

PRESIDENT'S MESSAGE.

Extracts relative to affairs pending between Great Britain and the United States.

"In coming together, fellow citizens, to enter again upon the discharge of the duties which the People have charged us, severally, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge and improvement. Through the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of our land with distress and mortality, yet in general the health of the people has been preserved, and we are called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so signally crowned the year with his goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in every thing which promotes human and social happiness, let us remember our dependence, for all these, on the protection and merciful dispensation of Divine Providence.

Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the Court, been regularly discharged.

Great Britain having made known to this Government that the expedition which was fitted out from Canada for the destruction of the steamboat Caroline, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British Government in Canada, and demanding the discharge of McLeod upon the ground that, if engaged in that expedition, he did not fulfil the orders of his Government, has thus been answered in the only way in which she could be answered by a Government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the Courts of either, can obtain his discharge, is by an independent action of the judiciary, and by proceedings equally familiar to the Courts of both Countries.

If in Great Britain a power exists in the Crown to cause to be entered a nolle prosequi, which is not the case with the Executive power of the United States upon a prosecution pending in a State Court; yet there, no more than here, can the chief Executive power rescue a prisoner from custody without an order of the proper tribunal, directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other Government. In cases of this kind a Government becomes politically responsible only when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent its authority more efficiently than Great Britain. Alexander McLeod having his option either to prosecute a writ of error from the decision of the Supreme Court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation, and the result has fully sustained the wisdom of his choice.

The manner in which the issue submitted was tried, will satisfy the English Government that the principles of justice will never fail, to govern the enlightened decision of an American tribunal. I cannot fail, however, to suggest to Congress the propriety, and in some degree, the necessity, of making such provisions by law, so far as they may go so, for the removal at their commencement, and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the State to the Federal Judiciary. This Government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. Whilst just confidence is felt in the Judiciary of the States, yet this Government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under the organic law, by the States themselves.

In the month of September, a party of armed men from Upper Canada, invaded the territory of the United States and forcibly seized upon the person of one Grozan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not more due to the rights of the United States, than to its own regard for justice. The correspondence which passed between the Department of State, and the British Envoy, Mr. Fox, and with the Governor of Vermont, as soon as the facts had been made known to this Department, are herewith communicated.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the Caroline, steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the Province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States, by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this Government, the enquiry whether the vessel was in the em-

ployment of those who were prosecuting an unauthorized war against that Province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the Caroline was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute—since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice that each government in its turn, upon any sudden and unauthorized outbreak, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighbourhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their territory with an armed force. The correspondence of the two governments on this subject, will, at a future day of your session, be submitted to your consideration; and in the mean time, I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American Minister at the Court of St. James', Mr. Stevenson, and the Minister of Foreign Affairs of that Government, on the right claimed by that Government to visit and detain vessels sailing under the American flag and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code—and when we are given to understand, as in this instance, by a Foreign government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, or susceptible of misconception. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully on account of any such alleged abuses, be interrupted, molested, or detained while on the ocean; and if thus molested and detained, while pursuing honest voyages, in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity.

This government has manifested its repugnance to the slave trade, in a manner which cannot be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal law, denounced the most condign punishment. Many of the States composing this Union, had made appeals to the civilized world for its suppression, long before the moral sense of other nations had become shocked by the iniquities of the traffic. Whether this Government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This Government will not cease to urge upon that of Great Britain, full and ample remuneration for all losses, whether arising from detention or otherwise, to which the American citizens have heretofore been, or may hereafter be subjected, by the exercise of rights which this Government cannot recognize as legitimate and proper. Nor will I indulge a doubt but that the sense and justice of Great Britain will constrain her to make retribution for any wrong, or loss, which any American citizen, engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers, or other public authorities. This Government, at the

same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader from molestation and injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment, others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave trade, and recommend all such alterations, as may give to them greater force and efficacy. That the American flag is grossly abused by abandoned and profligate of other nations, is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston, upon the subject so interesting to several of the Southern States, of the rice duties, which resulted honourably to the justice of Great Britain, and advantageously to the United States.

At the opening of the last annual session, the President informed Congress of the progress which had then been made in negotiating a convention between this Government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say that little further advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute, as early as possible. In the course of the session, it is my hope to be able to announce some further degree of progress, towards the accomplishment of this highly desirable end.

