

THE UPPER CANADA HERALD

VOL. I.]

KINGSTON, (U. C.) TUESDAY, MARCH 16, 1819.

no 2

Statutes of Upper Canada.

An Act to regulate the Trade by Land and Inland Navigation, between this Province and the United States of America.

[Passed 27th Nov. 1818.]

WHEREAS an Act passed in the fifty sixth year of his Majesty's Reign, entitled, "An Act for making temporary provision for the regulation of trade between this Province and the United States of America, by land or inland navigation," hath expired, and whereas it is necessary to make certain provisions for the regulation of the said trade; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, in addition to the rates and duties now raised, levied and collected, the following duties on goods, wares, and merchandize, the growth, produce, or Manufacture of the United States of America, imported into this province from the said United States of America; shall be paid by the person or persons importing the same; that is to say:

Beer, Ale, or Porter in casks, six pence per gallon.

Beer, Ale, or Porter, in bottles, nine pence per Gallon.

Cables and Tarred Rope, two pence per pound.

Cordage, Untarred, two pence per pound.

Playing Cards, one shilling per pack.

Tallow Candles, three pence per pound.

Wax or Spermacetti Candles, six pence per pound.

Cider, five shillings per barrel of thirty-six gallons.

Sole Leather, three pence per pound.

Calf Skins, and other skins dressed as upper leather, one shilling and three pence per piece.

Harness Leather, four pence per pound.

Nails, one penny per pound.

Salt, six pence per bushel of fifty-six pounds.

Spirits distilled from grain, one shilling per gallon.

Snuff, two pence per pound.

Manufactured Tobacco, two pence per pound.

And on all other Goods, Wares, or Merchandize, not herein before enumerated, the growth, produce, or Manufacture of the said United States of America, a duty of ten pounds for every hundred pounds, ad valorem, on the said Goods, Wares, or Merchandize, being the growth, produce, or Manufacture of the said United States of America, Provided always, that nothing in this act shall extend or be construed to extend to prevent or in anywise prohibit free from the payment of any duty on the admission from the United States of America, the following articles, being the growth, produce, or manufacture of the said United States of America:—unmanufactured Tobacco, Staves and heading, Oak, Pine, and Fir Timber, Wheat, Pot and Pearl Ashes, Furs and skins not dressed, Pork and Live Cattle, Sheep and hogs and the Personal Baggage, Travelling horse or horses, Travelling Carriage or Carriages of any person or persons, subjects or foreigners, who may lawfully come into, or reside in this Province. Provided always, that nothing in this Act contained, shall extend or be construed to extend to prohibit the admission of Flour into this Province, free of duty for exportation only.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, there shall be paid on all Vessels or Boats the property of the citizens of the United States, coming into any of the Ports of this Province, the following duties namely: on all vessels above five tons to fifty tons, the tonnage duty of three pence per ton on all vessels above fifty tons two pence per ton.

III. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to authorize the admission of any such vessel or Vessels, Boat or Boats, the property of citizens of the United States of America, to trade from one British Port to another, or to be employed in any manner whatever, in the coasting trade of the said Province, or between the said Province and Lower Canada.

IV. And be it further enacted by the authority aforesaid, That all monies collected under and by virtue of this Act, shall be paid into the hands of the Receiver General, to and for the uses of his Majesty, his Heirs and Successors, for the public uses of this province, and towards the support of the Government thereof, to be accounted for to his Majesty through the Lords Commissioners of his treasury for the time being, in such manner as it shall please his Majesty to direct.

V. And be it further enacted by the authority aforesaid, That this Act shall be in force from and after the passing thereof, until the end of the next Session of the provincial parliament.

Executive Council Office,

York, 5th January, 1819.

