

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 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, } Trust-
ROBERT S. MOWAT, } rees.
WILLIAM GARNETT, }

Letters from Mr. Commissioner Robinson, on the Canada Trade, and Canada Union Bills, communicated by the Lieutenant Governor. January 22d, 1823. (C.) (Continued.)

And whereas the division of the Province of Quebec into the two Provinces of Upper and Lower Canada, was intended for the common benefit of His Majesty's Subjects residing within both of the newly constituted Provinces, and not in any manner to obstruct the intercourse, or prejudice the trade to be carried on by the inhabitants of any part of the said late Province of Quebec with Great Britain, or with other Countries, and it has accordingly been made a subject of mutual stipulation between the two Provinces in the several agreements which have heretofore subsisted, that the Province of Upper Canada should not impose any duties upon articles imported from Lower Canada, but would permit and allow the Province of Lower Canada to impose such duties as they might think fit upon articles imported into the said Province of Lower Canada, of which duties a certain proportion was by the said agreements provided to be paid to the Province of Upper Canada.

And whereas in consequence of the cessation of such agreements as above recited it is necessary to protect the Province of Upper Canada from any evils which might arise from the exercise of an exclusive control by the Legislature of Lower Canada, over the imports and exports into and out of the Port of Quebec. And it is further expedient in order to enable the said Province of Upper Canada, to provide with sufficient certainty for the support of its Civil Government, and for other permanent and necessary charges upon its Revenue to establish such

control as may prevent the Legislature of Lower Canada from repealing suddenly and without affording to Upper Canada an opportunity of remonstrance, existing duties upon which the principal part of such Revenue may depend. Be it therefore enacted &c. that all and every the Duties which at the time of the expiration of the last agreement between the said Provinces of Upper and Lower Canada were payable under any Act or Acts of the Province of Lower Canada on the importation of any goods, wares, or merchandize into the Port of Quebec, shall be payable and levied until the Act or Acts imposing the same or any of them, shall be repealed by an Act or Acts of the said Province of Lower Canada; and until such Act or Acts repealing such duties shall, after a copy of the same has been transmitted to the Governor of the Province of Upper Canada, be laid before both Houses of the Imperial Parliament, according to the forms and Provisions contained in the Act of the Parliament of Great Britain, chap. 31, passed in the 31st year of His late Majesty's Reign, entitled &c. and the Royal Assent thereto proclaimed within the Province of Lower Canada, according to the Provisions of the said last mentioned Act.

And be it further enacted, &c. That from and after the passing of this Act, no Act of the Legislature of the Province of Lower Canada, whereby any additional or other duties shall or may be imposed on articles imported by sea into the said Province of Lower Canada shall have the force of Law, until the same shall have been laid before the Imperial Parliament as provided for in certain cases by 31 Geo. III. ch. 31, and His Majesty's assent thereto published by Proclamation in the said Province of Lower Canada; a copy of such Act having within from the passing of the same been transmitted to the Governor of the Province of Upper Canada.

Provided always nevertheless that it shall not be necessary to transmit any such Act to be laid before the Imperial Parliament, if the concurrence of the Province of Upper Canada therein shall be signified in the manner to be specified in this Act.

(Note accompanying the foregoing Draft.) I have drawn up, with as much connection as I could, in so short a time, the substance of the different provisions, which I have already proposed on the part of Upper Canada.

To reduce them properly to detail, will require more particular consideration, but the heads I have given will shew, I hope, with sufficient precision, the nature of the different enactments which appear to me necessary to place the two Provinces on a fair footing with respect to each other, in matters of trade and revenue. It is impossible to say, that in proceeding with the detail, more eligible modes may not suggest themselves of attaining the same ends with equal justice to both Provinces, and it is very probable that additional precautions may be found necessary to give effect to the measures proposed, but I am willing to be understood that I have no intention to urge, on behalf of Upper Canada, any measure distinct in principle from those embraced in this sketch, unless it occurs to me in time to admit of my giving Mr. Caldwell notice of it before his departure.

