

ROYAL



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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 SCOVII,
WM. TYNG PETERS,
STEPHEN SMITH. } Trustees.

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 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 documents 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,
WILLIAM GARNETT. } Trustees.

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

Between HENRY SMITH, Administrator of JAMES HILL, 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 Subpoena 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, } Complainant,
HUGH JOHNSTON, Junr. } and
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 Subpoena 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 2nd, 1823.

[Continued.]

I now transmit to you, to be laid before His Excellency, the Act which was passed, with such explanations as occur to me, stated in the paper marked (B.) and also a copy printed for the use of the House of Commons of the Bill for uniting the Legislatures, which it is intended to propose again in the next Session of Parliament.

With respect to the first, I am confident in my expectations, that the provisions it contains for adjusting the Claims of Upper Canada, and for preventing future injury to its Trade or Revenue, by the Acts of the other Province, will be acceptable to His Excellency, and satisfactory to both Houses of the Legislature, as they confirm in all respects the principles contended for, and afford, as nearly as possible, the remedies recommended by their Report. The pleasure I feel at the successful issue of exertions which have been necessarily attended with much anxiety, from my impression of the value of the objects contended for, greater even with respect to the future than the past, would be much lessened, if I did not think every one of the provisions, perfectly reconcilable with the just rights, and by no means injurious to the fair interest, of Lower Canada; and even with this conviction on my mind, it is a strong additional source of satisfaction, that not one of these measures was decided upon, or even discussed or proposed, before His Majesty's Government, but in the presence of Gentlemen, who though they were not accredited Agents of Lower Canada, were from their situations, and their experience in that Province, perfectly acquainted with its interests, and well qualified by their talents to represent them; and that objections from these persons to the Claims of Upper Canada, were not only received, but called for.

With respect to the Bill for effecting the proposed union, His Excellency will readily understand, from my former communications, how much I have been relieved by the manner in which it has been disposed of, as it will afford to the People of both Provinces, an opportunity of considering before hand, the probable consequences of a very material change in their constitution, which with all the reflection I have been able to give it, I confess I should be extremely sorry upon my own judgment, unaided by the opinion of those equally interested in its operation, to be in any degree instrumental in promoting or defeating. On the one hand, had my first impression with respect to the policy of uniting the Legislatures, been other than it was, I should not have ventured, (especially in the particular situation in which I stood) without being instructed, and even without being acquainted with the sentiments of His Excellency, or of the Legislature, or the people of the Province, to urge a measure of so important and delicate a nature. On the other hand being the bearer of an appeal from the Legislature of Upper Canada, which stated injuries resulting from the present relative situations of the two Provinces, which it was declared must be ruinous if suffered to continue, and for which an entire reliance was expressed in the wisdom of His Majesty to provide us a remedy, I felt that I should be acting most inconsistently with the situation in which I stood, if without instructions, and merely on my own idea of their unfairness, I should fly in the face of the measures which His Majesty's Government proposed as most likely to yield us the security we desired, and which, for all I knew, might appear in the same light to most of the inhabitants of the Provinces. It appeared to me clearly, that I

could do no more than to press respectfully the adoption of other measures which appeared to me preferable, and to state plainly to the Government, the result of my own consideration as to the inconveniences which might be apprehended, and the benefits which might be safely anticipated from an union, and this I did as fully as was in my power, not merely in a written paper in which what occurred to me was necessarily thrown together hastily, and on the first impression, but also verbally, on all occasions in which I was consulted. Indeed, the ready access afforded to me, and to all who manifested any interest in the affairs of Canada, while these measures were under discussion, and the unreserved personal communications, with which we were honoured by Earl Bathurst, and by the Under Secretary of State, prevented the necessity of a written correspondence. When His Majesty's Government, after hearing all that could be urged, resolved to propose the Union, and when I knew that many Members of the House of Commons who frequently opposed the measures of the Government, were supporters of this, and that there was every reason to believe it would meet with general concurrence, I perceived clearly, that unqualified opposition on my part, had I thought the measure decidedly called for it, besides being fruitless, and in the character in which I stood, unwarranted, might have embarrassed and rendered ineffectual my applications upon the other points, and would have deprived me of the opportunity of interceding for those modifications of the proposed union, which if the Bill should pass, will secure the interests of Upper Canada, I think, in the most important points, as much as they can be secured under the change of circumstances, and which perhaps may in the opinion of its inhabitants render the measure ultimately beneficial to the Province, and reconcile them to any present practical inconveniences that cannot be avoided.

It may be satisfactory to His Excellency (inasmuch as I may be supposed to have been governed by instructions received before my departure) to learn that the line of conduct which I had pursued with respect to the Union, was distinctly stated by the Under Secretary of State in the House of Commons. In answer to a suggestion expressed by a Member that it was a measure urged by Upper Canada through its Agent, in opposition to the interests and wishes of Lower Canada, he corrected the misapprehension, by declaring that it originated entirely with His Majesty's Government, and was not at the instance of either Province, that so far from soliciting it on the part of Upper Canada, I had resisted it in its introduction, and had never urged it publicly or privately, that I had afforded every information required of me, and had stated merely my own impression as to the arguments for and against it. What may be the opinion entertained in Upper Canada upon the policy of the Bill as it now stands, I am altogether at a loss to anticipate, and now that an opportunity is afforded of judging of it, with all its details, it is unnecessary that I should express my own, because it is no longer of consequence. It is due, however, to the confidence reposed in me, to state every thing within my knowledge which may give to the Province, the full benefit of the delay which has occurred, and I will therefore add that it appears to me, His Majesty's Government remains as strongly impressed as ever with the conviction that the contemplated union would very much add to the importance, and promote the prosperity of both Provinces, and that I have therefore no doubt as to their present determination to press the Bill during the next Session. And as it must be obvious that neither the Government nor the Parliament of this country can be influenced in