

THE NEW-BRUNSWICK ROYAL GAZETTE.

[Volume VII.]

TUESDAY, 20th NOVEMBER, 1821.

[Number 38.]

The Gazette.

The following Act passed by the Legislature of the Province of New-Brunswick, in the month of March 1820, is confirmed, finally enacted and ratified, by an order of The KING in Council, dated at the Court at Carlton House the 9th day of June 1821.

AN ACT to alter, and in addition to an Act, intituled an Act for establishing a tender in all payments to be made in this Province.

WHEREAS the passing of the milled Doubloon at the current rate of Four Pounds, although conducive of great benefit, has a tendency while the same is not made a legal tender, and while the Spanish Dollar and other Silver Specie are kept at the present current rates, to diminish the circulating quantity of all other Specie in the Province, and is found to be highly inconvenient—

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the milled Doubloon, or Four Pistole Piece of Spain, shall pass current and be received and paid for Four Pounds each, and the aliquot parts thereof at a proportionate value, and the Spanish milled Dollars shall pass current and be received and paid for Five Shillings and Fourpence each, and the aliquot parts of said Dollar shall pass current and be received and paid in the like proportion, and the French Five Franc Pieces shall pass current and be received and paid for Five Shillings each.

II. And be it further enacted, That the herein before mentioned Gold and Silver Coins shall be deemed and considered as a legal tender at the rates aforesaid, in all payments of money to be made in this Province, and shall be so adjudged in all Courts of Justice in the same. Provided always, that nothing herein contained shall extend to make any Doubloon or part of a Doubloon that may be plugged, a lawful tender, or any Doubloon weighing less than seventeen pennyweights eight grains, or any aliquot part of a Doubloon deficient of proportionate weight, a lawful tender in any case whatever, except at a deduction of twopence farthing for every grain so deficient.

III. And be it further enacted, That so much of the Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for establishing a tender in all payments to be made in this Province," as relates to the Spanish milled Dollars being made current at Five Shillings, be, and the same is hereby repealed.

IV. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

By Command,
GEO. SHORE,
Dep. Sec.

By JOHN KEILLOR, Esquire, one of His Majesty's Justices of the Inferior Court of Common Pleas for the County of Westmorland.

NOTICE is hereby given, that upon the application of John Rennison, of the Parish of Dorchester, in the County of Westmorland, labourer, to me duly made pursuant to the directions of the Act of Assembly in such case made and provided: I have directed all the estate as well real as personal, of James Hamilton, late of the said Parish of Dorchester, in the County of Westmorland aforesaid, stone cutter, (which said James Hamilton hath departed from this Province, with intent and design to defraud the said John Rennison, and the other Creditors of the said James Hamilton, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of the Law as is alleged against him) to be seized and attached; and that unless the said James Hamilton do return and discharge his debts, within three months from the publication hereof, all the estate as well real as personal of the said James Hamilton, within this County of Westmorland, will be sold for the payment and satisfaction of the Creditors of the said James Hamilton.

Dated at Dorchester, the thirteenth day of October, in the year of our Lord one thousand eight hundred and twenty-one.

JOHN KEILLOR, J. C. P.

By the Honourable JOHN ROBINSON, Esquire, one of the Judges of the Inferior Court of Common Pleas for the City and County of Saint John, in the Province of New-Brunswick.

To all to whom it may concern, Greeting: NOTICE is hereby given, that upon the application of John L. Vanner,

to me duly made, according to the form of the Act of Assembly in such case lately made and provided, I have directed all the estate as well real as personal within this City and County of Saint John, of Raymond Lalibertie, late of the City of Saint John aforesaid, Confectioner, (which same Raymond Lalibertie, is departed from and without the limits of this Province, with intent and design to defraud the said John L. Vanner, and the other Creditors of the said Raymond Lalibertie, (if any such there be) of their just dues, or else to avoid being arrested by the ordinary process of Law as it is alleged against him) to be seized and attached; and that unless the said Raymond Lalibertie do return and discharge his said debt or debts within three months from the publication hereof, all the estate as well as personal of the said Raymond Lalibertie, within this City and County of Saint John, will be sold for the payment and satisfaction of the Creditors of the said Raymond Lalibertie.