The commission appointed by this government for the exploration and survey of the line of boundary separating the States of Maine and New Hampshire from the contiguous British Provinces, is, it is believed, about to close its field labors and is expected soon to report the results of its examinations to the Department of State. The report, when received will be laid before Congress.

ROYAL GAZETTE.

FREDERICTON, DEC. 22, 1841.

Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.

SAMUEL W. BABBITT, Cashier.

Discount Days.....Tuesdays and Fridays.

Director this week.....THOMAS PICKARD.

Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier, before two o'clock on Mondays and Thursdays.

Bank of British North America.

FREDERICTON BRANCH.

GEORGE TAYLOR, Manager.

Discount Days.....Wednesdays and Saturdays.

Director this week.....JAMES TAYLOR

Hours of business, from 10 to 3.

Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days.

Savings Bank.

Trustee for next week.....J. TAYLOR.

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House, opposite the Parade, (Sunday excepted,) from 11 to 2 o'clock.

B. WOLHAUPT, President.

Committee for the present month.

F. E. BECKWITH and W. A. McLEAN.

Mens House and Work House.

Commissioner for the week commencing to-morrow.

THOMAS GILL.

Hartford Fire Insurance Company,

HARTFORD, CONNECTICUT.

Agent at Fredericton.—ASA COY.



By Authority.

Government Advertisement.

AN application having been lately made to the Lieutenant Governor, by thirty-four persons, who have associated themselves together for the purpose of forming a New Settlement upon a Tract of Vacant Crown Land; Orders have been issued by His Excellency in Council, directing the Surveyor General to Survey the tract applied for into Fifty Acres Lots, and to be offered for Sale at Auction, at the upset price of Three Shillings per acre together with three pence per acre, to defray the expense of Survey; and Bonds to the Queen will be taken upon legal interest, payable in advance.—It was also further Ordered, That notice be given to applicants for Land in other parts of the Province, that upon similar Associations being formed, the Government will take into consideration the disposal of the Lands, and the opening of the Road thereto, upon similar terms.

Crown Land Office, December 16, 1841.

[PUBLISHED BY COMMAND.]

A Meeting of the Charlotte County Emigrant Society was held at the Court House on the 1st November.

James Boyd, Esquire, V. P., in the Chair, Dr. Alley, from the Committee appointed to frame Rules and Regulations, submitted the following, which was adopted:—

1st. That the Society shall be called "The Charlotte County Emigrant Society," and shall consist of such Members, as actually pay an annual sum of not less than Five Shillings.

2nd. That all the affairs of the Society shall

be committed to the management of a Board of Directors, which shall be annually chosen by the Society, on the first Monday in December, in each and every year, and shall consist of Thirteen Members.

3rd. That there shall be a President, one Vice President, and Secretary, to be chosen by the Directors, and also a Treasurer, to be chosen by the Society at the General Annual Meeting, on the first Monday in December, in each and every year. That in the absence of the President, the Vice President shall preside, and in case of the absence of both President and Vice President, the Chairman, *pro tempore*, shall be chosen by the Meeting.

4th. That the Directors and Treasurer, shall be chosen by ballot, and in no case shall any person be qualified to hold an Office, or vote at an election of Office-bearers, or in any matter appertaining to the affairs or government of the Society, who shall not have previously paid his annual subscription.

5th. That local Committees, each not exceeding six Members in number, (from which number a Chairman, Secretary and Treasurer may be chosen,) shall be elected in each Parish of this County, by the Members of the Society resident in such Parish, who shall remain in Office for and during the same period with the Officers of, and be subject to the same Rules with the Society. And that it shall be the duty of the local Treasurers to pay over to the Treasurer of the Society from time to time, such sum or sums of money as they may, at any period or on any occasion receive.

6th. That the Office of the Society shall be held at the Shire Town, and the Secretary of the Society shall be deemed to be its General Agent, to whom all Communications from local Committees and others, shall be addressed.

7th. That the Directors shall meet for the dispatch of business, at least once in every month, and that not less than five Directors shall form a quorum.

8th. That it shall be the duty of the Directors, at any time after the Annual Meeting, to fill up such vacancies as may occur, by death or otherwise, amongst themselves or the Office-bearers.

