

ROYAL GAZETTE.

FREDERICTON, AUGUST 22, 1838.

Central Bank of New Brunswick.

HENRY G. CLOPPER, President.
ROBERT GOWAN, Cashier.
Director this week.....W. J. BEDELL.
Discount Days.....Tuesdays and Fridays.
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 Fredericton.

ASA COY, President.
ARCHIBALD SCOTT, Cashier.
Director this week.....W. D. HART.
Discount Days.....Mondays and Thursdays.
Notes or Bills for discount are to be left at the Bank, enclosed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

Savings Bank.

Trustee for next week.....JAMES WILLOX.

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House, opposite the Parade, (Sunday excepted, from 10 to 2 o'clock.)

B. WOLHAUPT, President.

Committee for the present month.

E. BECKWITH and W. A. McLEAN

Alms House and Work House.

Commissioner for the week commencing to-morrow.
CHARLES LEE.



By Authority.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, defender of the Faith: To our right trusty and right well beloved, Cousin and Counsellor, JOHN GEORGE, EARL OF DURHAM, Knight, Grand Cross of the most Honorable Order of the Bath;

GREETING:

WHEREAS Our Royal Predecessor, His late Majesty King William, the Fourth, by certain Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the first day of July one thousand eight hundred and thirty five, in the sixth year of His Majesty's reign, constitute and appoint Our right trusty and right well beloved Cousin and Counsellor, Archibald, Earl of Gosford, to be Captain General and Governor in Chief in and over the Province of New Brunswick, during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, relation being thereunto had may more fully and at large appear: Now know you that we have revoked and determined, and by these presents do revoke and determine the said recited Letters Patent, and every clause, article, and thing therein contained; And further know you that we, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said John George, Earl of Durham, of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint you the said John George, Earl of Durham, to be our Captain General and Governor in Chief in and over our said Province of New Brunswick in America, bounded on the Westward by the mouth of the River Saint Croix, by the said River to its source, and by a line drawn due North from thence to the Southern boundary of our Province of Quebec, to the Northward by the said Boundary as far as the Western extremity of the Bay de Chaleurs, to the Eastward by the said Bay and the Gulf of Saint Lawrence to the Bay called Bay Verte, to the South by a line in the centre of the Bay of Fundy from the River Saint Croix aforesaid, to the mouth of the Muskrat River, by the said River to its source, and from thence by a due East line across the Isthmus into the Bay Verte, to join the Eastern line above described, including all Islands within six leagues of the Coast, with all the Rights, Members, and Appurtenances whatsoever thereunto belonging; And whereas His said late Majesty, did by certain other Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the third day of December one thousand eight hundred and thirty two, in the third year of His Majesty's reign, provide, and declare that there should thenceforth be within the said Province of New Brunswick, two distinct and separate Councils to be respectively called the Legislative Council and the Executive Council of the said Province: And whereas we did by certain further Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the nineteenth day of October one thousand eight hundred and thirty seven, in the first year of our reign, revoke certain parts of the said last recited Letters Patent, and did make certain other and further provisions in relation thereto; Now know you, that we have revoked and determined, and do hereby revoke and determine, all such part or parts of the said recited Letters Patent of the third day of December one thousand eight hundred and thirty two, as now remains in force, and also all and every part or parts of the said recited Letters Patent of the nineteenth day of October one thousand eight hundred and thirty seven, and all and singular matters and things therein contained: And we do by these presents grant, provide and declare that there shall henceforth be within our said Province of New Brunswick, two distinct and separate Councils to be respectively called the Legislative Council of our said Province and the Executive Council of our said Province: And we do further direct and declare our pleasure to be that all and every the powers and Authorities heretofore exercised by the Legis-

