

ST. JOHN



GAZETTE,

AND WEEKLY

ADVERTISER.

[VOLUME XIII.]

ST. JOHN: PUBLISHED EVERY FRIDAY BY JOHN RYAN, AT HIS PRINTING-OFFICE, NO. 58, PRINCE WILLIAM-STREET; WHERE ADVERTISEMENTS, ESSAYS, ARTICLES OF INTELLIGENCE, &c. WILL BE TAKEN IN, AND EVERY ATTENTION PAID TO THE CORRESPONDENCE OF THE LITERATI, AND OTHERS, DISPOSED TO ENCOURAGE THE ST. JOHN GAZETTE, &c. &c.

Size of Bread.

Established July 20th, 1797.

The Sixpenny Wheaten Loaf } lb. oz.
to weigh - - - - - } 2 8
Ditto Rye - - - - - } 3 4
And other Loaves in proportion.
WILLIAM CAMPBELL,
Mayor.

FREDERICTON, 28th July, 1798.

THE LIEUTENANT-GOVERNOR is pleased to direct the Twenty-second section of "an Act for the better regulating the MILITIA in New-Bruns-
wick" to be published in the public News-papers of the Province, in order that no person may plead ignorance; And His EXCELLENCY requests the respective Brigadiers to give the necessary orders to the commanding Officers of the Regiments under their command to be particular in enforcing the same where it may be found necessary.

H. W. HAILES,
Adj. General,
N. B. Militia.

"AND be it further enacted, That if in case of any emergency, any arms or accoutrements shall be furnished to any person belonging to the Militia in this Province, by Government, by reason that such person shall not have had it in his power before that time to have provided the same for himself; if in any such case any person so furnished with arms or accoutrements by Government shall sell or dispose of the same or any part thereof, or shall convey or cause the same or any part thereof to be conveyed out of the Province, or shall convey or cause the same or any part thereof to be conveyed on board any boat, ship or vessel with intent to have the same carried out of the Province, every person so offending, shall for each and every offence forfeit and pay the sum of Ten Pounds, to be recovered upon conviction before any one Justice of the Peace upon the oath of one or more credible witnesses or witnessess, and levied by warrant of distress and sale of the offender's goods, rendering the overplus if any, after deducting the costs and charges of such distress and sale, to the offender, one half of which penalties shall be to the use of the Poor of the town or parish where the offence shall be committed, the other half to the person who shall prosecute for the same; and for want of effects whereon to levy such fine, such offender shall be imprisoned not exceeding Six nor less than Three months."

FOR SALE,

AN Excellent Tract of Land lying on the Northwesterly branch of the River Oromocto, in the County of Sunbury; containing four hundred and fifty acres of good Intervale and Upland, being one half of a Tract formerly belonging to Doctor Ambrose Sharman—on which is the most commodious place for erecting Mills of any now unoccupied in the Province, with a sufficiency of water at all seasons, and plenty of fine Timber adjacent—Also, a very valuable Herring Fishery, where thousands of barrels may be taken in a season.

For particulars enquire of ISRAEL PERLEY, Esquire, at Mauderville, or of WILLIAM BUCHANAN the proprietor, near Saint Andrews.

N. B. The above Land will be sold entire, or one half only, as may best accommodate the Purchaser.

THE SPEECH
OF THE LATE CELEBRATED
Lord Mansfield,

In the House of Lords,

On the "Bill for the farther preventing the DELAY of JUSTICE, by Reason of Privilege of Parliament"—well worthy the perusal of our Readers.

ON the 8th of May, 1770, a bill for taking away all privilege from a lord's effects, and from his servants, was debated in the Upper House; wherein justice being weighed by their lordships in the balance, preponderated over self-interest. Lord Mansfield rose in support of the bill.

"My lords,

"When I consider the importance of this bill to your lordships, I am not surprised it has taken so much of your consideration. It is a bill, indeed, of no common magnitude; it is no less than to take away from two-thirds of the legislative body of this great kingdom certain privileges and immunities, of which they have been long possessed. Perhaps there is no situation that the human mind can be placed in, that is so difficult, and so trying, as where it is made a judge in its own cause. There is something implanted in the breast of man so attached to itself, so tenacious of privileges once obtained, that in such a situation, either to discuss with impartiality, or decide with justice, has ever been held as the summit of all human virtue. The bill now in question put your Lordships in this very predicament; and I doubt not but the wisdom of your decision will convince the world, that, where self-interest and justice are in opposite scales, the latter will ever preponderate with your Lordships.

"Privileges have been granted to legislators in all ages and in all countries. The practice is founded in wisdom; and, indeed, it is peculiarly essential to the constitution of this country, that the members of both Houses should be free in their persons in cases of civil suits; for, there may come a time when the safety and welfare of this whole empire may depend upon their attendance in parliament. God forbid that I should advise any measure that would in future endanger the state; but the bill before your Lordships has, I am confident, no such tendency, for it expressly secures the persons of members of either House in all civil suits. This being the case, I confess, when I see many noble lords, for whose judgment I have the greatest respect, standing up to oppose a bill which is calculated merely to facilitate the recovery of just and legal debts, I am astonished and amazed. They, I doubt not, oppose the bill upon public principles; I would not wish to insinuate that private interest has the least weight in their determination.