9th. That no Officer of the Society shall receive any remuneration for his trouble, except the Secretary, who may receive any sum not exceeding £15 annually, at the discretion of the Directors.

10th. That the President may call a General Meeting of the Society at any time, by giving at least one fortnight's notice in the Charlotte County Newspapers, on the requisition of ten or more Members of the Society.

11th. That the President and Directors submit at each Annual Meeting, a detailed report of all their proceedings, during the preceding year, and that the Treasurer also submit his accounts, as audited by the Directors.

12th. That any Rule of this Society may be altered or repealed at any of the Annual Meetings of the same, provided there be not less than twenty Members present.

All which is respectfully submitted.

(Signed) JEROME ALLEY,

THOMAS JONES, Committee.

JAMES QUINN,

JAMES BOYD,

Resolved, That a Copy of the Rules and Regulations of this Society be forwarded to His Excellency the Lieutenant Governor.

J. McKEAN, Secretary.

Saint Andrews, Nov. 1, 1841.

[PUBLISHED BY COMMAND.]

IN THE QUEEN'S GENERAL SESSIONS,

June Term, 1841.

RULES AND REGULATIONS for the government of Tavern Keepers, made and passed by Her Majesty's Justices, at the Court of General Sessions of the Peace for the County of Queen's, holden on the fourth Tuesday in June, 1841, in the fourth year of Her Majesty's Reign, in pursuance of the powers granted in and by the Act of the General Assembly, 1st Victoria, Cap. XXXIII, intituled "An Act in addition to and in amendment of an Act, intituled 'An Act to regulate Tavern Keepers and Retailers.'"

I. ORDERED, That the Rules and Regulations heretofore made in this behalf, be and the same are hereby repealed.

II. Every Licensed Tavern within the Town of Gagetown shall have at least Four Clean and Good Beds, and two spare Rooms. And in other parts of the County at least four clean and good Beds, and one spare Room, for the use and accommodation of Travellers, exclusive of those used by the family of such Tavern Keeper, and shall in all respects be furnished with the necessary means for the refreshment, accommodation and comfort of Travellers and others.

III. Every Licensed Tavern shall have attached to it a warm and comfortable Stable, with Stands for at least four Horses; shall at all times be furnished with a sufficient supply of good Hay, Oats, and Litter, and be attended by a competent person to take care of, feed and groom the Horses of Travellers.

IV. Every Licensed Tavern Keeper shall close his doors (except to Travellers, who are to be admitted at all hours,) at 8 o'clock, p. m. in Winter, and at 9 o'clock, p. m. in Summer, and shall not suffer any idle or disorderly persons to remain drinking and tipping in their houses.

V. Every Licensed Tavern shall be provided with a proper place of shelter and security for the Sleights and Carriages of Travellers.

VI. No Tavern Keeper shall, upon any pretence whatsoever, sell any Spirituous or Fermented Liquor to any person in a state of drunkenness or intoxication, or allow such drunken or intoxicated person to drink any such Liquor within or about his premises.

VII. Every Licensed Tavern Keeper shall keep his Bar Room closed on Sundays, and shall not suffer any idle or disorderly persons to loiter about his premises on the Sabbath.

VIII. No Licensed Tavern Keeper shall permit or suffer any Soldier, Sailor, Apprentice or Minor to be and remain in or about his house on Sundays, unless such Tavern Keeper shall be able to shew that such Soldier, Sailor, Apprentice or Minor was not there for the purpose of obtaining or drinking Spirituous or Fermented Liquors.

IX. Every Licensed Tavern Keeper shall keep constantly in his House for the comfort and refreshment of Travellers requiring the same, beside Ardent and Fermented Liquors, the following articles, namely:—Teas, Coffee; Ginger, Spruce, and other wholesome Beers.

X. Every Licensed Tavern Keeper to be furnished by the Clerk of this Court with two printed copies of these Rules, one of which to be always posted up conspicuously in the most public Room in such Tavern.

XI. In the construction of the foregoing Rules, it is hereby declared, that any breach of them or any of them by any Member of the Family or Servant of the Tavern Keeper, shall be deemed and taken to be a breach by the Tavern Keeper himself, and that he shall be liable therefor accordingly.

