

POETRY.

Selected for the Royal Gazette.

THE BRITISH OAK.

The Tree that our Ancestors planted of old,
They nurs'd with their heart's dearest blood,
'Till its roots in the soil had so firmly laid
hold,
That it fear'd neither Tempest nor Flood.
From the North, from the South, from the
East, from the West,
On its head has the Battle storm broke;
But England has always found shelter and
rest
'Neath the boughs of our own British Oak.
By the Nations around us, grown jealous
the while,
A host of attempts have been made; [soil,
But something is wrong in their seed or their
For their trees have blown down or decay'd.
Some have grown up too quick, some have
not grown at all,
And some by marauders been broke; [tall,
One alone has grown slowly, majestic and
That one is our own British Oak.
It has thriven through Centuries, sound to
the core,
Not a root has yet gone to decay,
And if burden'd with boughs that are useful
Then carefully cut them away. [no more,
But long may it flourish, the boast of this
Unharm'd by hostility's stroke— [Land,
And perish for ever the Parricide hand
That would tear but a leaf from our Oak.

AMERICA.

UNITED STATES.

Boston, Aug. 29.

Deputy Marshal Bass and Harris made a safe deposit yesterday afternoon in Leverett street Gaol, of sixteen outlandish looking sailors, charged as Pirates, and several other persons detained as witnesses, all received by them from the British gun brig which brought them to Salem. It is honorable to modern nations, that instead of being asylums of foreign criminals, that amity exists, which aids each other in bringing felons to the proper tribunals of justice. These prisoners are charged with piracy and robbing the brig Mexican of Salem, and will probably be tried at the October term of the Circuit Court of the United States in this city. The following article in relation to them we copy from the Salem Register of yesterday:—

From the Essex Register.
Arrival of H. B. M. Brig Savage.
Yesterday forenoon, H. B. M. Brig of war *Savage*, Lt. Com. Loney, from Portsmouth, Eng. arrived in our harbour, having on board sixteen of the crew of the piratical *Pinda*, which robbed the brig Mexican, of this port on the high seas, nearly two years since. The commander of the *Pinda* is one of the prisoners. The *Savage* sailed from Portsmouth on the 23d of July.

Of the sixteen men brought here by the *Savage*, fourteen were on board the *Pinda*, at the time the piracy was committed. The other two joined her on the coast of Africa. The prisoners are principally Spaniards, and belong to Havana—there are no Americans or English among them. The prisoners were confined in irons below on board the *Savage*, and only one at a time permitted to come on deck.

The *Savage* is a neat and handsome looking vessel, mounting 10 guns. The novelty of witnessing an English vessel of war enter our harbour, was an attraction of no ordinary power to our citizens, and an immense number congregated upon the wharves to behold her.

The Mexican is now likewise in our harbour ready for sea. The same captain and mate who were in her at the time of the robbery, were going in her, but in consequence of the expected arrival of the pirates, their places were supplied by other officers, and they will remain at home to give evidence at the trial.

The robbery committed upon the Mexican was one of the most audacious and cruel acts of piracy on record. She was bound to Rio Janiero from this port, and was plundered by a piratical *schr.* under Brazilian colors, on 20th Sept. 1832, lat. 33, long. 34 30, and robbed of \$20,000 in specie, the officers and crew stripped of every thing valuable, fastened below, and the vessel set on fire, with the horrid intention of destroying her with all on board. Capt. Butman and his men succeeded in getting on deck though the scuttles which the pirates had left unsecured, extinguished the flames, and returned home.

Our government ordered a vessel to cruise in pursuit, but she gave up the chase as hopeless.

