

New-Brunswick.

SAINT JOHN,
WEDNESDAY, JULY 14, 1802.

There has been no recent arrivals. This must account for the present dearth of European news.

To a Customer and Reader of the ROYAL GAZETTE.

YOU are greatly out my dear Sir, in your calculation; you judge me to be in a rage, when I am in the best possible good humour; I am sure there was nothing like investive in the Query you take fire at, and as to the *alias dictum* I can, on re-consideration, discover no harm in it, and I can't imagine, why you should feel sore because I thought proper to make a little free with Mr. STOKES. I perfectly agree with you that it cannot be of the least importance to the Public or myself to know "who you are, or what your object is," whether you have or deserve to hold an office; although, should I hazard a conjecture, I think, as the Yankee says, I could guess. You say your extracts contain nothing but "a modest, plain apology for publishing the usual form of a Governor's commission." You mean I suppose the prologue to your extracts. It is plain enough, but I think you might have spared the word *modest*, because you know,

"A man of words, and not of deeds,
Is like a garden full of weeds,"

therefore you should have been particularly cautious how you adopted the term *modesty*. The form, may be the usual one, of a Governor's commission, but considering your situation, it is in a most unusual manner given to the public. You have a peculiarity of style, which may be nothing to a French *Carmagnole*, but it is grating to an Englishman—"Why not lay the Constitution before the People, who are to be governed by it?"—I think you must have visited France in your day.—Lay the Constitution before the People!—Melancholy France exhibits the charms of a Constitution in the hands of the People. If you lay it before them it must be for some purpose.—First, I presume, to judge of it, and if the majority, the omnipotent majority shall think proper to alter it;—My dear Sir, I love my Country, my Countrymen, or, if the term pleases you better, my fellow-citizens, as much as you do, I wish neither to see them "hewers of wood nor drawers of water," except some individuals who are better fitted, for such, than a more exalted station; may they you and I, long enjoy the blessings of that free, happy and beloved Constitution, for the undisturbed possession of which, most of us have sacrificed so much; and may I never live to see that fatal day when a successful appeal shall be made from the Government of the Country to the Rabble. I really can hardly persuade myself that you intended what is evidently to be collected from, what you term, the harmless publication of a Governor's commission, and from the time and manner in which it appeared in print.—You say, the form of a Governor's commission has been published, but "without a comment, no strictures either preceded or followed the publication."—I know not what you call comment, but your artfully intended *Italics*, are tenfold more expressive than any thing that you could, or perhaps that you dare urge.—A School-Boy could give the meaning, you did as much as to say to the Inhabitants of the Province of New-Brunswick,—"observe, by the Governor's commission," (for you have taken care to remark on its similarity to the form you have published) "he has power to make Laws only by and with the advice and consent of the Council and Assembly, or the majority of them respectively, only nine of your Representatives were present when the Laws of the last Session were enacted, therefore those Laws are of no validity."—Now Sir, let me ask you, if this is not appealing to the People? Is not this a direct attack upon the administration of the Government of the Province? Is it not asserting in so many words, that the Government is exercising an arbitrary power by giving sanction to, and imposing Laws on us, which have not become so by competent authority? This I say, is the conclusion obviously to be drawn from your *Italics*, and you insidiously attempt to screen yourself under the plea of having "made no comment"—humanly evasion!—Now, Sir, let us

