



ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, WEDNESDAY, OCTOBER 9, 1844.



By His Excellency Sir WILLIAM MACBEAN GEORGE
COLEBROOKE, K. H., Lieutenant Governor and
Commander in Chief of the Province of New
Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the last Tuesday in this instant month of September; I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the third Tuesday in December next.

Given under my Hand and Seal at Fredericton, the twentieth day of September, in the year of our Lord one thousand eight hundred and forty four, and in the eighth year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

[Circular.]

Downing Street, 26th August, 1844.

(Copy)

SIR,—A question having recently arisen whether Clergymen in Holy Orders or other Ministers of Religion in the British Colonies, on obtaining leave of absence, should receive that indulgence on the same terms as those which apply to the cases of similar Officers in the Civil Service of the Crown, I have thought it necessary, with the concurrence of the Lords Commissioners of the Treasury, to lay down the following Rule for general observance on this subject.

The Clergy or Ministers of Religion in the Colonies may be considered as all falling within the two classes of beneficiaries or stipendiaries—that is, they are all, either in possession of Benefices, the emoluments of which are fixed by and depend upon positive Laws; or, they are in the receipt of Stipends, which the Queen, or Officers acting under Her Majesty's authority, may diminish, suspend, or take away, without the infringement of any such Law. It is to the last of these two classes only that any rule regarding the pecuniary conditions on which leave of absence is to be granted can apply. But in reference to Clergymen or Ministers of Religion of that class, the regulations respecting the stoppage of the half Salaries of secular Officers in the Civil Service of the Crown must be considered as strictly applicable.

To whatever extent the authority of the Queen or of Her Majesty's Officers may be competent to enforce it, the further rule must also be enforced, that no Clergyman or Minister of Religion must be permitted to absent himself from the Colony in which he serves, until adequate and satisfactory provision shall have been made for the performance of his Clerical duties during his absence.

I have the honor, &c.

(Signed)

STANLEY.

Lieut. Governor Sir Wm. Colebrooke, &c. &c. &c.

ANNO SEPTIMO & OCTAVO VICTORIÆ REGINÆ.

CAP. LXIX.

An Act for amending an Act passed in the fourth year of the Reign of His late Majesty, intituled *An Act for the better administration of Justice in His Majesty's Privy Council*; and to extend its Jurisdiction and Powers. [6th August, 1844.]

WHEREAS the Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, hath been

found beneficial to the due Administration of Justice: And whereas another Act, passed in the Sixth Year of the said Reign, intituled *An Act to amend the Law touching Letters Patent for Inventions*, hath been also found advantageous to Inventors and to the Public: And whereas the Judicial Committee acting under the Authority of the said Acts hath been found to answer well the Purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects, for the better Despatch of Business, and expedient also to extend its Jurisdiction and Powers: And whereas by the Laws now in force in certain of Her Majesty's Colonies and Possessions abroad no Appeals can be brought to Her Majesty in Council for the Reversal of the Judgments, Sentences, Decrees, and Orders of any Courts of Justice within such Colonies, save only of the Courts of Error or Courts of Appeal within the same, and it is expedient that Her Majesty in Council should be authorized to provide for the Admission of Appeals from other Courts of Justice within such Colonies or Possessions: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be competent to Her Majesty, by any Order or Orders to be from Time to Time for that Purpose made with the Advice of Her Privy Council, to provide for the Admission of any Appeal or Appeals to Her Majesty in Council from any Judgments, Sentences, Decrees, or Orders of any Court of Justice within any British Colony or Possession abroad, although such Court shall not be a Court of Errors or a Court of Appeal within such Colony or Possession; and it shall also be competent to Her Majesty, by any such Order or Orders as aforesaid, to make all such Provisions as to Her Majesty in Council shall seem meet for the instituting and prosecuting any such Appeals, and for carrying into effect any such Decisions or Sentences as Her Majesty in Council shall pronounce thereon: Provided always, that it shall be competent to Her Majesty in Council to revoke, alter, and amend any such Order or Orders as aforesaid as to Her Majesty in Council shall seem meet: Provided also, that any such Order as aforesaid may be either general and extending to all Appeals to be brought from any such Court of Justice as aforesaid, or special and extending only to any Appeal to be brought in any particular Case: Provided also, that every such general Order in Council as aforesaid shall be published in the London Gazette within One Calendar Month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any Power now by Law vested in Her Majesty for regulating Appeals to Her Majesty in Council from the Judgments, Sentences, Decrees, or Orders of any Courts of Justice within any of Her Majesty's Colonies or Possessions abroad.

II. And whereas it is expedient, for the further Encouragement of Inventions in the useful Arts, to enable the Time of Monopoly in Patents to be extended in Cases in which it can be satisfactorily shown that the Expence of the Invention hath been greater than the Time now limited by Law will suffice to reimburse; be it enacted, That if any Person, having obtained a Patent for any Invention, shall before the Expiration thereof present a Petition to Her Majesty in Council, setting forth that he has been unable to obtain a due Remuneration for his Expence and Labour in perfecting such Invention, and that an exclusive Right of using and vending the same for the further Period of Seven Years, in addition to the Term in such Patent mentioned, will not suffice for his Reimbursement and Remuneration, then, if the Matter of such Petition shall be by Her Majesty referred to the Judicial Committee of the Privy Council, the said Committee shall proceed to