IT is this day ordered by His Excellency the Lieutenant Governor in Council, that to relieve as much as possible the Provincial Revenue, in future, from the charges attending the granting of land which it has hitherto sustained, the fee on the patent on all orders for grants of land, pronounced after this date, shall be according to the following table:

	Sterling.
Two hundred acres, - - -	116 17 6
Three hundred acres, - - -	24 11 7
Four hundred acres, - - -	32 5 8
Five hundred acres, - - -	39 19 9
Six hundred acres, - - -	47 13 10
Seven hundred acres, - - -	55 7 9
Eight hundred acres, - - -	63 2 0
Nine hundred acres, - - -	78 10 2
One thousand acres, - - -	78 10 2
Eleven hundred acres, - - -	86 4 3
Twelve hundred acres, - - -	93 13 4

The fees on one hundred acres, being the allowance most usually granted to emigrants, are not to be increased, but to remain as before, viz. 15 14 1

J. SMALL, Clk. Ex. Coun.

Executive Council office,

York, 29th Dec. 1819.

NOTICE is hereby given, that the Executive Council for the affairs of this province, will assemble on the following days in the ensuing year, to take into consideration applications on land matters,

(1819)

On Wednesday the

13th & 27th January,

10th & 24th February,

10th & 24th March,

7th & 21st April,

5th & 19th May,

2nd 16th & 30th June,

14th & 28th July,

14th & 25th August,

8th & 22nd September,

6th & 20th October,

3d & 17th November,

1st 15th & 29th December,

By order of His Excellency,

The Lieutenant Governor-

JOHN SMALL,

Clk. Ex. Council.

NOTICE.

A NUMBER of Lots of one hundred acres each, situated on Public Roads now laying out, running through the School Townships of Southwold, Yarmouth and Houghton, will be sold by Public Auction, for actual settlement to the highest bidder, at Ross's Tavern, on the Talbot Road, on the first of July next. One fourth of the purchase money to be paid down, and the remainder by three equal annual instalments, with interest.

By order of His Excellency the Lieutenant Governor in Council,

JOHN SMALL,

Executive Council Office, } C. E. C.

York, Feb. 26, 1819. }

STOLEN.

FROM the Subscribers yard a few nights ago,

Two Buffalo Skins,

one of which was marked M. S. No. 4, and the other had a piece of Bear-skin added to one of the corners. A handsome reward will be given to any person or persons, who will give information of said SKINS; so that they may be found, on applying to MONJEAU & ST. GERMAIN. Kingston, 8th March, 1818.

FOR SALE,

An excellent pleasure SLEIGH for two horses, a light WAGON for one horse, and several sets of Harness, amongst which are two double sets plated, one of which is superior to any in Upper Canada.

Enquire at the Office of the Upper Canada Herald.

March 9, 1819.

Government Contract.

FRESH BEEF,

WILL be required for the use of His Majesty's Troops stationed at Kingston, Point Henry and Point Frederick, for six months, to commence on the 25th March next, the quantity about

4000 POUNDS PER WEEK.

Scaled Tenders will be received at this Office until 12 o'clock on Saturday, the 13th March, in which must be inserted the names of two Sureties for the due performance of such contract as may be entered into.

Commissariat Office, } 1w1

Kingston, Feb. 26, 1819. }

NOTICE.

ALL persons indebted to the subscriber, are requested not to pay the same, or any part thereof, to DUGLE CAMERON, my late clerk, whom I have discharged, and any person to whom said Dugle Cameron has applied for payment, within the last month, will do the subscriber a favor by informing him thereof.

JOHN DOWLING,

Kingston, Feb. 17, 1819. 1tf

FOR SALE.

IN the township of Percy, District of Newcastle, a valuable FARM, being lots No. 20 & 21, in the first and 20th in the second concession, containing 600 acres, of the best elm, birch and maple Lands; with an improvement of 40 acres, under good fence, in the centre of the three lots. For particulars apply at this Office. Kingston, March 9, 1819. 1w3

FOREIGN INTELLIGENCE

From the Washington City Gazette, Feb. 8.

South America.—We are enabled, to day, to lay before our readers an official copy of Bolivar's proclamation for convoking the congress of Venezuela. It contains a sketch of events well worth perusal, and, as many contradictory reports prevail, it is valuable, as it emanates from an authentic source.

Translated for the Gazette.

VENEZUELIAN PROCLAMATION.

Simon Bolivar, chief supreme of the republic of Venezuela, captain general of his armies and those of New Grenada, &c. &c. to the people of Venezuela.