consider the true construction and meaning of that part of the Commission, which you have thus thought proper to mark with *Italics*, under which you contend that there must be a majority both of the Council and Assembly, to make a valid Law.—The term *majority* answers your purpose, as opposed to the few, the nine, who remained to conclude the business of the last Session after the disgraceful secession of Philo and his junto; but see to what lengths it must in the end carry you; and it is to be presumed, that you are not yet to learn, that "an argument that proves too much, proves nothing."—The Assembly mentioned in the Governor's commission is a constituent part of a Provincial Legislature, answering to the House of Commons in Great-Britain, and intitled to all the rights and privileges of that House, which are compatible with its existence as a branch of a subordinate Legislature. In this Province this branch consists of Twenty-six Representatives.—Now you must mean to insinuate, that by the words which you have marked with *Italics*, it is to be understood, either that no Bill can pass into a Law, which does not receive the unanimous assent of fourteen Members of the Assembly and seven Members of the Council; or, that fourteen Members of the former and seven of the latter must be actually present when a Law is passed in either of them respectively;—the former construction would at once abrogate and annul nine-tenths of all the Acts of the General Assembly that have hitherto been passed; but that you may not complain of having your meaning perverted, let us adopt the latter construction as the most favourable for your purpose.—What will be the consequence? In the year 1788, you well know, that there were thirteen Members only, including the Speaker, present during the whole Session, in which several Acts were passed, and among them a Revenue Law; that most of them remain unaltered and in force to this day; and that during this Session, the memorable question, after the most violent debates, was first carried and passed into a Law, for giving pay to the Members, and that both the Attorney and Solicitor attended as Members during this Session. Was it ever till now dreamt of, or even now, by any one but yourself, that the Laws passed during this Session were not valid? You see to what absurd and destructive consequences a doctrine thus set up to answer particular purposes would lead.—The House of Assembly, whose undoubted and sole right and privilege it is, have never yet, by any order determined, that any particular number is necessary to form a quorum for proceeding to business, we have seen that they have passed Laws when thirteen only were present, when some of these Laws, particularly the first that gave pay to the Members, were passed by seven only of the Twenty-six, and no doubt ever entertained of their validity.—It is true that till the last Session, the House have declined proceeding to business until thirteen Members were present, and it is a curious fact in these times of discussion and squabble about privilege and prerogative, that the House have suffered this invaluable right of determining what number of their Members shall make a House for proceeding to business to be exercised by the Executive Chair. For it was His Excellency the Lieutenant Governor, who in the first instance prescribed this number by declining to open the first Session, until thirteen Members had convened.—Sagacious and watchful Guardians of the rights of the Commons!!!—Fortunately, however, a small but patriotic band, in the last Session, redeemed and exerted the inestimable privilege of proceeding to business, uninfluenced by this restriction of the prerogative to the honor of themselves and the salvation of the interests and reputation of the Province.

As a true friend to the Constitution, I wish to see it preserved in all its parts, whole, entire and unimpaired, and if you will take the trouble to investigate the subject, or rather, have the candor to express your real sentiments, you will acknowledge that the proceedings of the late Assembly which you impliedly censure as illegal, are directly the reverse. For I may safely assert it as a truism, that any number sufficient to make a motion and second it, is, with the Speaker, a House with full powers to transact business, until the House shall by some order for the purpose, establish a specific number as forming a quorum; and agreeably to this idea, His Majesty in the Commission

you have published, although he has not interfered with the privilege of the Assembly to establish their own quorum, has directed that any three of the Council shall be a quorum of that branch; which of itself is a complete explanation of the clause you have printed in *Italics*. If you will look into the proceedings of Parliament, you will find that the House of Commons, the prototype of our Provincial Assembly have invariably exercised the privilege of declaring what number shall constitute a House, and that it has been different at different periods: in 1607, when that body consisted of much fewer numbers than at this day threescore made a House, in 1640 it was ordered "as a constant rule, that Mr. Speaker is not to go into his chair till there be at least forty in the House, which number continues to this day, although, since the union with Scotland and Ireland, it is not more than a sixteenth part of the whole number of Members.

You Champions of the Assembly or rather of the Seceders, appear to be at war with your own subject. To conclude, my dear Sir, I will let you into a secret, those gentlemen who so ungraciously from private views and interested considerations fled their posts a little before the close of the last Session, are now like the escaping malefactor, who first sets up the Hue and cry of stop thief, raising a violent clamour against the proceedings of the House after their departure, merely to withdraw the public attention from a cool consideration of their conduct which will bear neither investigation nor justification; and to carry their point, they would sacrifice the privileges of the Assembly with as great indifference as they have trampled on the rights of the Council and the prerogative of the Executive authority; and I will add that you, considering your great piety, ought to be one of the last men in the Province to encourage dissention, opposition or revolution. "Learn then to do good and not evil all the days of your life."

A True Friend to the CONSTITUTION.

On Monday the 4th inst. Mr. REuben WILLIAMS of Waterborough, was unfortunately drowned.

To Correspondents.

"TAMMANY" No. 1, is received favourably. If we can, we certainly will give it a place in our next.

New Advertisements.