The piratical vessel was afterwards taken on the African coast, by H. B. M. brig *Curlew*, and destroyed under the following circumstances:—

The *Curlew* arrived at St. Thomas, west coast of Africa, from India, with orders to cruise on that coast, and her commander having obtained informa-

tion that a schooner, suspected to be a pirate, was lying in the river Nazareth, on the southern extremity of the coast, immediately sailed in pursuit, and found the schooner as described. The boats of the *Curlew* were manned to take possession of her, when the crew of the *schr.* fled to the shore, with the exception of four, who were taken prisoners. They had kindled a fire to destroy the *schr.* and she had been stripped of every article of value. The fire was extinguished without damage. She had no cargo on board, but her water casks were all filled and she was apparently ready for another cruise. In her cabin were found a compass marked Boston, the flags and ensigns of different nations, and custom-house papers made out at Havana. In taking her down the river she was accidentally blown up, and the *Curlew's* purser and one man killed. The four men taken were shipped at St. Thomas after the robbery of the Mexican. The *Curlew's* crew pursued the fugitives in various directions, and succeeded in capturing an additional number of Pirates. The English crew encountered great difficulties during the pursuit, the natives protecting the pirates; and several native towns were burnt by the *Curlew's* men.

The men had an examination in England before the proper authorities, when five of them, offered to turn King's evidence—two of whom were admitted to testify. They were fully committed, and the British Government ordered them to this country for trial. The affidavits and documents relative to their capture and subsequent confinement and examination, have been delivered to the authorities here.

Andrew Dunlap, Esq. District Attorney, arrived in town yesterday afternoon, and visited the *Savage*. We learn that the prisoners will be landed this morning, under the care of the U. S. Marshal, and have an examination before Judge Davis, at the Court-House or Town Hall, at 11 o'clock, A. M. They will then probably be carried to Boston. Besides the two men who will appear as States evidence, and the Capt. and Mate of the Mexican, we learn that the Midshipman of the *Curlew* has arrived in the *Savage*, who will likewise testify.

We learn that the Insurance Offices in town, will send on board the *Savage* this morning an abundant supply of fresh provisions &c. as a token of respect to her officers and crew.

The conduct of the British Government in relation to this matter, as well as the intrepidity of the British officers and seamen in ferretting out and securing the pirates, are worthy of all praise. We trust our Government and people will be prompt in imitating such noble examples, should opportunities ever occur.

COLONIAL.

NOVA SCOTIA.

FROM THE HALIFAX TIMES.

TUESDAY EVENING, 2d Sept.

CHOLERA MORBUS.

SINCE last Tuesday's publication, the Board of Health for public information, have issued Daily Reports of the state of this disease, which we lament has spread to every part of the Town. Every means which prudence and skill can suggest, are using for the purpose of disinfection, but as yet no visible decline of the contagion is apparent.

There have been several cases at the wharves, among the shipping, some of which have terminated fatally. A *shallop* from Sydney, C. B. Tutty, master, coal laden, has lost all her crew. Cholera has also made its appearance on board the *Frigate President*, and three deaths have taken place, though every precaution was used to prevent communication with the shore. She was on Sunday removed to the Basin, and her crew disembarked on Steven's Island.

The health of the Rifle Brigade since their encampment at Sackville, has been comparatively good. But few deaths have occurred among them from Cholera, and though the disease is not extinct, great improvement both in health and spirits, is apparent. Among the different corps in garrison, we are happy to know that the mortality is diminishing. But it is impossible to speak correctly of the disease, until there is a more decided change; its developments are so fluctuating as to baffle the experience of the sagest medical practitioners.

For the purpose of disinfecting the atmosphere, tar barrels have been burnt in the streets, and other fumigations resorted to, doubtless with much benefit. We would however recommend extreme care in the use of fire for this purpose; and we are more particular in this caution, from observing on Saturday evening last, what we con-

sidered a recklessness in the use of means, liable to be attended with dangerous consequences. The street, from the store of T. & L. Piers to the avenue leading to Bauers' wharf, was one sheet of flame, a number of boys and mischievous persons were congregated, a fight was got up, and all the other etceteras of a bonfire enacted. Happily no damage occurred.

We are glad to perceive by a Resolution passed at a Special Sessions held on Saturday the 26th ult., that the Magistrates are to have stocks prepared in the Market Square for the punishment of drunkenness. The wretches who at such a time as the present so outrage human nature, should be summarily dealt with—and we would advise as an accompaniment to the stocks, that such a punishment may be inflicted, as will be a cogent reason against transgressing morality and decorum, at least while the smart is felt. There is not a night in which many miserable creatures, dead drunk, may not be discovered lying in the streets, and this, though we have a watch hourly perambulating, whose duty it should be to prevent such disgusting occurrences.