lative Council of our said Province of New Brunswick shall continue to be exercised by our said Legislative Council hereby re-established: And that all the powers and authorities heretofore vested in or exercised by the Executive Council of our said Province of New Brunswick, shall continue to be exercised by our said Executive Council of our said Province hereby re-established: And we do hereby appoint and declare that the said Executive Council and the said Legislative Council respectively, shall hereafter consist of such and so many Members as shall from time to time for that purpose be nominated and appointed by us under our Sign Manual and Signet, or as shall be provisionally appointed by you the said John George, Earl of Durham, until our pleasure therein shall be known: Provided nevertheless, and we do hereby declare our pleasure to be that the total number of the members for the time being, of our said Executive Council, shall not by any such provisional appointment be raised to a greater number in the whole than nine, and that the total number of the Members of the said Legislative Council resident within our said Province, shall not at any time by any such provisional appointment be raised to a greater number in the whole than fifteen; and we do further direct and appoint that five Members of our said Executive Council shall be a quorum for the dispatch of the business thereof, and that eight Members of our said Legislative Council shall be a quorum for the dispatch of the business thereof, and we do further direct and appoint that the Member of the said respective Councils shall hold their respective places therein during our pleasure and not otherwise; and that the Senior Member respectively for the time being of each of the said respective Councils shall preside at all the deliberations thereof respectively, save only when you the said John George, Earl of Durham, shall be present and presiding at the deliberations of the said Executive Council, the seniority of the Members of the said Councils respectively between themselves being determined by such rules and regulations as are for that purpose provided by such instructions as are hereinafter mentioned: And we do hereby require and command you to do and execute all things in due manner that shall belong unto your command and the trust we have reposed in you according to the several powers and authorities granted or appointed you by this present commission and the instructions herewith given to you, or by such further powers, instructions and authorities as shall at any time hereafter be granted to or appointed you under our Signet and Sign Manual, or by our order in our Privy Council, or by us through one of our principal Secretaries of State, and according to such reasonable laws and statutes as are now in force, or shall hereafter be made and agreed upon by you with the advice and consent of the Legislative Council and Assembly of our said Province under your Government, in such manner and form as is hereinafter expressed; and our will and pleasure is that you the said John George, Earl of Durham as soon as may be after the publication of these our Letters Patent do take the Oaths appointed to be taken by an Act passed in the first year of the reign of King George the Third, intitled "An Act for the further security of His Majesty's Person and Government and for the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret Abettors," as altered and explained by an Act passed in the sixth year of the reign of His late Majesty King George the Third, intitled "An Act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intitled 'An Act for the improvement of the union of the two Kingdoms as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or misprison of Treason,'" or in lieu thereof the Oath required to be taken by an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, intitled "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts, or the said last mentioned Act shall be applicable to your case; and likewise that you take the usual Oath for the due execution of the office and trust of our Captain General and Governor in Chief of our said Province, and for the due and impartial administration of justice; and further that you take the Oath required to be taken by Governors of Plantations, to do their utmost that the several Laws relating to Trade and the Plantations be duly observed: all which said Oaths our Executive Council in our said Province, or any three or more of the Members thereof have hereby full power and authority and are required to tender and administer unto you: all which being duly performed you shall administer unto each of the Members of the said Executive Council and of the said Legislative Council respectively, such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of our said respective Councils taking the same: and you are also to administer to them the usual Oath for the due execution of their places and trusts: And we do further give and grant unto you the said John George, Earl of Durham, full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered to all and every such person and persons as you shall think fit who shall hold any office or place of trust or profit or who shall at any time or times pass into our said Province or be resident or abiding therein: And we do hereby authorize and empower you to constitute and appoint Judges and in cases requisite commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in our said Province for the better administration of Justice, and putting the Laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of