(Signed) JOHN D. ROBINSON.
April 7, 1822.

DECLARATION OF WAR.

Sun Office, London April 3, Second Edition.

Government have received the Declaration of War by FRANCE AGAINST SPAIN, as well as the Manifesto of the French Government on its armies entering Spain. How far Ministers may think proper to give publicity to these documents, we cannot pretend to judge.

LONDON, April 19.

EXPRESS FROM THE SEAT OF WAR.

We have received, at a late hour, this afternoon, the following Letter by express from Bayonne, bringing an account of the position of the French Army up to Wednesday last:

"BAYONNE, APRIL 14.

"The Head quarters are still at Tolosa. It is the central point of the operations of the army, and the resistance they actually experience at St. Sebastian and that which they expect at Pampeluna (the two strongest places on the road to Madrid), will probably

cause the Prince to remain sometime at Tolosa.

"There departed this morning from Bayonne a quantity of battering artillery and mortars, with cannoneers, it is supposed for Tolosa.

"The French army, it is said entered Bilboa yesterday morning. This is not to be wondered at, the place being without defence. It is asserted that before the arrival of the French troops, a Deputation from Bilboa was sent to head quarters, praying that they would not permit the place to be occupied by the troops of the Faith.

"The garrison of St. Sebastian is said to be composed of 3300 men namely, 800 of the Regiment Valency 800 of that of Alexander. 800 of the Regiment of Spain; the remainder Artillery."

Extract of a private letter.

PARIS, APRIL 17.

"The Moniteur of this day publishes no telegraphic dispatch, the reason of which is said, the actual receipt of unpleasant intelligence. I have only time to give you the mere heads of what has reached me. The advance of the army is said to be at present stopped, owing to the dread the French Generals have of Mina, who is said to be in much greater force, and far more active in his operations than was anticipated. His movements are not at all known, and a great dread exists that as the French army advances into Spain, he will advance by another road into France.

"The fears of the Generals are augmented on this point, by the annihilation or dispersion of the Army of the Faith, it is supposed, into separate bands. It was principally on this force that the French Generals relied to watch and controul the movements of Mina, and by its dispersion they are placed between two sets of Guerillas, as these bands, it is thought, who were mostly originally robbers, will have no objection to plunder their good friends the ultra guard du corps of the Duke of Angouleme, and other well dressed French soldiers. Ouvrard, the Banker, who had the contract for supplying the army, has given it up. I have no time to say more."

The French papers of Wednesday and Thursday morning bring no intelligence of importance. The Moniteur officially announces a telegraphic dispatch from Bayonne, stating that Pampeluna was closely invested; that the head quarters of the French army, which on the 14th were at Villa Franca, would, on the 17th, be at Vittoria; and the two corps of the army would be, the same day, on the Ebro. One of the French Journals states, on the authority of a letter from Tolosa, that "St. Sebastian may hold out some time, as 2000 of the worst subjects in Spain, are shut up there."

Bayonne papers to the 11th inst. reached us this forenoon. The following are extracts:

BAYONNE, April 10.

The Mayor of St. Juan de Luz, has complained to the competent authority of the shameful behaviour of the three regiments which were there the day before yesterday. The Colonels selected at their own pleasure, the houses which should receive them, and there were even an hundred in a house. We expect two battalions to-day.

About 40 Spanish prisoners have been brought into this city; they were led all round, to show them to every body. It is said they were taken by Zabala, who delivered them up to the French. They are for the most part, children, who are in a deplorable condition. The troops complain loudly of the bad quality of the provisions given them, especially the bread. The distribution is very irregular. One regiment remained thirty-six hours in the line without receiving any thing. Sickness in consequence increases, and there are 900 patients in the two hospitals, though the wind is north.

O'Donnell, when he shut himself up in St. Sebastian, took with him all the cattle that he met in the way.