A Meeting of the inhabitants, convened by the Magistrates at the requisition of the Board of Health, took place at the Exchange Coffee House, on Saturday morning last, for the purpose of furnishing aid to the necessitous in the present alarming state of the town. The Meeting was highly respectable, and a subscription set on foot, which speedily amounted to upwards of £200.

We hope that the precautions used, under the blessing of God, may be the means of limiting the disorder, and of causing its speedy disappearance. A temper of mind should be exercised without terror or bravado—with a firm reliance on His protecting power, in whom are the issues of life and death.

The number of cases, deaths, and recoveries, calculated from previous information, and Reports since issued by the Board of Health, are as follow:

	No. of Cases.	Deaths.	Recovs.
Up to Tues. last,	118	45	30
Reported on Wed.	32	10	11
“ on Thurs.	34	12	16
“ on Fri.	80	17	7
“ on Satur.	44	17	15
“ on Sun.	34	18	17
“ on Mon.	35	10	12
“ This day,	21	14	20
Total	348	143	123

CENTRAL BOARD OF HEALTH.

Cholera Report for 24 hours ending Tuesday, 11 o'clock, 2d September.

Cases remaining from yesterday—Poor House, 3, total, 3, discharged, 2, remaining, 1. Dalhousie College, from yesterday, 41, new cases 10, total 51, died 7, remaining 44. Private practice, from yesterday, 65, new cases 11, total, 76, died 7, discharged 18, remaining 51. Total—Remaining from yesterday, 109,—new cases 21—total 130—died 14—discharged 20—remaining 96.

By Order of the Board,
JAMES C. HUME, M. D. Sec'y.

We wish it was in our power to announce to our readers that any abatement of the Cholera had taken place in this town, but we regret to state that it is not. The deaths since our last have been numerous, and the number of new cases daily increasing. The disease is no longer confined to any particular section of the Town, but has extended to most parts of it.—*Roy. Gazette.*

The Cholera. The Health of the Town has been the all-engrossing topic during the past week, and as we can well understand the anxiety which pervades the country, to know how matters stand in the capital, we have devoted our editorial columns almost exclusively to such information as bears upon the progress and treatment of the prevailing disease. Things have been and are bad enough with us here, but let our friends at a distance be assured we are meeting the difficulties of our present position like men, neither underrating their amount, nor shrinking from the responsibilities they impose.—*Nova Scotian.*

The *Thais Packet*.—A boat belonging to this unfortunate vessel, known from her peculiar construction, (double diagonal planking), was recently picked up on the coast of Galway, Ireland.—*Id.*

The Officers of the 34th Regiment have erected in the church of Boyle, a very handsome marble slab, with appropriate inscription, to the memory of their late brother officer, Lieut. John Arnold, and a second to Hospital Sergeant Leaver, of the Depot.—*Bermudian.*

We beg leave to acquaint our Subscribers and those persons who, for a series of years, have been indebted to us, that a person, duly authorized, is about to make a tour throughout the Province, (beginning at home,) in order to effect a settlement of accounts up to the present period. We expect, therefore, that such as are not prepared to discharge the same, will afford the requisite acknowledgements for past services, so that it may not be again necessary for us, to repeat what has been so frequently laid before them:—To those of our Subscribers and Friends who have greatly contributed to our support, by the punctuality of their payments, we return our sincere thanks.

ROYAL GAZETTE.

FREDERICTON, September 10th, 1834.

ALMS HOUSE AND WORK HOUSE.

Commissioner for } H. G. CLOPPER, Esq.
next week, }

SAVING'S BANK.

Trustees for } HENRY G. CLOPPER, Esq.
next Week. } JAMES TAYLOR, Esq.
HENRY SMITH, Esq.

By Authority.



HEAD QUARTERS.

Fredericton, 5th September, 1834. }
MILITIA GENERAL ORDER.