truth in Judicial Causes: And we do hereby give and grant unto you the said John George, Earl of Durham, full power and authority in case any person or persons commissioned or appointed by us to any office or offices within our said Province of New Brunswick, shall in your opinion be unfit to continue in our service to suspend such person or persons from his or their several employments until our pleasure shall be known: And we do hereby give and grant unto you full power and authority to suspend any of the Members of our said Executive and Legislative Councils respectively, from sitting, voting, and assisting therein, if you shall find just cause for so doing: And if it shall at any time happen that by the death, departure out of our said Province, suspension, or resignation of any of our said Councilors or otherwise, there shall be a vacancy in either of our said Councils, our will and pleasure is that you signify the same unto us by the first opportunity, that we may under our Sign Manual and Signet, constitute and appoint others in their stead: but that our affairs at that distance may not suffer for want of a due number of Councilors, we do hereby give and grant unto you the said John George, Earl of Durham full power and authority to choose as many Persons out of the principal Freeholders, Inhabitants of our said Province of New Brunswick as shall be necessary to supply any vacancy or vacancies, which may from time to time occur in the Councils or either of them, which person so chosen and appointed by you, shall be to all intents and purposes Councilors in our said Province until their appointment shall either be confirmed or disallowed by us. And we do hereby give and grant unto you the said John George, Earl of Durham, full power and authority with the advice and consent of our said Executive Council from time to time as need shall require, to summon and call General Assemblies of the Freeholders and Settlers in the said Province under your Government, in such manner and form as has been already appointed and used, or according to such further powers, instructions and authorities as shall at any time hereafter be granted or appointed you under our Sign Manual and Signet, or by our order in our Privy Council. And our will and pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places, and so returned shall before their sitting take such of the Oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same, which Oaths you shall commission fit persons under our Seal of our Province of New Brunswick to tender and administer unto them, and until the same shall have been so taken no person shall be capable of sitting, though elected. And we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of our Province of New Brunswick. And that you the said John George, Earl of Durham, with the advice and consent of our said Legislative Council and Assembly or the the major part of them respectively, shall have full power and authority to make, constitute, and ordain Laws, Statutes and Ordinances for the public peace, welfare and good government of our said Province and of the people and inhabitants thereof, and such other as shall resort thereto, and for the benefit of us, our heirs and successors, which said Laws, Statutes and Ordinances are not to be repugnant but as near as local circumstances will admit, agreeable to the Laws and Statutes of this our United Kingdom of Great Britain and Ireland: Provided that all such Laws, Statutes and Ordinances of what nature or duration soever, be within three months or sooner after the making thereof transmitted to us under the Public Seal of our said Province for our approbation or disallowance of the same, as also duplicates thereof by the next conveyance: And in case any or all of the said Laws, Statutes and Ordinances not before confirmed by us, shall at any time be disallowed and not approved and so signified by us, our heirs and successors under our or their Sign Manual and Signet, or by order of our or their Privy Council, unto you the said John George, Earl of Durham, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine, and become utterly void and of none effect, any thing to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by our said Legislative Council or Assembly, to the prejudice of us, our heirs and successors, we will and ordain that you the said John George, Earl of Durham, shall have and enjoy a negative voice in making and passing all Laws, Statutes and Ordinances as aforesaid; and you shall and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue and dissolve all General Assemblies as aforesaid. And we do hereby authorize and empower you to keep and use the Public Seal for sealing all things whatsoever that shall pass the Public Seal of our said Province; and we do hereby give and grant unto you full power and authority when you shall see cause or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy to pardon all such offenders and to remit all such offences, fines and forfeitures; and we do by these presents give and grant unto you John George, Earl of Durham, full power and authority, without expecting any further especial warrant from us, from time to time to give order and warrant for the preparing of Grants of the custodies of Idiots and Lunatics, and their Estates as are or shall be found by inquisition thereof, taken or to be taken and returnable in our Courts of Chancery, and thereupon to make and pass Grants and Commitments under our Public Seal of our Province of New Brunswick, of the custodies of all and every such Idiots and Lunatics and their Estates to such person or persons, suitors in that behalf, as according to the Rules of Law and the use and practice in those and the like cases you shall judge meet for that trust; and we do by these presents authorize and empower you the said John George, Earl of Durham, to collate any person or persons to any Churches, Chapels, or other Ecclesiastical Benefices within our said Province of New Brunswick, as often as any of them shall happen to be void. And it is our further will and pleasure that all public monies raised by any Act made or hereafter to be made as aforesaid,