Dated at St. John, the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and twenty-one.

JOHN ROBINSON, Mayor.
W. B. KENNEDY, Atty.

AT a Special Session of the Peace holden at the County Hall in Fredericton, in and for the County of York, on Saturday the 3d day of November, 1821—

ORDERED, that in future the ASSIZE of BREAD in the Town of Fredericton, be as follows:

THE Sixpenny Wheat } W. oz.
Loaf to weigh, - - - } 2 : 0
Ditto, Rye, do. - - - } 3 : 8

And other Loaves in proportion.

II. G. CLOPPER,
Dy. Clerk of the Peace.

From the Kingston (C. C.) Chronicle.

FUGITIVES FROM JUSTICE.

BANK ROBBERY.

A man named Milligan, a clerk in the Phoenix Bank in New-York, lately absconded from that city with 24,000 dollars belonging to that Institution. Two thousand dollars reward have been offered for his apprehension, and it is conjectured that he is endeavouring to make his escape into Canada. A question has arisen in New-York, whether it is legal or not to pursue fugitive felons into the British dominions, and there to arrest them for trial and punishment in the United States. We make a quotation of some remarks on this subject by the Editor of the New-York Evening Post, from which it appears that in the opinion of the highest legal authority in New-York, such pursuit and apprehension are legal. The question we believe has never been stirred here, though we should be glad to see the opinion of Chancellor Kent supported by that of our own legal authorities. Canada is the place of refuge for many of the malefactors in the neighbouring States, and certainly they are a description of emigrants whom of all others we are the least desirous of seeing encouraged.

On a case brought before Chancellor Kent, he laid down the following principles:—

First. "It is the law and usage of nations to deliver up offenders charged with felony and other high crimes, who have fled from the country in which the crimes were committed, into a foreign and friendly jurisdiction."

Secondly. "It is the duty of the civil magistrate to commit such fugitive for justice, to the end that a reasonable time may be afforded for the government here to deliver him up, or for the foreign government to make application to the proper authorities here for his surrender. If no applica-

tion is made in a reasonable time, the prisoner will be entitled to his discharge."

Thirdly. "The evidence to detain such fugitive from justice, for the purpose of surrendering him to his government, must be such as would be sufficient to commit the party for trial, if the crime had been perpetrated here."

Fourthly. "The 27th article of the Treaty of 1795, between the United States and Great-Britain, was merely declaratory of the law of nations on this subject; and since the expiration of that treaty, the principles of the law of nations remain obligatory on the two nations."

Fifthly. "The Chancellor or a Judge in vacation has jurisdiction to examine a prisoner before him on Habeas Corpus, and who has been taken in custody on a charge of felony committed in Canada, or a foreign state, from which he had fled; and if sufficient evidence appears against him, to remand him, or if there is not sufficient proof to justify his detention, to discharge him."

His Honor the Chancellor quoted Vattel's Law of Nations, Marten's Summary of the Law of Nations, Grotius, and Bynlietiqui. He also referred to the common law of England, and adduced a chain of decisions, to shew that the Law of Nations was a part of the Common Law, and of course that the doctrines here laid down were British doctrines, and would be recognized by the Courts of England.

Whether an arrest has ever been made in the British Provinces, and the questions raised in ———'s case have ever been brought up and investigated, we cannot say; we are inclined to believe, that they have never been agitated beyond the lines. But surely if the law of nations be a part of the common law, as we know it is, and if the common law of England is the common law of the British Provinces, we cannot see why the principles, so clearly and judiciously expounded and enforced by Chancellor Kent, should not be recognized and cherished in the colonial tribunals of the Canadas. It is for the interest, the peace, and the safety of all nations, that the grasp of the law extend to crime, wherever it is perpetrated; of all countries that fugitives from justice who have become outlaws from the great moral community of mankind, should find no asylum nor resting place within the pale of civilization. By the community of nations, public offenders have never been shielded. Public policy as well as the dictates of justice, have resulted in the practice of aiding the policy of all nations to secure and punish felons and fugitives, according to the *lex loci* of the land where peace and property were invaded.