THE Subscriber thinks it unnecessary to trouble the Public with any further comment on the subject relative to the dispute between Col. COFFIN and Mr. MUNDAY—begs leave however to insert the following Extract from Mr. Fluelling's letter to whom the business was referred by Col. Coffin and Mr. Munday.

Extract of a letter dated Manguerville, 10th July, 1802.

"Concerning the dispute between N. Munday and John Coffin as to the payment of any money, I heard nothing of.—But the matter left to me was agreed upon by both Gentlemen—whether Munday should have any allowance on rough Lands, which I gave in writing—that Munday should receive ten per cent upon all Land purchased of John Coffin and both parties agreed."

(Signed)

"ABEL FLUELLING."

N. B. The original Letter is left with the Printer for the perusal of any one.

GEO. M'CALL.

St. John, 14th July, 1802.

TAKEN away from the House of the Subscriber, on the 5th inst. a SIGN. The person who took it away is requested to return it immediately and no questions will be asked, otherwise he will be exposed and prosecuted according to Law.

BENAJAH BURTIS.

St. John, 14th July, 1802.

William Delaney,

Boot and Shoemaker,

RESPECTFULLY informs the Inhabitants of the City of Saint John and its Vicinity, that he carries on the above business at the House next door to Mr. Stymest in Duke-Street—and assures them that nothing shall be wanting on his part to give all those who may please to favour him with their commands, entire satisfaction.

New Advertisements.

BY HIS EXCELLENCY

THOMAS CARLETON, Esq.

Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THOS. CARLETON:

A PROCLAMATION.

WHEREAS His Majesty has been pleased to appoint a General Thanksgiving to Almighty God, for his Mercies in putting an end to the late bloody, extended, and expensive War, to be observed throughout England and Ireland; I have therefore thought fit, in imitation of His Majesty's pious example, by and with the advice of his Majesty's Council, to issue this Proclamation, hereby appointing a General Thanksgiving to Almighty God, for these his Mercies, to be observed throughout this Province, on Tuesday the Twenty-seventh day of this inst. July: and I do hereby direct the form of Prayer, which the Right Reverend Bishop of Nova Scotia has prepared for this solemn occasion, to be used in all Churches and Chapels and other places of public Worship within this Province, and do strictly charge and command, that the said public day of Thanksgiving be religiously observed by all His Majesty's loving Subjects within the same.

Given under my hand and Seal at Fredericton, the second day of July, in the year of our Lord One Thousand Eight Hundred and Two, and in the Forty-Second year of His Majesty's Reign.

By His EXCELLENCY's Command,
JON. ODELL.

NOTICE.

An EXTENSIVE and VALUABLE ASSORTMENT OF DRY GOODS, worthy the ATTENTION of Storekeepers and dealers throughout the Province.

Public Auction,

On TUESDAY the 15th day of September next, at the Subscriber's AUCTION-ROOM, will commence the Sale of as Valuable a Quantity of MERCHANDISE as ever offered in this Country—comprising the whole

Stock of a large Retail Store.

The articles are too numerous to insert in an Advertisement—information of which may be had by applying to the Subscriber, as also the condition of Sale.

Andrew Crookshank.

St. John, 14th July, 1802.

NOTICE is hereby given to all Persons indebted to William Ward of this City, Merchant, that unless payment shall be made of their several and respective debts, on or before the tenth day of September next, suits will be commenced for recovery of the same, by the Subscriber who is authorized to receive and give discharges therefor.

WARD CHIPMAN.

St. JOHN, 14th July, 1802.

NOTICE.

THE Partnership of LANG & TURNER, will be dissolved the 20th August next, by mutual consent—Request all those, to whom they are indebted, to render their Accounts for Payment.—And all those who are indebted to them to call and settle their Accounts immediately.

WM. LANG,

DUNCAN TURNER,

St. John, 14th July, 1802.

NOTICE.

ALL persons having any demands against the Estate of WILLIAM WILLIAMS, late of King's County deceased, are requested to send in their accounts within Twelve Months from the date hereof;—and those persons indebted to said Estate, are desired to make immediate payment to

MUNSON JARVIS,

Administrator.

St. John, 14th July, 1802.

L A W S

Of the last Session—FOR SALE at this Office.