His Honor the President

THE NEW-BRUNSWICK ROYAL GAZETTE.

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The Gazette.

By His Honor WARD CHIPMAN, Esquire, President and (L.S.) Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

A Proclamation.

WARD CHIPMAN.

WHEREAS the General Assembly of this Province stands Prorogued to Wednesday, the twenty-fifth day of June next, then to meet for the dispatch of Business: AND WHEREAS for divers weighty and important considerations, it has been deemed expedient further to prorogue the same General Assembly: I do therefore further prorogue the said General Assembly, and the same is hereby prorogued to WEDNESDAY the TENTH day of SEPTEMBER next ensuing; whereof all persons concerned will take due notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the 26th day of May, in the year of our Lord one thousand eight hundred and twenty-three, and in the Fourth year of His Majesty's Reign.

By The President's Command.

WM. F. ODELL.

NOTICE is hereby given, that we the Subscribers have been duly appointed Trustees of all the Creditors of *William Dougald*, late of the City of Saint John in the Province of New-Brunswick Mariner, an absconding debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of Assembly in that case made and provided, and we do hereby require all persons indebted to the said *William Dougald*, on or before the tenth day of July ensuing the date hereof, to pay to us, or some or one of us, all such sum or sums of money or other debt, duty or thing which they owe to the said *William Dougald*, and to deliver all other effects of the said *William Dougald*, which they or any or either of them may have in his, her or their hands, power, or custody, to us, or some or one of us as aforesaid; and we do also desire all the Creditors of the said *William Dougald* on or before the same day, to deliver to us, or to some or one of us as aforesaid, their respective accounts and demands against the said *William Dougald*, in order that right and justice may be done agreeably to the form of the Act of Assembly in such case made and provided.

Given under our hands at the City of Saint John aforesaid this tenth day of April, in the year of our Lord one thousand eight hundred and twenty-three.

DANIEL SCOVIL, }
WM. TYNG PETERS, } Trustees.
STEPHEN SMITH. }

By the Honorable JOHN SAUNDERS, Esquire, Chief Justice of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

To all whom it may concern Greeting:

NOTICE is hereby given that upon application of Henry Smith, Esq. to me duly made according to the form of the Act of Assembly in such case made and provided, I have directed all the estate as well real as personal within this Province, of Jesper Underhill, late of the County of Northumberland, (which same Jesper Underhill is departed from and out of the limits of this Province, or else remains concealed within the same, with intent and design to defraud the said Henry Smith, and the other creditors of the said Jesper Underhill, if any there be) of their just dues, or else to avoid being arrested by the ordinary process of the Law, as it is alleged against him, to be seized and attached; and that unless the said Jesper Underhill do return and discharge the said debt or debts, within three months from the Publication hereof, all the estate as well real as personal of the said Jesper Underhill within this Province, will be sold for the payment and satisfaction of the creditors of the said Jesper Underhill.

Dated at Fredericton, the third day of May, in the year of our Lord one thousand eight hundred and twenty-three.

JOHN SAUNDERS, C. J.

D. L. ROBINSON, Atty.

NOTICE is hereby given, that we the Subscribers have been been duly appointed Trustees for all the creditors of James Turnbull, late of St. Andrews in the County of Charlotte, an absconding debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of Assembly in that case made and provided, and we do hereby require all persons indebted to the said James Turnbull, on or before the 28th day of July next ensuing the date hereof, to pay to us, or some or one of us, all such sums of money or other debt, duty or thing which they owe to the said James Turnbull, and to deliver the said effects of the said James Turnbull, which they or any of them may have in his, her or their hands, power, or custody, to us, or some one of us as aforesaid, and we do also desire all the creditors of the said James Turnbull, on or before the 28th day of September next, to deliver to us, or some or one of us as aforesaid, their respective accounts and document against the said James Turnbull, in order that right and justice may be done agreeable to the form of the said Act of Assembly in such case made and provided.