"This bill has been frequently proposed, and as frequently miscarried; but it was always lost in the Lower House. Little did I think, when it had passed the commons, that it possibly could have met with such opposition here. Shall it be said that you, my lords, the grand council of the nation, the highest judicial and legislative body of the realm, endeavour to evade by privilege, those very laws which you enforce on your fellow-subjects? Forbid it justice. I am sure, were the no-

* The bill passed, and the act received the royal assent at the end of the session.

ble lords as well acquainted as I am with but half the difficulties and delays that are every day occasioned in the courts of justice, under pretence of privilege, they would not, nay, they could not, oppose this bill.

"I have waited with patience to hear what arguments might be urged against the bill, but I have waited in vain; the truth is, there is no argument that can weigh against it. The justice and expediency of this bill is such, as renders itself evident. It is a proposition of that nature that can neither be weakened by argument, nor entangled with sophistry. Much, indeed, has been said by some noble lords on the wisdom of our ancestors, and how differently they thought from us. They not only decreed, that privilege should prevent all civil suits from proceeding during the sitting of parliament, but likewise granted protection to the very servants of members. I shall say nothing on the wisdom of our ancestors; it might perhaps appear invidious, and is not necessary in the present case. I shall only say, that the noble lords that flatter themselves with the weight of that reflection, should remember that, as circumstances alter, things themselves should alter. Formerly it was not so fashionable either for masters or servants to run in debt as it is at present; nor formerly were merchants nor manufacturers members of Parliament, as at present. The case now is very different. Both merchants and manufacturers are, with great propriety, elected members of the Lower House. Commerce having thus got into the legislative body of the kingdom privilege must be done away. We all know that the very soul and essence of trade are regular payments; and our experience teaches us, that there are men, who will not make their regular payments without the compulsive power of the law. The law then ought to be equally open to all; any exemption to particular men, or particular ranks of men, is, in a free and commercial country a solecism of the grossest nature. But I will not trouble your lordships with arguments for that which is sufficiently evident without any. I shall only say a few words to some noble lords, who foresee much inconvenience from the persons of their servants being liable to be arrested. One noble lord observes, that the coachman of a peer may be arrested while he is driving his master to the house, and consequently he will not be able to attend his duty in parliament. If this was actually to happen, there are so many methods by which the member might still get to the house, I can hardly think the noble lord to be serious in his objection. Another noble lord said, that by this bill one might lose their most valuable and honest servants. This I hold to be a contradiction in terms; for he neither can be a valuable servant, nor an honest man, who gets into debt, which he neither is able nor willing to pay till compelled by law. If my servant, by unforeseen accidents, has got in debt, and I still wish to retain him, I certainly would pay the debt. But upon no principle of liberal legislation whatever, can my servant have a title to set his creditors at defiance; while, for forty shillings only, the honest tradesman may be torn from his family and locked up in gaol. It is monstrous injustice! I flatter myself, however, the determination of this day will entirely put an end to all such partial proceedings for the future, by passing into a law the bill now under your Lordship's consideration.

"I now come to speak upon what, indeed, I would have gladly avoided, had I not been particularly pointed at for the part I have taken in this bill. It has been said by a noble lord on my left hand, that I likewise am running the race of popularity. If the noble Lord means, by popularity, that applause bestowed by after ages on good and virtuous actions, I have long been struggling in that race, to what purpose all-trying time can alone determine; but, if the noble lord means that mushroom popularity which is raised without merit, and left without a crime, he is much mistaken in his opinion. I defy the noble lord to point out a single action in my life where the popularity of the times ever had the smallest influence on my determinations. I thank God I have a more permanent and steady rule for my conduct—the dictates of my own breast. Those that have foregone that pleasing adviser, and given up their mind to be the slave of every popular impulse, I sincerely pity; I pity them still more, if their vanity leads them to mistake the shouts of a mob for the trumpet of their fame. Experience might inform them that many, who have been saluted with the huzzas of a crowd one day, have received their execrations the next; and many who, by the popularity of their times, have been held up as spotless patriots, have nevertheless appeared upon the historian's page, when truth has triumphed over delusion, the assassins of liberty. Why, then, the noble lord can think I am ambitious of present popularity, that echo of folly and shadow of renown, I am at a loss to determine. Besides, I do not know that the bill now before your Lordships will be popular; it depends much upon the caprice of the day. It may not be popular to compel people to pay their debts; and in that case the present must be an unpopular bill. It may not be popular neither to take away any of the privileges of Parliament; for I very well remember, and many of your lordships may remember, that not long ago the popular cry was for the extension of privilege; and so far did they carry it at that time, that it was said that privilege protected members from criminal actions; nay, such was the power of popular prejudices over weak minds, that the very decisions of some of the courts were tinged with that doctrine. It was undoubtedly an abominable doctrine; I thought so then, and think so still; but nevertheless it was a popular doctrine, and came immediately from those who were called the friends of liberty, how deservedly time will shew. True liberty in my opinion, can only exist when justice is equally administered to all, to the king, and to the beggar. Where is the justice, then, or where is the law, that protects a member of parliament more than any other man from the punishment due to his crimes? The laws of this country allow of no place nor no employment to be a sanctuary for crimes; and, where I have the honour to sit as judge, neither royal favour nor popular applause shall ever protect the guilty.

"I have now only to beg pardon for having employed so much of your lordships time; and I am very sorry a bill, fraught with so good consequences, has not met with an abler advocate; but I doubt not your lordships determination will convince the world that a bill, calculated to contribute so much to the equal distribution of justice as the present, requires, with your lordships, but very little support."