

Howland & Shipman

# THE NEW-ROYAL



# BRUNSWICK GAZETTE

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[NUMBER 52.]

## THE GAZETTE.

NEW BRUNSWICK, } The eighth day of July in  
IN CHANCERY } the year of our Lord one  
thousand eight hundred and twenty-six.

Present, His EXCELLENCY the CHANCELLOR

**W**HEREAS the appointment of persons to be clerks in the Court who reside in different parts of this Province and are remote from the place where the sittings of the Court are held, has been the occasion of great inconvenience, and has exposed the records and papers of the Court to accident and loss: It is therefore ordered that all the appointments hereof made of persons as clerks of the Court, be, and the same are hereby revoked and vacated: and it is further ordered, that the Register of this Court be the officer in lieu of the clerks to transact and file all proceedings by bill and answer, and to have the custody of all Record papers, and proceedings relating to cases in equity, and to make and sign all office copies thereof, and to enroll the decrees of the Court, and to sign and seal writs all and process on the equity side of the Courts and to perform all other such like service, which appertained to the office of clerks of this Court.

By order of His Excellency the Chancellor  
D. L. ROBINSON, Regstr.

By the Honorable John Saunders, Esq. Chief Justice of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

**N**OTICE is hereby given to all whom it may concern that upon application of William Ward, and Jacob Howland, to me duly made according to the form of the Act of the General Assembly in such case made and provided, I have directed all the Estate as well real as personal within this Province, of Simeon Henderson, late of Burton in the County of Sunbury and Province aforesaid Yeoman, (which said Simeon Henderson hath departed from and without the limits of this Province or is concealed within the same with intent and design to defraud the said William Ward and Jacob Howland and other Creditors of the said Simeon Henderson if any there be of their just dues, or el to avoid being served with the ordinary process of law as is alleged against him,) to be seized and attached, and that unless the said Simeon Henderson do return and discharge his said Debts within three months from the date hereof, all the estate as well real as personal of the said Simeon Henderson, within this Province, will be sold for the payment and satisfaction of the creditors of the said Simeon Henderson.

Dated at Fredericton, this Twenty-fifth day of November in the year of our Lord 1826.  
JOHN SAUNDERS, Chief Justice.

G. J. DIBBLE, Atty. }  
for Petitioning C's }

In the Matter of Joseph Kenah Esquire, a Debtor departed from this Province.

**N**OTICE is hereby given that a general meeting of the Creditors of the above named Joseph Kenah Esquire, is requested on Wednesday the seventh day of March next at 12 o'clock at noon, at the Office of George F. Street Esquire Fredericton, to examine and see the debts due to each person ascertained: at which time all Creditors are expected to come prepared to substantiate their demands against the said Joseph Kenah, by proof, attestation or otherwise, to the satisfaction of the Trustees.

GEORGE F. STREET,  
GEORGE MINCHIN, } Trustees.  
H. G. CLOPPER,  
Fredericton, 16th December 1826.

## COLONIAL INTERCOURSE.

CONTINUATION OF DOCUMENTS COMMUNICATED TO THE CONGRESS OF THE UNITED STATES BY THE PRESIDENT.

[Continued.]

They require that the United States, to entitle themselves to the permission of importation and exportation which is granted by the British law of navigation, should place the commerce and navigation of the United Kingdom, and of its possessions abroad, upon the footing of the most favoured nation. The first observation occurring is, that at the very moment when the British government is putting forth the new principle, that the regulation of the trade of the parent country, and of its colonies depends upon two rules, essentially different, the one admitting, the other excluding all consultation with foreign States; this act confounds them together, and requires not merely that we should place the British colonies upon the footing of the most favoured colonies, but that, to entitle us to enjoy the privileges of an intercourse with those colonies, we must comply with the requirement of placing the navigation and commerce, both of the parent country and all its possessions abroad, on the footing of the most favoured nation.

The first difficulty which is encountered in ascertaining the precise nature and extent of the conditions prescribed by the act of parliament is, that it furnishes no definition of the terms, "the most favoured nation," which it employs. According to one interpretation of those terms, they import the gratuitous concession of commercial privileges. According to another, they imply the nation which enjoys the greatest amount of commercial privilege, whether granted with or without equivalents.