Given under our hands at Saint Andrews aforesaid, in the County aforesaid, the twenty-sixth day of April, A. D. 1823.

JOSEPH CLARKE, }
ROBERT S. MOWAT. } Trustees.
WILLIAM GARNETT. }

NEW BRUNSWICK } MAY 26th, 1823.
In CHANCERY, }

Between { HENRY SMITH, Administrator of JAMES BELL, deceased, Plaintiff, and THOMAS HUMPHREYS, ROBERT BOSWELL and BETSY his Wife, and others, Defendants.

FORASMUCH as the Court was this day informed by Mr. ROBINSON of Council for the Complainant, that the Complainant's Bill in this cause was filed on the fourteenth day of August last, as by Certificate of his Clerk in Court appears, and Process of Subpœna taken out against the said Defendant ROBERT BOSWELL and BETSY his Wife, but that the said Defendant, ROBERT BOSWELL and BETSY his Wife, now resides without the limits of this Province, or doth otherwise abscond to avoid being served with such Process, as by affidavit appears: and the said Certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the Court: IT IS ORDERED, That the said Defendant ROBERT BOSWELL and BETSY his WIFE, do appear and answer to the Complainant's Bill on or before the first day of September next.

By the Court,

D. L. ROBINSON, Registrar.

NEW-BRUNSWICK, } MAY 16th 1823.
In CHANCERY, }

Between HUGH JOHNSTON, } Complain-
HUGH JOHNSTON, Junr } ants,
And JOSHUA E FREEMAN, Defendant.

FORASMUCH as the Court was this day informed by Messrs. Charles I. Peters and James Peters, Junr. of Council for the Plaintiffs, that the Bill in this cause was filed on the 27th day of February last, as by the Certificate of their Clerk in Court appears, and process of Subpœna taken out against the said Defendant, but that the said Defendant now resides without the limits of this Province, or do otherwise abscond to avoid being served with such Process as by affidavit appears; and the said certificate and affidavit being read, the truth of the above allegations made out to the satisfaction of the Court: IT IS ORDERED, that the Defendant do appear and answer to the Complainant's Bill on or before the 28th day of August next.

By the Court.

D L ROBINSON Registrar.

Letters from Mr. Commissioner Robinson, on the Canada Trade, and Canada Union Bills, communicated by the Lieutenant-Governor, January 22nd, 1823.

Considerations upon the expediency of giving an United Legislature to the two Provinces of Canada by an Act to be passed during the present Session.

The reasons which led to the division of the Province of Quebec were that the Inhabitants of the two portions of the Province now forming Upper and Lower Canada differed in Language and Religion, and had been accustomed to different systems of Jurisprudence. These reasons remain not materially weakened in any respect, for, the accession to the population of Upper Canada by emigration since the division, has been almost entirely of persons strangers to the French Laws and language, and principally of the Protestant Faith, while in Lower Canada the Inhabitants are at this moment in the proportion, it is stated, of 19 in 20 composed of Canadian French.

Whatever weight, therefore, was due to these arguments for a separation at the time it took place, is yet undiminished, and it may be added that the subsequent general dispersion of population through a territory, the extremes of which are from 12 to 1500 miles asunder, furnishes an argument of inconvenience against uniting them now under one Legislature, which probably did not exist in a sufficient degree to form an inducement for the separation.

These circumstances, however, though entitled to consideration as materially affecting the welfare and convenience of the two Provinces, whose increase in population and opulence it is desirable to facilitate by giving to them the most convenient form of Government for their local wants, are none of them, it must be confessed, of that paramount nature that they ought to stand in the way of the proposed union if it be clear that such union is necessary to encrease the value of those Colonies to the mother Country, or to provide in the most effectual manner for their own security and welfare.

