

ROYAL GAZETTE.

FREDERICTON, APRIL 20, 1831.

ALMS HOUSE AND WORK HOUSE.
Commissioner for next week.
GEORGE MINCHEN, Esquire.

Saving's Bank.
TRUSTEES NEXT WEEK.
HENRY G. CLOPPER, ESQ.
JAMES TAYLOR, ESQ.
MARK NEEDHAM, ESQ.



By Authority.

An Act for amending the Laws relative to malicious Injuries to Property.

Passed 25th March 1831.
WHEREAS it is expedient to make provision by Law against certain malicious Injuries to Property to take effect at the same time with an Act of the present Session of the General Assembly for improving the Administration of Justice in Criminal Cases; which Act is to commence on the first day of October in the present year:

I. Be it therefore enacted by the President, Council, and Assembly, That this Act shall commence on the said first day of October in the present year, except as to offences committed before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed.

II. And be it enacted, That if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel or other building set apart and solely used for the religious worship of persons dissenting from the united church of England and Ireland, or shall unlawfully and maliciously set fire to any house, stable, coach house, but house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

III. And be it enacted, That if any person shall unlawfully and maliciously set fire to, or in any wise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

IV. And be it enacted, That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment prescribed for felony in the said above recited Act of the present Session for improving the administration of justice in criminal cases.

V. And be it enacted, That if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or any dike or aboulevard, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any mill dam, or shall unlawfully and maliciously pull down, or in any wise destroy any public bridge, or do any injury with intent as aforesaid to render such bridge or any part thereof dangerous or impassable, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment herein before last mentioned.

VI. And be it enacted, That if any person shall unlawfully and maliciously set fire to any public school house, or any stalk of corn, grain, pulse, straw, or hay, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment herein before last mentioned.

VII. And be it enacted, That every punishment by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

VIII. And be it enacted, That in every case of felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.

IX. And be it enacted, That all the provisions contained in the twenty-sixth Section of an Act of the present Session for consolidating and amending the Laws relative to Larceny and other offences connected therewith, for the protection of persons acting in execution of that Act, shall apply to, and be in force and available for the protection of persons acting in execution of this Act, in the same manner as if the said provisions were expressly contained in this Act.

An Act further to amend the Laws relative to offences against the Person.
Passed 25th March 1831.
WHEREAS an Act of Assembly of the fifth year of the reign of King George the Third relating to the destroying and murdering of Bastard Children, is repealed by an Act of the present Session for improving the administration of justice in criminal cases, which last mentioned Act is to commence on the first day of October in the present year; and it is expedient to amend the Law relative to the offence of concealing the birth of children by this Act, to take effect at the same time with the said Act for improving the administration of justice in criminal cases:

I. Be it therefore enacted by the President,

Council, and Assembly, That if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after its birth: Provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the Jury by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

II. And whereas it is expedient to amend the Law in certain cases of attempts to kill or do bodily harm: Be it therefore enacted, That the seventh section of an Act of Assembly made and passed in the ninth and tenth years of the reign of his late Majesty, King George the Fourth, intituled "an Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences," be and the same is hereby repealed.

III. And be it enacted, That if any person unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison, or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut, or wound any person, with intent in any of the cases aforesaid to kill such person, or to maim, disfigure or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detention of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment prescribed for felony in the above recited Act of the present Session for improving the administration of justice in criminal cases, and every accessory after the fact in any such offence shall be liable to be punished in the manner provided for accessories after the fact in the above recited Act of the ninth and tenth years of the reign of his late Majesty, for amending the statute Law relative to offences against the person.

IV. And be it enacted, That this Act shall commence and take effect on the first day of October in the present year, except as to offences committed before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed.

An Act to provide for setting and keeping to hard labour Persons adjudged to that punishment.