within our said Province be issued out by warrant from you, by and with the advice and consent of our said Executive Council and disposed of by you for the support of the Government of our said Province, or for such other purposes as shall be particularly directed in and by such Act, and not otherwise. And we do likewise give and grant unto you full power and authority by and with the advice and consent of our said Executive Council in our name, and on our behalf, to grant and dispose of under the public seal of our said Province, such Lands, tenements and hereditaments within the said Province as now are or hereafter shall be in our power to grant or dispose of provided nevertheless, and we do hereby require that in granting and disposing of all such Lands, tenements and hereditaments you do conform to and observe the provisions in that behalf contained in any Act or Acts made or to be made by the Governor, Legislative Council and Assembly of our said Province, for regulating the sale and settlement thereof: And we do hereby declare our pleasure to be that all such grants shall be entered upon record by such officer or officers as shall be appointed thereunto, and shall be good and effectual in Law against Us, our Heirs and Successors: And we do hereby declare, ordain and appoint that you, the said John George, Earl of Durham, shall and may hold, execute and enjoy the office and peace of our Captain General, and Governor in Chief in and over our said Province of New Brunswick, with all the rights, members and appurtenances whatsoever, together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure, and in case of your death or absence out of our said Province of New Brunswick, we do by these presents give and grant all the singular powers and authorities herein to you granted to our Lieutenant Governor for the time being of our said Province, or in the absence of any such Lieutenant Governor to such person as we may by Warrant under our Sign Manual and Signet authorize and appoint to be the administrator of the Government of our said Province, such powers and authorities to be by him executed and enjoyed during our pleasure. But if upon your death or absence out of our said Province of New Brunswick, there be no person upon the place commissioned and appointed by us to be our Lieutenant Governor or specially appointed by us to administer the Government within our said Province our will and pleasure is, that until your return from any such absence or until our further pleasure shall be known the senior Military Officer for the time being in command of our forces within our said Province of New Brunswick shall take upon him the administration of the Government thereof and shall execute in our said Province this our Commission and the aforesaid instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Captain General and Governor in Chief should or ought to do: And we do hereby command all our Officers and Ministers, Civil and Military and all other the Inhabitants of our said Province to be obedient, aiding and assisting unto you, the said John George, Earl of Durham, in the execution of this our commission and of the powers and authorities therein contained. IN Witness whereof, We have caused these our Letters to be made patent, Witness ourself at Westminster, the thirtieth day of March, in the first year of our reign.

By Writ of Privy Seal,

EDMUNDS.

Upon the special recommendation of His Excellency Sir John Harvey, the Honorable William Black has been replaced by the Queen, with his former rank and precedence, in Her Majesty's Executive Council of this Province, of which Mr. Black consequently becomes the senior Member. Mr. Black's mandamus having been received, the Honorable Gentleman took the oath and his seat at the Council held on the 2d of August. It will also be seen by the following copy of a Dispatch from the Right Honorable the Secretary of State, that upon His Excellency's suggestion and recommendation, co-ordinate rank with Members of the Executive Council (according to the dates of their respective appointments) was assigned to the Puisne Judges of Her Majesty's Courts in this Province. An extract of a Dispatch assigning rank to the Master of the Rolls next to the Chief Justice is also published.

Duplicate, No. 63.

Downing Street, 17th January, 1838.

Sir,—I have had the honor to lay before the Queen your Dispatch of the 7th December, No. 67, on the subject of the precedence of the Puisne Judges in New Brunswick. Her Majesty has been graciously pleased to sanction the alteration which you have suggested in the prescribed table of precedence, and to command that in New Brunswick the Puisne Judges should enjoy co-ordinate rank with the Members of the Executive Council and should take precedence with them according to the dates of their respective appointments to the Bench or to the Council.

I have the honor to be, Sir,

Your most ob't. humble servant.

GLENELG.

Major General Sir JOHN HARVEY, &c. &c. &c.

Extract, No. 94.

Downing Street, 26th May, 1838.

"With regard to the precedence of the Master of the Rolls, Her Majesty, following the practice in the analogous case in this Country, is pleased to assign to that officer, Rank immediately below the Chief Justice."

Major General Sir JOHN HARVEY, K. C. B. &c. &c.

HEAD QUARTERS FREDERICTON,

21st August, 1838

MILITIA GENERAL ORDER.

It being found that the days appointed for the General Inspection of the Militia of the City of Saint John, would interfere with those appointed for holding the Courts of the Quarter Sessions, and Inferior Courts of Common Pleas, the Commander in Chief has been pleased to order

that the City Militia be inspected on Monday the 17th day of September—the Rifle Battalion on Tuesday the 18th—and the Sea Fencible Battalion on the 19th September, on the Sands near Saint John.

By Command,
GEO. SHORE, A. G. M.