At a General Court Martial, held at Fredericton, on the 19th August, 1834, and continued by Adjournments, to the 23d of the same Month, Captain JOHN HUMBERT, of the Third Battalion King's County Militia, was arraigned upon the undermentioned Charges, viz:—

“FIRST CHARGE.—For highly improper conduct, as a Militia Officer, on the 8th day of July, 1834,—when the Third Battalion of King's County Militia, was duly assembled on that day, at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises,—by quitting the Parade Ground himself, and allowing the Company under his command to disperse and leave the said Ground immediately on the appearance of Lieutenant Colonel TURNER, the Inspecting Field Officer; such conduct being very prejudicial to the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty as Captain having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided.

“SECOND CHARGE.—For disobedience of Orders on the said 8th day of July, 1834, when the said Battalion was duly assembled at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises in not marching his Company back to the Field of Inspection, when ordered so to do by Lieutenant Colonel TURNER, the Inspecting Field Officer; then and there present,—which order was conveyed to him by the Commanding Officer and Adjutant of the Battalion; such conduct being subversive of the Discipline of His Majesty's Militia Forces—a violation of his duty, as a Militia Officer, having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided.

“THIRD CHARGE.—For highly insubordinate and improper conduct on the said 8th day of July, 1834, when the said Battalion was so duly assembled at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises,—in declining to march the Company under his command to the post assigned them in the said Battalion, by direction of His Excellency the Commander in Chief, when repeatedly ordered so to do by Lieutenant Colonel TURNER, the Inspecting Field Officer, then and there present; such conduct being subversive of the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty, as a Captain in the said Battalion, having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided.”

Upon which Charges, the Court came to the following Decision:—

“The Court having maturely weighed and considered the Evidence in support of the Charges against the Prisoner, Captain JOHN HUMBERT, and his Defence, is of opinion that Captain John Humbert is GUILTY of the several Charges preferred against him, in breach of the Act of Assembly in such case made and provided, and doth therefore adjudge him, the said Captain John Humbert, to be Cashiered.

“The Court having thus performed the painful duty of awarding punishment in strict conformity to the 24th Section of the Militia Law, by which they are deprived of all discretionary power, beg leave to recommend the Prisoner's case to the merciful consideration of His Excellency the Commander in Chief, upon the following grounds viz:—

“1st. Captain Humbert has exhibited a most exemplary and praiseworthy zeal as Captain of a Rifle Company, which was formed, clothed, and disciplined by his exertions, and has always, during Eight years, until the unfortunate occurrence brought before the Court, received the unqualified approbation of his Senior Officers.

“2nd. Captain Humbert's conduct appears to have arisen not from any disobedient or mutinous disposition, but by feelings much excited, by being suddenly removed from a post he had been directed to occupy, as a mark of honor, and of the approbation of the distinguished Officer who then commanded the Militia.

“The Court further beg leave to remark on the very temperate, fair, and impartial manner in which this Prosecution has been conducted, on the part of the Prosecutor, Lieutenant Colonel TURNER, not less creditable to him than his mild and gentlemanly, but at the same time firm and Officer like conduct at the time of the offence. The conduct of the Prisoner also, before the Court, has been gentlemanly, temperate, and submissive, exhibiting an anxiety to expedite and facilitate its proceedings; And the Court have, therefore, the more plea-

sure in thus recommending him to the merciful and favourable consideration of the Commander in Chief.”

At the same Court Martial, Lieutenant BENJAMIN CROMWELL, of the third Battalion King's County Militia, was arraigned upon the undermentioned Charge, viz:—

“CHARGE.—For insubordinate and improper conduct, as a Militia Officer, on the 8th day of July 1834, when the Third Battalion of the King's County Militia was duly assembled on that day at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises, in declining to take the command of the Rifle Company in that Battalion, to which he was attached, and march the said Company to the Post assigned it in the Battalion—although expressly ordered so to do by Lieutenant Colonel TURNER, the Inspecting Field Officer, then and there present; such conduct being subversive of the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty as a Militia Officer—and against the Act of the General Assembly in such case made and provided.”