Passed 25th March 1831.
WHEREAS it is expedient to make provision for setting and keeping to hard labour persons who may be adjudged to that punishment:

I. Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace in the several Counties in this Province, at their General Sessions, or at any Special Sessions to be for that purpose expressly convened and holden, shall be and they are hereby required and empowered to make orders, rules and regulations for setting and keeping to hard labour all persons who may be adjudged to hard labour for any offence, by any Court, or Justice or Justices of the Peace, having competent Jurisdiction therefor, and for securing, governing, and managing such persons while employed at such hard labour; and in all such cases the work shall be of such kind as the said Justices shall prescribe, and may be performed at any place within the County which the Justices may direct, as well without as within the prison or house of correction; and the said Justices at such Sessions as aforesaid may from time to time appoint one or more fit persons or persons to superintend and oversee all such offenders so set to hard labour, and may remove such persons so appointed, and appoint others in their stead; and may also revoke, alter, and amend any such orders, rules and regulations as occasion may require: Provided always, that in cases where it may be thought expedient that offenders should be set to hard labour within the Common Gaol of the County, the concurrence of the Sheriff of the County shall be previously had to the orders, rules, and regulations of the Justices, and the appointment of any such Overseer.

II. And be it enacted, That the proceeds arising from the work and labour of all offenders so adjudged to hard labour, shall be applied by the said Justices at such Sessions as aforesaid, in the first place to the support and clothing of such offenders, and the surplus, if any, shall be paid to the County Treasurer for the use of the County.

III. And be it enacted, That if any person so adjudged and set to hard labour as aforesaid shall refuse to perform any labour lawfully required of him, or shall be guilty of any misbehaviour or disorderly conduct, such Justices of the Peace at any such General or Special Sessions as aforesaid, shall be and they are hereby authorized and empowered, for any such refusal, or misbehaviour, or disorderly conduct, to order such offender to be whipped, such whipping not to exceed thirty nine stripes.

IV. And be it enacted, That this Act shall commence and take effect on the first day of October in the present year.

An Act to erect two new Parishes in the County of Gloucester.

Passed 25th March 1831.
WHEREAS the Parish of Saumarez, in the County of Gloucester, is so extensive and populous as to render the performance of the duties of the Parish Officers inconvenient and burthensome:

I. Be it therefore enacted by the President, Council, and Assembly, That the said Parish of Saumarez shall be, and the same is hereby divided into three parishes; which parishes shall be, and hereby are named, and bounded in the manner herein after mentioned and described; any Law to the contrary thereof in any wise notwithstanding:

The northwesterly part of the said Parish of Saumarez to be called, known and distinguished by the name of the Parish of New Bandon, and to be abutted and bounded as follows: westerly by the eastern boundary line of the Parish of Bathurst; northerly and easterly by the Bay de Chaleur, until it comes to

the mouth of the south branch of Carraquet River; thence to run westerly, by the several courses of the said south branch of Carraquet River, until it comes to the second Forks; thence to run south-west until it strikes the said eastern line of the said Parish of Bathurst; thence northerly, along the said line, to its termination at the said Bay de Chaleur, and including the Islands in front.

The next Parish to be called, known and distinguished by the name of the Parish of Saumarez, and to be abutted and bounded as follows: northerly by the said Parish of New Bandon, and by the sea coast; easterly and southeasterly, by the Gulf of Saint Lawrence, until it comes to the eastern angle of lot number one granted to William Ferguson; thence by a line to run, by the magnet, north thirty-six degrees west, three hundred chains; thence by a line running to the second Forks of the Carraquet River aforesaid, including all the Islands situated in front.

The next Parish to be called, known, and distinguished by the name of the Parish of Saumarez, and to be abutted and bounded as follows: northerly by the said Parishes of Carraquet and New Bandon; easterly by the sea coast; southerly by the County of Northumberland; and westerly by the Parish of Bathurst, and to include the Islands situated in front.

II. And be it further enacted, That the Justices of the Peace for the said County shall and they are hereby empowered, at their first General Sessions of the Peace held annually, to appoint Town or Parish Officers for the said new Parishes of New Bandon and Carraquet, in like manner as for other Towns or Parishes in the said County; and until the next January Sessions, the Officers lately appointed for the Town or Parish of Saumarez, shall continue to perform the duties of their respective Offices, in and throughout the said Parishes, as if this Act had not been made.

An Act to empower the Chancellor, President, and Scholars of King's College, to assign a certain Mortgage, and Mortgaged premises therein mentioned.

