basis on which that authority is founded.

AMICUS.

Commission & Auction Store.

THE SUBSCRIBER having obtained a Licence from His Excellency Governor CARLETON, to open a

Commission & Auction Store, at Fredericton, any commands he may be honoured with, shall be executed with punctuality and dispatch.

STEPHEN JARVIS.

Fredericton, May 1st, 1802.

WHEREAS a Commission

hath issued under the Great Seal of this Province to me directed, requiring me to cause a Jury of Enquiry to be held on the Lots No. 1, 2, 4, 5, 6, and 7, situate, lying and being in the Parish of Westfield, in the County of King's, in this Province, granted to Nathan Frink, Jonathan Mowry, Peter Lugin, Simeon Lugin, and Peter Merville, to ascertain whether the terms of the said Grant have been complied with.—This is therefore to give Notice to all Persons claiming the above mentioned Lots, that a Jury of Enquiry will be held on the Premises, on the first day of August next.

SAML. KETCHUM, Sheriff.
King's County, May 1st, 1802.

Fresh Garden Seeds.

A QUANTITY JUST IMPORTED,
AND FOR SALE,
By ROBERT REID,
King-Street.

For NEW-YORK,
The fast SAILING SCHOONER
Lady Carleton,
NOAH DISBROW, Master.



WILL sail about the 20th inst.—She is a substantial built vessel, well found, and in complete order, and has excellent accommodations for passengers.—For Freight or passage apply to Miles & Canby, Long-wharf.
St. John, 5th May, 1802.

ALL Persons having any legal demands against the Estate of LEWIS DEBLOIS, 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,
WILLIAM WHITLOCK,
Administrators to said Estate.
St. John, December 8th, 1801.