The Congress of Venezuela must fix the fate of the so many years opposed and wandering republic: our wounds will heal under the shelter of a legitimate representation. It is not by a vain ostentation, nor to make my own apology, that I address you: I have served you, and owe you an account of my conduct.

When nature's convulsions buried the people of Venezuela under the heaviest dejection, gen. Montverde brought to nothing our new-born republic, fearing rather tyranny than death, I then bade farewell to the shores of Venezuela, and went in search of the war that raged against the tyrants of New Grenada, as the only relief to the pangs of my heart.

Heaven listened to my vows and lamentations, and the government of Cartagena intrusted to my care 400 soldiers, which in a few days liberated Magdalena, and the greater part of the Province of Santa Marta. I afterwards marched to Cuenco, and there victory declared for our arms. Venezuela saw me appear up its territory crowned with the favours of fortune.

The Congress of New Grenada granted me leave to redeem my native country. I had soon the good fortune to reinstate the authorities constituted in the first epoch of the republic in the provinces of Truxillo, Merida and Barinas. The capital of Caracas received in its bosom the brave Grenadians. Puerto Cabello protected by its walls, attracted soon my attention by its resistance; and hardly gave me time to take measures to save from disorder the populous country, we had wrested from the tyrants of Spain.

Salomon's expedition gave new hopes to the royalists; and though defeated at Barculo, and las Orincheras, infused such confidence to our enemies, that the plain and the western part of Venezuela revolted almost in a sudden, the battles of Mosquito and Araure, the western part and the plain. I hastened then from the field of battle to the capital; I made a renunciation of the supreme power, and the 2d of January, 1814, gave accounts to the people of the events of the campaign, and of my civil and military administration.

The people, all at once, answered with an unanimous voice of approbation, bestowing even the dictatorial power which I already exercised. New reverses called for me in the field, and after a bloody conflict, I came from the field of Carabobo, to assemble the representatives of the people, that they might constitute the government of the republic. The disaster of Bapuerto buried in confusion our afflicted country, and nothing then could stop the thunder bolts thrown against it by the wrath of heaven.

I marched to New Grenada; gave accounts to the congress of the success of my commission; they rewarded my services, though fruitless, intrusting to me a new army of Granadians and Venezuelanos. Cartagena proved the grave of that army, that was to restore life to Venezuela.

I forsook every thing for the safety of the mother country; I voluntarily chose to banish myself, that I might be useful to New Grenada and Venezuela. Providence had already resolved upon the ruin of those wretched regions, and delivered them to Morillo with his exterminatory bands.

I sought after an asylum in a foreign island, I came to Tamaico alone helpless and almost hopeless. Though Venezuela and New Grenada were lost; yet I durst think of expelling their tyrants. The island of Hayti received me with hospitality; the magnanimous president Petion, lent me his protection; and under his auspices, I formed an expedition of three hundred men, comparable to the companions of Leonidas. Almost all of them have fallen; yet the exterminatory army has fallen also; three hundred patriots marched to destroy ten thousand European tyrants, and have succeeded.

When I arrived at Margarita, a general assembly elected me supreme chief of the nation, I had a mind to convolve the congress. I, in effect, convoked it a few months afterwards: the events of war did not, however, permit me to accomplish that wished-for act of national will.

Free Guayana! Free, the greater part of Venezuela! nothing hinders us now from restoring to the people their sovereign rights. Venezuelians! our arms have overthrown the obstacles which tyranny opposed to our emancipation.—In the name of the delivering army, I put you in possession of the enjoyment of your, imprescriptible rights. Our soldiers have fought to save their brethren, wives fathers and sons; but did not fight to subjugate them. The army of Venezuela only imposes upon you the condition, that

you should keep entire the sacred deposit of liberty: I impose upon you another condition not less just and necessary to the attainment of that precious state. Elect for your magistrates the most virtuous of your fellow citizens, and forget, if you can, in your choice those who delivered you. For my part, I renounce, for always, the power you have conferred upon me; and I will never admit of any other but a military one as long as lasts the unhappy war of Venezuela. The first moment of peace will be the last of my command.