“The Court having maturely weighed and considered the Evidence in support of the charge against the Prisoner Lieutenant Benjamin Cromwell, and his defence, is of opinion that the said Lieutenant Benjamin Cromwell, is GUILTY of the charge preferred against him, in breach of the Act of Assembly in such case made and provided, doth therefore, adjudge him the said Lieutenant Benjamin Cromwell to be Cashiered.

“The Court having thus discharged its duty, and being deprived by the 24th Section of the Militia Law, of all discretionary power in awarding punishment, beg leave to recommend the Prisoner's case to the merciful consideration of His Excellency the Commander in Chief, particularly as the Prisoner appears to the Court to have acted by no mutinous or insubordinate disposition, but from a diffidence arising from the inexperience of the Prisoner, and a want of proper information as to his duty and responsibility, as a Subaltern Officer, under the circumstance of his Captain being under arrest.”

The Commander in Chief has been pleased to approve and confirm the Sentences and finding of the above Courts Martial; but in consideration of the hitherto zealous and very exemplary good conduct of Captain Humbert, the Officers, and Soldiers of the Rifle company, attached to the third Battalion King's County Militia, as fully and frequently reported by the Inspecting Field Officers, added to the strong recommendation of the Court, and the sincere feeling of contrition expressed by Captain Humbert, in a memorial forwarded to head Quarters since the closing of the Court, the Commander in Chief has been pleased to remit the sentences awarded to the Prisoners.

The Commander in Chief has however to remark, that he could not reconcile to himself, or think himself justified in the eyes of the Public, in thus extending his favorable consideration to an Act so outrageously subversive of every principle of good Order and Discipline, did he not feel convinced that the Sentences passed by the Court, will be deemed as fully upholding the Dignity of the Laws of the Country; and that the Militia of New Brunswick do not require the severity of example to keep them to the honorable, zealous, and loyal discharge of their duty.

The Commander in Chief directs that the foregoing Charges, and Charge, preferred against Captain HUMBERT and Lieutenant CROMWELL, together with the finding and Sentences of the Court, with the Commander in Chief's Commands thereon, shall be entered in the General Order Book, and read at the Head of every Militia Regiment in the Province.

By His Excellency's Command,
GEORGE SHORE, A. G. M. F.

HEAD QUARTERS, } Fredericton, 6th Sept., 1834.

MILITIA GENERAL ORDERS.

The Commander in Chief has been pleased to make the following Promotions, &c.:

First Battalion York Militia.

TO BE LIEUTENANTS.

Ensign D. W. Hart, vice D. H. Smith, left the Province, 6th September.

“Wm. Needham, vice N. M. Hazen, left the County, 7th September.

TO BE ENSIGNS.

Bernard Carroll, Gent. vice Hart, 6th Sept. Samuel D. M'Pherson, “vice Needham, 7th “

First Battalion Saint John City Militia.

TO BE SECOND LIEUTENANTS.

Harry W. Peters, vice Haggerty, 6th Sept. John W. Smith, vice Robertson, 7th “

William Robertson, vice E. Ketchum, attached to the African Company, 8th September.

Second Battalion York Militia.

TO BE CAPTAINS.

Lieut. Judah Hammond, vice Morehouse, left the County, 6th Sept.

“Witter Davidson, vice William Davidson, promoted, 7th do.

“David Philips, vice Lockwood, left the County, 8th do.

TO BE LIEUTENANTS.

Ensign Richard E. Barker, vice Hammond, promoted, 6th Sept.

“Edward Garden, vice Davidson, promoted, 7th do.

“Henry Jones, vice Phillips, promoted, 8th do.

“Thomas Parent, 9th do.

TO BE ENSIGNS.

Mr. John C. Allen, vice Barker, promoted, 6th Sept.

“Benjamin Heustis, vice Jones, 7th do.

“Joseph Allen, vice Garden, 8th do.

“John Ingraham, Jun. vice Saunders, retired, 9th do.

“Jacob M'Keen, 10th do.