Passed 25th March 1831.
WHEREAS by a certain indenture of mortgage bearing date the eleventh day of March in the year of our Lord one thousand eight hundred and eleven, and made between Henry Smith, of Fredericton in the County of York and Province of New-Brunswick, Esquire, of the one part, and the Governor and Trustees of the College of New-Brunswick of the other part, it was witnessed, that for valuable consideration, therein mentioned, the said Henry Smith had granted, bargained and sold unto the said Governor and Trustees of the said College, and their successors, a certain piece or parcel of land situate, lying, and being in the Parish of Fredericton in the County of York aforesaid, and abutted and bounded as follows, to wit: Beginning at the northeasterly corner of lands granted to Daniel Bass, on the Bank at the westerly side of the strip of intervalle between the said Bass's Land south seventy six degrees west, by the magnet, four chains, of four poles each, and fifty links, or until it meets the road leading from the Town of Fredericton, thence along the said road, following the several courses thereof, northwesterly and south easterly until it comes to the first creek or gully below the said town of Fredericton, thence along the said creek or gully until it comes to the bank at the westerly side of the intervalle aforesaid, and thence along the said bank southwesterly to the place of beginning; containing in the whole, by estimation, ten acres more or less; also four lots of land situate, lying and being in block number five in the town plat of Fredericton, and known and distinguished in the said block as lots numbers seventy three, seventy four, seventy five and seventy six; and also two lots of land situate, lying and being in block number six in the town plat of Fredericton aforesaid, and known and distinguished in the said block as lots numbers eighty-one, and eighty-three; together with all houses, out houses, buildings and improvements on the said piece, parcel and lots of land, and the reversion and reversions, remainder and remainders, rents, issues, and profits of the same, with the appurtenances; to hold the same, with every part thereof unto the said Governor and Trustees of the College of New-Brunswick aforesaid and their successors forever, subject to a proviso or condition of redemption in the said indenture of mortgage operation of an Act of the General Assembly of this province, made and passed in the ninth and tenth years of the reign of His late Majesty King George the Fourth, intituled "an Act for the endowment of King's College at Fredericton in the Province of New-Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province," all the estate, right, title, and interest, in and to the said part recited mortgaged and mortgaged premises, became and is fully vested in the said Chancellor, President and Scholars of King's College aforesaid: And whereas Charles S. Putnam and Henry George Clopper, of Fredericton, Esquires, have fully paid up and satisfied all principal and interest due upon the said mortgage, and the said Chancellor, President, and Scholars have agreed to assign and transfer unto the said Charles S. Putnam and Henry George Clopper, their heirs and assigns, all the estate, right, title and interest of them the said Chancellor, President, and Scholars, in and to the same mortgage and mortgaged premises:

I. Be it therefore enacted by the President, Council, and Assembly, That the said Chancellor, President, and Scholars of King's College New-Brunswick be and they are hereby fully authorized and empowered to grant, bargain, sell, assign, transfer, and set over, unto the said Charles S. Putnam and Henry George Clopper, their several and respective heirs, executors, administrators and assigns, all the estate, right, title, and interest of them, the said Chancellor, President and Scholars, of, in and to the said part recited indenture of mortgage, and of, in and to all and singular the lands, tenements and hereditaments therein conveyed or meant, mentioned or intended so to be, to hold the same and every part thereof, unto the said Charles S. Putnam and Henry George Clopper, their several and respective heirs, executors, administrators and assigns forever, in full, ample and beneficial manner, to all intents and purposes, as the said Chancellor, President and Scholars now hold or heretofore have held and enjoyed the same; subject however to the proviso or condition of redemption in the said indenture reserved and contained.

An Act to authorize the Justices of the Peace in the County of Northumberland to levy an assessment upon the inhabitants of the said County to discharge the debts due from the said County.

Passed 25th March 1831.

WHEREAS the Justices of the Peace for the County of Northumberland, have heretofore levied the whole sum which they were empowered to raise by assessment: And

whereas the same has been insufficient to discharge the debts due from the said County:

I. Be it therefore enacted by the President, Council, and Assembly, that the said Justices of the Peace for the said County of Northumberland, at any General Sessions of the Peace, hereafter to be holden, be and they are hereby authorized and empowered, to make such rate and assessment of any sum, not exceeding six hundred pounds, as they in their discretion may think necessary, for the purpose of discharging the debts due from the said County of Northumberland; the same to be assessed, collected, and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates.

An Act relative to trespasses by Horses and Swine in the Parish of Fredericton and the Town of Saint Andrews.