That the first was not the sense in which the British Government intended to use those terms we conjectured; because, if it were, nothing remained to be done by the American Government to bring itself within the conditions of the act of Parliament, and we apprehended that the British Government required some positive act. Great Britain, in that sense of the terms is, in respect to the commerce and navigation both of the parent country and its possessions abroad, on the footing of the most favoured nation. Whatever commercial privileges are granted by the United States to any foreign nation, by act of Congress, or by treaties, are founded upon equivalents. Holding out the principle of fair reciprocity to all nations we neither ask, nor profess to bestow, commercial boons. Thus, in respect to alien or discriminating duties, we have not abolished them in behalf of any nation which has not professed to abolish them as to us. If they are now levied upon British vessels, coming to the United States from British colonies, countervailing duties are now also levied upon American vessels entering British colonies, and have been constantly, as Mr. Canning declares, from 1823. If the amount of American tonnage admitted to entry at British colonial ports and of British tonnage entering American ports, from British colonies, were exactly equal, the collection of duties on one side would neutralize the

collection on the other. But, as there is much more American than British tonnage employed in the colonial trade, we pay a greater amount of those duties than Great Britain. And, consequently, if there were cause of complaint on either side, on account of their existence, it would be with us. It could not therefore, have been in the first, but must have been in the second, meaning of the terms, that they are employed in the act of Parliament.

Great Britain is understood, then, to have demanded that the United Kingdom and its possessions abroad, should be allowed to enjoy, in the ports of the United States, the greatest extent of commercial privileges which we have granted, no matter upon what ample equivalent to any foreign nation whatever. In order to ascertain the latitude of concession thus required, it is necessary to glance, and it shall be done as rapidly as possible, at the state of our commercial relations with other foreign powers.

By the general law of navigation (see 6th vol. of the laws of the United States, page 180.) it is enacted that, after the 30th day of September, 1818, "no goods, wares, or merchandize, shall be imported into the United States, from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandize, can only be, or most usually are, first shipped for transportation: Provided nevertheless, that this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation."

Great Britain had, long prior to the passage of that act, adopted, and continues to enforce, the restriction on which it is founded; whilst almost all other nations have abstained from incorporating it in their navigation codes. A vessel, therefore, of the United States, on entering a British port, being limited by British law, to the introduction of goods the produce of the United States, a British vessel, on entering their ports, is limited to the introduction of goods being of British produce: whilst the vessels of all other nations, which have not adopted the restrictive regulation, are allowed on entering a port of the United States, to introduce any foreign produce whatever, by paying the alien and discriminating duties, from which vessels of the United States are exempted.

By particular arrangements with various Powers, some by treaty, and others by separate but reciprocal acts of the governments of the United States and those Powers, the alien duties of the United States are abolished as to them; and their vessels and those of the United States, are allowed the reciprocal liberty of importation and exportation at the same rate of duty upon both ship and cargo.

Thus by the act of Congress of January, 1824, so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly

belonging to subjects or citizens of the kingdom of the Netherlands, of Prussia, of the Imperial Hanseatic cities of Hamburg, Lubec, and Bremen, of the Dukedom of Oldenburg, of the kingdom of Norway, of the kingdom of Sardinia, and of the Empire of Russia." And it enacts a like suspension of the discriminating duties on the cargo of any of the vessels of those several countries.

But it further enacts, that the suspension of those duties shall "continue in behalf of each of the above-mentioned nations, on condition that, and so long as the vessels of the United States, and truly and wholly belonging to the citizens thereof, and all goods and merchandise of the produce and manufacture thereof, laden therein and imported into any of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage direct or indirect whatsoever, other or higher than is levied upon the vessels and merchandise therein imported, belonging to the subjects or citizens of each of the said nations respectively."

Thus, therefore, to comply with the conditions of the act of Parliament, we must, first, have allowed British vessels to import into the United States, the produce of any foreign country whatever, upon the payment of the alien duties, although vessels of the United States are and should have remained prohibited to import into British ports like produce upon any terms whatever. And secondly, we must have abolished or suspended our discriminating duties, placing Great Britain upon the footing of the most favoured nation, in whose behalf we had abolished or suspended them, although it now appears, from the avowment of Mr. Canning, that duties of at least an equal amount have been, since the adoption of the Order in Council, in the year 1823, and now are, levied upon American vessels and their cargoes in British colonial ports.

So stood our law, and such must have been our compliance with the conditions of the act of parliament at the time of its passage.—But we suppose it to have been the understanding of the British government, that, if subsequent to that period, we should grant to any foreign nation still greater privileges than those above described, by treaty or otherwise, in consideration of equivalents or not, such more extensive privileges must have immediately accrued to the United Kingdom and its possessions abroad, upon the rule of the most favoured nation, or we must have subjected ourselves to the forfeiture of the colonial trade, denounced by the act of Parliament.

Now, subsequently to the date of that act, to wit, on the 6th December last, we concluded a treaty with the Republic of the Federation of the Centre of America, which, having been afterwards ratified by both parties, is now in full operation. By this treaty it is stipulated, that whatever can be exported from, or imported into, either country, in its own vessels, or from any foreign place whatever, may, in the manner be exported or imported in the vessels of the other country, the vessel and the cargo paying in both cases the same and no higher duties, and consequently neither paying the Alien Duties. If we had entailed ourselves by the fulfilment of the required conditions, to