XII. And be it further ordered, That for each and every breach of or offence against the foregoing Regulations, or any of them, such offender shall be liable to a fine not less than Ten Shillings, nor more than Five Pounds, as imposed in and by the Act of the General Assembly, made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled "An Act, in addition to an Act, intituled 'An Act to regulate Tavern Keepers and Retailers.'"

IN THE CHARLOTTE GENERAL SESSIONS,

September Term, 1841.

RULES AND REGULATIONS for the government of Tavern Keepers, made and passed by Her Majesty's Justices, at the Court of General Sessions of the Peace for the County of Charlotte, holden on the third Tuesday in September 1841, in the third year of Her Majesty's Reign, in pursuance of the powers granted in and by the Act of the General Assembly, 3 Vic. c. 47, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof."

1st. Ordered, That the Rules and Regulations heretofore made in this behalf, be and the same are hereby repealed.

2d. Every Licensed Tavern within the County of Charlotte shall have at least four clean and good beds, and two spare rooms, for the use and accommodation of Travellers, exclusive of those used by the family of such Tavern Keeper, and shall in all respects be furnished with the necessary means for refreshment, such as T. A. Coffee, &c. for the accommodation and comfort of Travellers and others.

3d. Every Licensed Tavern Keeper shall close his or her doors (except to Travellers, who are to be admitted at all hours,) at 11 o'clock, p. m. in Winter and in Summer, and not suffer any idle or disorderly persons to remain drinking and tipping in their houses.

4th. No Tavern Keeper shall on any pretence whatsoever, sell any spirituous or fermented liquor to any person in a state of drunkenness or intoxication, or allow such drunken or intoxicated person to drink any such liquor within or about his or her premises.

5th. Every Licensed Tavern Keeper shall keep his bar room closed on Sundays, and shall not suffer any idle or disorderly persons to loiter about his or her premises on the Sunday.

6th. No Licensed Tavern Keeper shall permit or suffer any Soldier, Sailor, Apprentice or Minor to be and remain in or about his or her house on Sundays, unless such Tavern Keeper shall be able to shew that such Soldier, Sailor, Apprentice or Minor was not there for the purpose of obtaining or drinking spirituous or fermented liquors.

7th. No person (except a Licensed Tavern Keeper) shall place in front of his or her house or shop any sign marked "Tavern," "Licensed Tavern," "Spirits sold here," or words importing that spirits or fermented liquor is sold in such house or shop.

8th. Every Licensed Tavern Keeper to be furnished by the Clerk of this Court with one printed copy of these Rules, which is always to be posted up conspicuously on the most public room in such Tavern.

9th. In the construction of these Rules, it is hereby declared, that any breach of them or any of them by any members of the family or servant of the Tavern Keeper, shall be deemed and taken to be a breach by the Tavern Keeper himself, and that he shall be liable therefor accordingly.

10th. And be it further ordered, That for each and every breach of or offence against the foregoing regulations, or any of them, such offender shall be liable to a fine not less than Ten Shillings, nor more than Five Pounds, as imposed in and by the Act of the General Assembly, made and passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provision in lieu thereof."

W. HATCH,

Clerk of the Peace, Charlotte.

Rules and Regulations made and ordered by the Court of General Sessions of the Peace for the County of Westmorland, to be strictly observed by all Tavern Keepers within the said County.

1st.—That every Licensed Tavern Keeper shall cause to be put up and kept over his door, or on some conspicuous place outside his House, a Board with his name and the words "Licensed Tavern," legibly painted thereon.

2d.—That every Licensed Tavern Keeper within the County shall constantly keep for the accommodation of Travellers on the Great Roads, at least four spare beds, four suitable Stands for Horses, two comfortable spare Rooms; and on the Bye Roads one half of the above number of the necessary conveniences for the accommodation of Travellers.

3d.—That every Licensed Tavern Keeper shall at all times be furnished with a sufficient supply of Hay and Oats, and be attended by a competent person to take care of, feed and groom Horses of Travellers.

4th.—That every Licensed Tavern Keeper shall at all times be furnished with beverage other than intoxicating Liquors, such as Tea, Coffee, Ginger or Spruce Beer, for the refreshment and accommodation of Travellers.

5th.—That every Licensed Tavern Keeper shall close his doors, (except to Travellers) at nine o'clock, P. M. and shall not suffer any idle or disorderly persons to remain drinking or tipping in their houses.