Passed 25th March 1831.
BE it enacted by the President, Council and Assembly, that from and after the passing of this Act, if any Horse, Horses or Swine shall be found going at large within that part of the Parish of Fredericton situate between the upper boundary line thereof and the Creek or gully to the southward of the late Archdeacon Best's dwelling-house in the County of York, or in the Town plat of Saint Andrews, in the County of Charlotte, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every Horse or Swine so found going at large one half to the Commissioners of the Alms House or Poor House of the said Parishes respectively, and one half to the informer; to be recovered together with costs of prosecution, upon conviction before any one of His Majesty's Justices of the Peace residing in the said Parish respectively, and to be levied of the goods and chattels of the owner or owners of such Horse, Horses or Swine; and in case the owner or owners of such Horse, Horses or Swine shall not be known, then it shall be the duty of the Hog Reeve or Hog Reeves of the said Parishes to impound such Horse, Horses or Swine as shall be found so going at large; and it shall be the duty of the Pound Keeper or Pound Keepers of the said Parishes of Fredericton and Saint Andrews respectively, upon any Horse, Horses or Swine being so impounded, to advertise the same in three public places in the said Parishes respectively; and in case the owner or owners of such Horse, Horses or Swine shall not within six days after such advertisement being put up as aforesaid, pay the said fine for each Horse or Swine so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said Pound Keeper to sell such Horse, Horses or Swine at Public Auction, and apply the money arising therefrom towards paying the said fine and charges, and to pay the surplus, if any, to the owner or owners of such Horse, Horses or Swine, whenever such owner or owners shall appear and demand the same; and in case such owner or owners shall not appear and demand the same within six months after such Horse, Horses or Swine shall have been so impounded, then the said surplus shall be paid to the said Commissioners of the Alms House or Poor House for the use of the Poor of the said Parishes of Fredericton and Saint Andrews respectively: Provided always, that if it shall be made appear to the satisfaction of the Justices before whom complaint shall be made, that any such Horse, Horses or Swine were so going at large by accident and contrary to the will of the owner or owners thereof, and not by any neglect on the part of such owner or owners, that then and in such case it shall and may be lawful for such Justice to discharge the complaint, upon payment by such owner or owners of the costs which may have been incurred; or in case such Horse, Horses or Swine shall have been impounded to order the Pound Keeper to discharge the same upon payment of the expenses of keeping the same.

TO THE EDITOR OF THE ROYAL GAZETTE.
Fredericton, April 18, 1831.

SIR,
I observe from a Communication addressed to the Editor of the "Courier" Newspaper of Saint John, that an intention is entertained of attempting to procure an alteration in the Charter of King's College. The writer, referring to a late debate in the House of Assembly on the Legislative endowment of the College (on which I am not disposed to make any remarks) says:

"Although the Speakers upon the subject took a wide range, yet they did not appear to me to notice one great cause of the unpopularity of the College, and one that will require to be removed before the institution can be of any permanent benefit to the Country, and which if allowed to remain will be its ruin; as people will neither send their children there to be educated, nor countenance those Representatives who agree to its support—I allude to the decided preference given by the present Charter to one body of Christians over all others, and that body comparatively small."

He proceeds to say:—"It would be prudent for all well wishers of the Country and of the College to consider of the subject during the recess, that at the next Session measures may be taken to remove the principles of exclusion so manifest in the present Charter."

He concludes with throwing out a suggestion that the Assembly, imitating that of Upper Canada, should—

"petition the King to make the necessary alterations to rid it (the College) of the invidious application of a wing of Episcopacy, or an Ecclesiastical establishment."

How far the Author of this Communication may be acquainted with the provisions of the College Charter, I cannot undertake to say; but it certainly appears to me that his representation of it is calculated to convey an incorrect idea. The Charter is not founded on "principles of exclusion"; so far from it, that it expressly prohibits any person to be excluded from the privileges of an education in the College; or from any Degree which it is entitled to confer, (with the single exception of Degrees in Divinity) on the ground of his religious opinions. With as little apparent reason can the College be termed "a wing of Episcopacy, or an Ecclesiastical establishment," for the Charter assigns its object to be, not the education of Clergymen, but "the instruction of youth in the principles of the CHRISTIAN RELIGION" and in such sciences and arts as are usually taught in Universities. And it further enacts that all Graduates of a specified rank, whether educated in the College itself, or incorporated from other Universities, shall be members of Convocation, and as such shall enjoy privileges and exercise powers corresponding with those of the convocations at Oxford and Cambridge. Had this writer been duly