Venezuelanos! Cast your eyes upon the past, but to shudder at the shoals which have undone you—withdraw your eyes from the woeful monuments that recal to your memory painful losses. Think only of what you are about to do, and penetrate well yourselves that you are all Venezuelanos, the sons of one same country, members of one same society, and citizens of one same republic. The word of Venezuela is liberty and peace. Our arms conquered peace; your wisdom will give us liberty.

SIMON BOLIVAR.

Head Quarters, Augustura, 22d Oct. 1818.

From the correspondent of the Evening Post, Washington, Feb. 22.

"The Spanish treaty was laid before the senate this day. The Floridas are ceded to the United States. All the grants of land in the Floridas made by the king of Spain prior to January 1, 1818, are confirmed. The western boundary of Louisiana commences at the river Sabine, and runs up that river to the Northwestern corner of the state of Louisiana; thence north to the Red River; thence up that river to the 100th degree of west longitude; thence north to the river Arkansas; thence up that river to its source; thence to the 42d degree of north latitude, and on that parallel of latitude west to the Pacific Ocean. The United States pay to her own citizens \$5,000,000 for the spoiliations."

A similar statement of the treaty is given in the Georgetown Messenger of Monday, with the following additional circumstance.

"It being understood that Russia has relinquished to the United States all her right to the countries on the Pacific Ocean south of the 56th degree of N. latitude, and that G. Britain relinquishes all hers to the same countries, after the ten years stipulated in the late treaty, with respect to a certain portion of them, the United States will now possess a territory embracing 15 degrees of latitude on the Pacific ocean."

It is said and we have no doubt correctly, that the president of the United States yesterday laid before the Senate a TREATY, recently concluded between Mr. Secretary Adams, on the part of the United States, and Don Louis de Onis, on the part of Spain, for a CESSION OF FLORIDA, to the United States, and a provision for the payment, in consideration thereof, of a sum of money to our merchants having claims on the Spanish government for spoiliations on their property; including also a settlement of the western boundary line between the United States and Spain. This highly important treaty, so long withheld, so long expected, if ratified, will impose on congress the necessity of organizing a government for that territory before adjournment, and will add this much to the mass of important business already before them.

[National Intelligencer.]

A private letter from Washington says: "The Floridas are purchased for 5,000,000 dollars, the amount to be paid to our citizens for Spanish spoiliations. The circumstance is no secret here. The only difficulty that appears is respecting the western boundary; this however will be got over."

Mer. Adv.

The following extraordinary statement is copied from the Washington City Gazette of Feb. 6.

THE DUEL.—We regret to state the melancholy result of an unfortunate meeting that took place between gen. Armistead T. Mason, of Loudon co. Va. and John M. McCarty of Fairfax co. Va. They repaired we are informed, to the neighborhood of Bladensburg early this morning, armed with muskets, containing three balls each, and fought at the distance of six paces. At the first fire, general Mason received the contents of his antagonist's piece in his body, which put an immediate period to his existence. Mr. McCarty at the same time, a wound in one arm.

General Mason's remains were conveyed to Georgetown, and lodged at General John P. Mason's. We have heard no further particulars; when they are known they will be published.

The deceased (Gen. A. T. Mason) was a senator in the 14th Congress, from Virginia; a valuable member of society, and highly respected by all who knew him. He has left a wife, and child to deplore his untimely end. We believe this melancholy catastrophe grew out of a former well known political dispute with Mr. McCarty.

In noticing the murder of gen. A. T. Mason, by Mr. John McCarty, the Georgetown messenger states, that they fought with muskets at the distance of only twelve feet; and adds the aggravating circumstance, that they were not only related to each other, but doubly related—they were Cousins, and Brothers in law—the widow of gen. Mason is the sister of his murderer.—The Editor severely censures the persons who acted as seconds, and closes his article with this remark—"In short, there is but one opinion,

but one sentiment on the subject. Public marks with its indignation the conduct of all the perpetrators in this act, which outraged humanity, & which has fixed a stigma on the national character.—feeling is just, and it is necessary, if we do not wish to sink not only in the opinion of a world, but in the fact, from a liberal and high minded people, to brutal and ferocious barbarians."

Commercial Ad

National Intelligencer, Feb.

Communicated for publication.