We have had the satisfaction of learning from good authority, that among other objects of great importance, to the interests of the Lower Provinces, which were brought under the favourable consideration of His Lordship the Governor General, by His Excellency the Lieut. Governor during his late visit to Canada, the improvement of the communications between New Brunswick and that Province was strongly urged upon His Lordship's attention, and the proposition met by His Lordship in a manner so favourable as to leave no doubt that that desirable object will shortly be accomplished. We understand that our Lieut. Governor while at Quebec caused estimates of the probable expenses of rendering practicable for wheel Carriages both the Metis or Kempt Road and that by the head of the Lake Timiquata (upon a new and improved line) to be prepared under the superintendence of the active and intelligent head of the Post Office Department—*Fredericton Sentinel*.

NEW YORK, Aug. 5.

The news from England is highly interesting, from a private correspondence, as well as from the public journals. It will be seen that the ministers are now considered most firmly seated in the government. It was thought at the opening of the Session, that ministers were in a precarious situation—the Conservatives anticipated an addition of strength from the contested elections—they were disappointed, most of the liberals retaining their seats. Upon the first trial of strength they showed their firmness. This went on, increasing from the Irish question to the Canadian question, which, despite of Conservative influence and trickery, and a death struggle to get uppermost, acted favourably for the ministers. The Duke of Wellington, himself, in his place, confessed that ministers had done all that could be done in a military point of view. Lord John Russell observed, on the 19th ult., in the House of Commons, in effect, that if the liberals could not get all they wanted, they would get all they could, and that they would accept any bill, however mutilated by the lords, in which was left any benefit whatever. This is a master stroke of policy, and one that will ensure the Whig party in the ascendancy. To this must be added the Queen's confidence in the present ministers, and the perfectly routed state of the Conservatives.

Letters from Bayonne of the 14th ult. states, that Don Carlos was about to return to Navarre. His head quarters on the 12th, were still at Elorrio. General Espartero was evidently preparing for an attack on Estello. From the 9th to the 12th, 3 Carlist officers and 50 men, with their arms and baggage, had deserted to Munlagarri.

The Theatre de Vaudeville at Paris has been totally destroyed by fire.

A great fire broke out in Cairo on the 21st June, which lasted till the morning of the 25th, 600 houses were consumed, among them 100 of the first commercial houses in Europe and the Levant. Great excesses were committed by the Arabs and soldiers. A letter from Alexandria of the 27th, June, says that trade would not be much affected by this deplorable event, and that all the goods and merchandise in the warehouses had been fortunately saved.

The Bashaw of Egypt is expected to declare his independence of Turkey. This, it is thought, will ensure him an ally in the Emperor of Russia and probably induce England and France to go to war with that Potentate.

The garter vacant by the death of the Duke of Leeds, is to be given to the Earl of Derby.

The House of Commons was expected to remain in session until the 20th of this month.

The Mediator sailed from Portsmouth on the 19th ultimo. Richard Rush comes in her as passenger. He was sent out by the American Government to arrange the Smithsonian will.

The political news by the Great Western is altogether unimportant. The course pursued by Lord Durham in the administration of the affairs of Canada, appears to be satisfactory to all parties.

The disturbances in Ireland still continue; we may look for but little relief to that distracted country until the odious tythe system be abolished.

The intelligence of the defeat of the Sub-Treasury Bill was received in London by the Sirius, on the 18th ult.

The Great Western made her last passage out in 12 days and 20½ hours. The Sirius in 16 days.

It is reported that the British Queen will not start so soon as was anticipated, but that in the mean time the Tiger an excellent sea boat will make a trip in her stead.

The Hastings 74, late of Quebec, is to be fitted up for the reception of the Dowager Queen Adelaide, who intends to spend the next winter in Malta.

CANADAS.—In the House of Lords on the 17th, Lord Melbourne stated, in answer to questions put by Lord Wintchester, whether Sir John Colborne had resigned, and that whether Canada was in a situation that it was requisite to send out an additional force: "As regarded Sir John Colborne, that distinguished officer certainly had requested that an arrangement should be made by which he might be relieved from the command of the troops; and with respect to the other question, the Government did not think that there was anything in the present state of affairs in Canada that would require an augmentation of the military forces there."*Gazette*.

1ST ROYALS.—A most chaste and elegant monument is about to be placed in the Church, at Colebrook, by the officers of the 1st Battalion, to the memory of their highly esteemed and deeply lamented comrade, Captain Thomas Brooke of the Grenadiers. The splendid Band