For my own part, I do not know in what manner any of those ends is expected to be answered by the proposed union. The Provinces have gone on hitherto advancing by very rapid strides in population and improvement; their Inhabitants well satisfied with the footing on which their Government was placed by the 31st Geo. 3rd, c. 31, and sensible themselves of no evil or inconvenience growing out of the system established by that Statute, so far as my knowledge extends, except that within these few last years difficulties have arisen in adjusting the proportion of duties, and regulating the commercial intercourse between the two Provinces, which matters had hitherto been arranged by amicable agreement but which it has been now found necessary to refer to the decision of the Imperial Parliament, an expediency foreseen as the probable consequence of the separation when the 31st G. 3, was passed, and for which a power of providing a remedy by the intervention of British Acts is in terms reserved by that Statute.

If, however, although the legal and constitutional right of the Imperial Parliament, to control both Provinces in these respects is undoubted, these differences between them with respect to their commercial and financial regulations cannot in point of fact be adjusted in any other manner than by an union of the Legislatures, that would, of itself, be a sufficient reason, for while these points are unsettled, the Governments and Legislatures of both Provinces are subject to be involved in irritating discussions, which may tend to much evil, and, what is more immediately pressing, the Province of Upper Canada is absolutely unable for want of the funds which remain locked up in the treasury of Lower Canada, to pay her creditors, or to support the current expenses of her Government. But I must declare I see no reason for supposing that an Union of the Legislatures is required on this ground, for I submit, in the first place, that such an Union would by no means get rid of the principal point of disagreement,—the claims of Upper Canada for the past. Those claims must necessarily remain, the amount must be ascertained and their payment to Upper Canada provided for by some Act of the British Parliament, notwithstanding an Union, and, indeed, as far as respects the claims of Upper Canada for Duties already received to her use, and to be expended, when paid, solely for her benefit, some difficulty as regards the exclusive appropriation of them, would be created by an Union. Then in regard to the future regulation of the intercourse between the two Colonies, the measures humbly prayed for on the part of Upper Canada are such as it is conceived no reasonable objection can be urged against. At all events the Imperial Parliament can well judge of their expediency, and whether they are such as both Provinces ought to be content to acquiesce in, and if either Province be not patient under regulations exacted by a sense of Justice due to the other, it will then, I submit, be time as far as the desired end is to remedy these difficulties, to project an Union as the only other method of attaining a necessary object.

Believing then, as I certainly do, that an Union is not absolutely necessary on this ground, it is next to be considered whether there is any thing in the present situation of the two Provinces which calls for a measure so important in its nature, and which may be attended with circumstances of particular inconvenience to each. In remarking upon the inducements which occur to me, I can only speak hypothetically, for it may be that His Majesty's Government are induced to the contemplation of an Union by consideration of policy altogether different from those which present themselves to me. I know that the Legislature of Lower Canada have refused to make provision for the expences of Administering Justice and supporting the Civil Government of their Province, in any other manner than by an Annual Vote, a system of proceeding to which His Majesty's Government object, as being contrary to the spirit of that Constitution of which they are ready to avail themselves of the privileges, and as placing every Officer of the Civil Government, even those entrusted with the Administration of Justice, in a state of the most dangerous dependence upon the pleasure of the popular branch of the Legislature. I am aware too that the greatest embarrassments are felt in conducting the Government of that Province, from the refusal of the Assembly to place the civil establishment on any other footing. There may, no doubt, be other points also, on which the Assembly of Lower Canada, consisting principally of people of French extraction, and Catholics, exhibit at least an indifference to objects which in a British Colony it is desirable to advance, and cherish prejudices which confined them to a narrow line of policy and make them hostile to improvements which would advance the welfare of the Colony, and render it a more important part of the British Dominion.

Of these inconveniences it is impossible to say decidedly, until they are more specifically pointed out, how far they might be expected to be removed by an Union of the Legislatures, but as to that first mentioned, namely, the embarrassment felt at present in Lower Canada from the refusal of the Legislature to make a more permanent provision for the Civil List, I confess, I do not see that it would be removed by such a measure, for supposing the Canadas to be joined