aware of the religious restrictions imposed at those great Universities of the parent State, he would at once have perceived that this University is founded, not on any "principle of exclusion," but on one of the most decided and liberal comprehension. At Cambridge the Candidate for Matriculation is required to declare himself bona fide a member of the Established Church;—at Oxford he is required to subscribe the Thirty-nine Articles: in neither University, I believe, can any Degree be taken, or a Graduate admitted a member of Convocation, without a solemn oath of obedience to the Statutes;—which Statutes enforce a strict conformity to the Church of England.

It is true indeed that the Charter of our College gives a measure of "preference," not properly speaking "to one body of Christians," but to the LAWS OF THE PROVINCE, over the rules of faith or practice adopted by any voluntary association within it. For the Laws of New-Brunswick having from the first made the Church of England its public or established religion, it would seem but reasonable that a College for public education, founded by His Majesty and endowed by the Provincial Legislature, should respectfully recognise that legal establishment. The Charter therefore ordains that the Bishop shall be the Visitor and the Archdeacon President, and that the Members of the Council and Candidates for Degrees in Divinity shall subscribe the Thirty-nine Articles. But what is the necessary effect of these ordinances? What is the actual power given to these representatives of the Church? Does it, or will it, operate to the exclusion of other Christians from the College, or to any imposition painful to their conscience?—The Bishop may suspend the operation of a Statute, until His Majesty's pleasure shall be known;—the Archdeacon may preside in the Council in the absence of the Chancellor;—the Council may enact Statutes proposed by the Chancellor;—such are the powers conferred by the Charter. But the Chancellor, who is always the Civil Governor of the Province, appoints all the other Members of the Council, and proposes to them those Statutes only which he himself approves; and these Statutes when so proposed and enacted, are still subject to final revision by the government at home. I see here, Sir, due provision made for a respectful recognition of the Established Church; I see care properly and justly taken that the legally established Religion shall not be subject to affront or injury from the College; but I see little cause to apprehend that in the government and conduct of the institution "a decided preference" will be "given to one body of Christians over all others."

But in point of fact what are the effect and operation of this Charter? The College Council, Sir, have formed a code of Statutes; a course of Collegiate education is pursued; and there are in the number of the Students the sons of parents who are well known to dissent from the Established Church. Do these youths, or do their parents, complain of the regulations of the College? I believe it would be found on enquiry that they consider them sufficiently liberal, and could not desire them to be other than they are;—unless (which is evidently impossible) their own peculiar principles could respectively be adopted by the College. For in the case of a public institution, the alternative clearly lies between the publicly established religion and no religion (avowed, at least, and taught) at all. But however far any of the inhabitants of the Province may differ from the Established Church in particular points, they would, I am persuaded, infinitely prefer the education of their children in the general principles of Christianity according to the form of that Church, rather than a studied and systematic omission of the highest and best of all the subjects to which the enquiries of the human mind can be directed.

These considerations, I cannot but hope, may serve to abate the "unpopularity" under which the College is said to labour, if it has indeed been produced by the cause to which the Correspondent of the "Courier" attributes it. In my own opinion, however, no such unfavourable feeling exists—except perhaps among some, who know not the value of a liberal and ingenious education.

I am, Sir, Your obedient Servant,

CANDIDUS.

REPORTED RESIGNATION OF SIR HOWARD DOUGLAS.—A report pervades the Town, founded on several private letters by the Mail, that His Excellency has resigned the Government of this Province. It would give us very great satisfaction to be authorized to contradict the rumour—but we have reason to consider it as too true. We will only allow ourselves to say, that the motive which could induce such a step must be one of the most honorable character, and connected with His Excellency's well known zeal for the interests of a Province so much indebted to his wise and able administration of its affairs.

THE BOUNDARY LINE.—The American Papers by the Western Mail contain the Official Decision of the King of the Netherlands; which His Majesty's Government have refused to lay before Parliament, on the ground of the transaction being incomplete: it appears that Mr. Preble had protested against it. The Decision is in substance such as we last week represented it, and the grounds on which it is formed coincide with those which we stated to be most probable. The length of the Document puts it out of our power to publish it in the present number of the Gazette.