Some persons of our town who were at St. Sebastian eight days before the commencement of hostilities, assert that there are fifty pieces of cannon upon the ramparts of the town and citadel. The garrison consists, independently of the artillery from Valencia, of the regiment of the Imperial Alexander, commanded by O'Donnell; of Valency, commanded by Saurea; A Battalion of the Regiment of Espana, and one of the Militas of Salamanca. The Governor of the town is Don Pablo de Lapeña, Bri-

gadier of Cavalry. Provisions have been put in requisition throughout the neighbourhood. It is provisioned for six months.

Bilboa has been completely evacuated by the troops, who have retired in the direction of the Ebro.

They write from St. Jean de Pied de Port, that the Prince of Hohenloe has entered Spain by the point of Roncesvalles & Baygori. He proceeds it is said, towards Pampeluna. It is Colonel Chapalengarras who commands that town.

The Morning Chronicle says, "We have received information from a quarter on which we can rely, that from 80, to 100,000 Russians are marching to the aid of the French Ultras, and that they will arrive by way of Dantzic." We have little doubt that when the French ultras are in want of Russian aid they will have it; but we have great doubts whether from 80 to 100,000 men will be able to march from the Wolga to the Rhine, even "by way of Dantzic," without a single soul knowing any thing of their movements, except that acute chronicler we have just quoted. Our Stock Exchange reporter writes to us in great simplicity of spirit, that "the extraordinary statement in a Morning Paper about a body of Russians being on their march for the Rhine, has not had the smallest effect on the Funds this morning." How could it? We recommend to the Chronicle, when it has another hundred thousand champions to send to the aid of the French Ultras, by the way of Dantzic, to provide shipping for them.—*Lon. Star.*

PARIS, APRIL 10.

PROCLAMATION,

Of the Duke d'Angouleme, General and Chief of the Army of the Pyrennees to the Spaniards.

The King of France in recalling his Ambassador from Madrid, had hoped that the Spanish Government, advised of its dangers, would return to more moderate sentiments, and listen to Councils of benevolence and reason.—Two months and an half past, and His Majesty has expected in vain that there would be established in Spain an order of things comparable with the safety of neighboring States. The French Govt. has endured for two whole years, with unexampled patience, the most unremitted provocations. The revolutionary faction that has destroyed royal authority in your country—which holds your King captive—which demands his abdication—and which threatens the life of his family, has carried over your territory, its culpable efforts—it has attempted to corrupt the army of his most Christian Majesty, and to excite troubles in France—it has disseminated the fatal contagion of its doctrines and of its examples to Naples and Piedmont.—Deceived in its hopes, it has invited the traitors condemned by our tribunals to take refuge under the protection of a triumphant rebellion, and encouraged the conspiracies which they had formed against their country. It is time to put an end to the anarchy which rends Spain—which takes from her the power of giving peace to her colonies—which separates her from Europe—which destroys all her relations with the august Sovereigns, united by the same intention and the same wishes to his Most Christian Majesty, and who only seeks the repose and interest of France.

Spaniards!—France is not at a war with your country;—Born of the same blood with your Kings, I can only desire your independence, your happiness and your glory. I am come to the Pyrennee, at the head of 100,000 Frenchmen, to unite myself to the Spaniards that are friends of order and law; to aid them in delivering their imprisoned King; to raise the altar and the throne; to rescue your priests from proscription, and the owners of property from spoliation; to whole people from the domination of some ambitious persons, who while they proclaim liberty, only prepare the ruin of Spain.

Spaniards!—Every thing shall be done for you, and with you. The French are not, nor do they wish to be, other than your auxiliaries; your colours only shall wave your cities; the provinces traversed by our soldiers shall be governed in the name of Ferdinand, by Spanish Authorities. The most severe discipline shall be observed. Every thing necessary for the army shall be paid with a religious exactitude. We neither attempt to impose laws on you nor occupy your country; we wish only your deliverance, which when we shall have attained,