Those who flee from the Canadas will find no refuge here; will the civil tribunals of the Canadas, then, deny this doctrine, and protect those who abandon the United States, to escape our State Prisons? We think not. We know that fugitives have been seized in Canada and brought to the United States, and we also know, that no power there has interfered to arrest the course of punishment. We therefore say, that if the man who robbed the Phoenix Bank takes up his abode in any part of the Canadas, it would be legal to pursue, arrest, and bring him back to atone to the institution which he has defrauded, and the community that he has injured, in that manner which the laws demand."

[All nations are interested in putting down crimes, which in their nature are hostile to the existence and welfare of civilized society. Those who commit them are common enemies to all mankind, and ought nowhere to be shielded from the punishment provided by the laws which they have violated. It has been the disgrace of Canada and the United States, that they have mutually become the receptacles of the runaways from justice from each other.

Such evidence of the commission of the crime by the person accused as would be

sufficient in either country, to authorize an arrest in the ordinary course of law, ought to justify his being arrested in the country into which he may have escaped, and being delivered up to the ordinary officers of justice in the country where he may have committed the crime, there to take his trial.

Political offences, or those which in their nature partake more of an offence against a particular society than against society in general, ought not, however, to be included, and we believe that they never have been included among the offences for which persons escaping from the country into another have been delivered up, excepting where coalesced tyrants, or their weak neighbours, have done so from motives of common feeling and interest or weakness. The most unhappy period for mankind was under the Roman Emperors, when the destined victims of the reigning tyranny could find no asylum in any part of the then known world.]

LONDON, SEPT. 16.

From Tuesday Night's Gazette.

The Gazette of last night is dressed in black, and contains the following article relative to her late Majesty.

LORD CHAMBERLAIN'S OFFICE, SEPT. 8, 1821.

The remains of her late Majesty, Queen Caroline Amelia Elizabeth, were removed from Brandenburg-house, Hammersmith, on the morning of Tuesday the 14th of August, at 7 o'clock, in a hearse decorated with escutcheons and drawn by eight horses, escorted by a guard of honour, consisting of a squadron of the Royal Regiment of Horse Guards, which was relieved at Romford by a like guard of the 4th Regiment of Light Dragoons, and similar reliefs took place at Chelmsford and at Colchester.

Upon the arrival of the Royal Remains at Chelmsford, they were deposited in the Church under a military guard. On Wednesday morning the procession moved, and halted the following night at Colchester, where the Royal Body was placed in the Church under a military guard, and on the following morning the procession again advanced, and arrived at Harwich at twelve o'clock, when the Royal Remains were conveyed on board the Glasgow frigate, attended by Sir John Calvert, Esq. Secretary to the Lord Chamberlain, and Sir George Naylor, Clarenceux King of Arms. The colours at Harwich and at Langard Fort were hoisted half mast, and minute guns were fired from the Fort as soon as the body was placed in the boats, and continued until the firing was taken up by the Glasgow frigate and the remainder of the Squadron appointed for this service. The persons who were to accompany the Royal Remains, embarked on board the Glasgow and other ships, and on the following morning the squadron sailed for the Continent.

On the arrival of the Royal Remains at Stadt, on Monday the 20th of August, they were deposited in the Church during the night. The procession moved the next morning and halted that night at Buxtehude, on Wednesday night at Soltau, and on Thursday night at Celle—her Majesty's Remains being placed in the principal Church of these respective places during the night.

The procession arrived at Brunswick on Friday evening, at 11 o'clock, and advanced to the Cathedral Church of St. Blaise, where her Majesty's Remains were deposited, with the customary solemnities, in the vault of the Ducal Family of Brunswick, in pursuance of her Majesty's wish, expressed in one of the codicils to her will.

Hamburg papers arrived yesterday to the 7th instant. The Greek Chief, Prince Ypsilanti, has been struck out of the Russian Army list.