Reports being in circulation calculated to induce a belief that the gentlemen who were the friends of gen. A. T. Mason, in the termination of his quarrel with Mr. McCarty, had been instrumental in urging the affair to its unfortunate issue—it is thought proper to publish a simple statement of facts, promising, that not even the nearest relatives of the deceased can more sincerely regret, than do those gentlemen, the determination of gen. Mason to prosecute this business to its ultimate result.

1st It is well known to a number general Mason's friends, that he had resolved on challenging Mr. McCarty, in opposition to all the advice which they gave, and all the efforts which they made to dissuade him.

2 One of the two gentlemen, who were the friends of gen. Mason in the field, had, some time before made similar exertions to dissuade him from the course he intended, and with similar bad success.

3 Before a personal interview had taken place between gen. Mason and his seconds, his letter containing positive instructions for their government, in conducting the affair, was written. This letter inclosed a communication to Mr. McCarty.

The letter to Mr. McCarty not having been read by that gentleman, it is thought necessary to give such extracts from it as show clearly that the determination general Mason was made independently of any consultation with his seconds. This letter is dated "Richmond, Jan. 9, 1819."

The following are extracts from it. "Sir, I have resigned my commission in the special and sole purpose of fighting you, and am now free to accept or send a challenge, and to fight a duel. The public mind has become tranquil, and all suspicion of the future prosecution of our quarrel having subsided, we can now terminate it without being arrested by the civil authority, and without exciting a clamour among our friends."

"This effort has been delayed by my inability to effect such an arrangement of affairs as my duty to my family requires. That arrangement is just effected."

"I am extremely anxious to terminate once and forever this quarrel."

"My friends * * * are fully resolved to act for me in every particular on receiving from me a pledge of my authority, and are authorized and instructed to accept the challenge for me, and to manage the duel on any terms which you may prescribe."

The following are extracts from the letter of instruction which is dated, "Richmond, Jan. 9, 1819."

Gentlemen, you will present the enclosed communication to Mr. John McCarty, and tell him at once that you are authorised by me to challenge him, in the event of his pledging himself to fight. If he will give the pledge then I desire that you will instantly challenge him, in my name to fight a duel with me. You are not authorised to give a verbal challenge. It must be reduced to writing. Agree to any terms that he may propose, and to any distance; to three feet, his pretended favorite distance, or to three inches, should his impetuous and rash courage prefer it."

"To any species of fire arms, pistols, muskets, or rifles, agree at once."

Other incorrect reports being current respecting the interviews and communications between the respective friends of gen. Mason and Mr. McCarty, it is thought proper to state.

1. That on presenting the challenge, two modes of terminating the affair were proposed by Mr. McCarty—first to fight on a barrel of powder; and secondly, to fight with dirks, both which were objected to, as not according with established usages, as being without example, and as calculated to establish a dangerous precedent.

2. That a third mode was proposed in the following writ in acceptance of the challenge; which the seconds of general Mason were bound to accede to, both from the positive instructions of their principal, and from the laws which govern the settlement of disputes in the field of honor.

"Gentlemen, I agree to meet and fight your friend, general A. T. Mason, tomorrow evening, five o'clock, at Mount Airy Court-house. As I am at liberty to select the weapon with which I am to fight, I beg leave to propose a musket, charged with buckshot, and at the distance of ten feet."

February 4, 1819.— J. M. McCARTY.

3. That it was proposed by the friends of general Mason, and agreed to by the friends of Mr. McCarty, to substitute a single ball for buckshot.

4. That it was agreed by the friends of both parties to postpone the meeting until ten o'clock on Saturday morning—and that, on the ground, the distance measured exceeded 12 feet.

It now only remains to state, that all reports respecting the indecorous deportment of either party on the ground, are entirely false; that the unfortunate meeting took place at the appointed time, and that the affair, although fatally, was honorably determined. No man ever exhibited more perfect coolness and self-possession than did gen. Mason on this melancholy occasion.

It was due to the friends of Mr. McCarty, who are not aware of this publication, to state that their deportment throughout the whole business was perfectly correct.

It has been reported that gen. Mason was struck by three balls. At the request of his friends, the coroner was called, and consented to an examination of the body, and after a minute dissection, it was ascertained that but one ball had entered the deceased.