intependence and ufefolnes, he must have evergy enough to brave the violence ! of the latter, and faificient difeerment to guard against the doplicity of the turmer. If he be overcome by either, he is undoun.

Albany Gazette.

MANAGEMENT HIS SECTION OF THE SECTIO KINGSTON:

TUESDAY, Normanies 18, 1817.

To pre are the Penfor Lift, which accompanies this theet, the Gazette has been unavoidably delayed beyond the usual hour of publication.

FOR THE KINGSTON GAZETTE.

THE cight of Primogeniture, adopted in this Province, as a part of the Common law system of descents, is generally admitted to be not adapted to the state of -ociety here, and not required by any political consideration, or any principle of the Provincial government. We have no hereditary nobility, requiring the support of a family estate, descending with the family title of rank and authority, from one goperation to another, in the line of the oldesee. The inhabitants of Upper Canada are all Commoners; and it is not congenial with their circumstances, interests, habits and feetings, that one son should inherit the whole realreade, to the exclusion of his brothers and sisters. There are, probably, few parents in the Province, having more children than an Joaly son, who would be willing that their etales hould de-coud as the law at present direct-the descent. Will- are accordingly often made for the express purpose of gnarding against the operation of the law; but seldow, if ever, is a will made in this country conformahiv to that principle of law.

Many persons, it is true, who wish and in toni to have their estates divided among their children neglect, until it is too iare, to make their wills for that purpose; from the common habit of prograting ing whatever ma, be done at a fittire time, especially any thing of a disagreeable nature, or attend id with labor: and also from a peculiar relatetance in the human dist . cion to perform an act, which brings the end of life so painfully unoview, a the exer tion of a last will and restament. Besides, the circumstance of most families are consineally changing; and, as the law now stands, a man has occasion to make a new will, or a coditil, at least, as often as he has a child born, or buys or sells a lot of land. Even of the willismally male, a large proportion are either executed without some of the formulaties prescribed by the starter, for the prevention of fart ; or so makilimlis drann, a morrasion disputes, and often fail of the logal effect intended. From their circumstances, there is good rea on to believe, that the wishes of ma-Avperens, founded upon a sense of impartial ony invards their children, a c defeated, and their educes descend dufferently from their intentions, in the dissa is faction of their families and the pres free of contests.

A law to repugnant to the general scuti ment of those who are the subjects of it, as to require to be counteracted by such testamen? are precautions, seems to call for legislative

Under this impression, I was gratified to hear that the subject was taken in a consideration by this together at an arrange B A Bill, entieled die " Distribution Bell," waproced by the Council, and negatived in the As earlies by a casting vote only. As published i contained the following clause, . That la deard real estate in this Province, of which no devise shall have been made according to law, shall go, be applied, and distributed in the same manner as the personal estate of the testator or intestitte."

This great principle of the equal partition ofinte-tate real estates, so long and so generallyandardently desired by the inhabitants of the Province at large, appears at last to have receised the same ion of the Council, and almost a majority of the House. Whether those who voted against the B II, were opposed to its principle, or only to some matter of form which they deemed objectionable, I know not; but andisposed to believe the latter: and cannot bet hope, that in some shape or other, a Bill, omaining the same leading principle of equi-

ty, will yet be adopted. For the consideration of those, whose duty it may eventually be to decide the question. some of whom may not have leisure to investigate he subject in detail, the following draught isr pecifully schmitted, through this medium of communication.

It does not touch entailed estates, but leaves them under the operation of the Common law

and the Statute of entailments.

It does not like the litt acted upon last winter, contain provisions for enforceing the payment of debt- and the satisfaction of executions against the estates of persons deceased which are, indeed, objects of unquestionable importance: but, being distinct from the principles of descent and distribution, may properly be the subject of a separate act.

It differs from the Bill above referred to it some other particulars. It does not give the underised estate of a "testator" to the legateesof his personal estate, in proportion to their respective legacies; but apportions it among his heirs, according to the general rules of desent. This appears to be the most simple mode of disposition. The logacies may be spetife or conditional : in which cases, it would be difficult to make them a standard for the appartionment of the real estate not devised actording to law. A will may be valid as to personal estate, but void as to real estate, for want of sofficient age in the usea'or, or of some requisite formality in the execution. If, in such a will, the personal estate should be given to one child, and the real estate to another, it would be doubly hard, that the fortunate child should, on account of his legacy, inherit the

whole real istate al-o. descent of real estates to the distribution of pertonal estates, by reference to the laws of distribution, without particularly stating them. Those laws are not contained in any Provintial Statute; and therefore are not officially promulgated in the Province; but are to be bught for in several successive acts of the British Parliament, expounded by a series of judicial decisions, which have ascertained the ense of some doubtful expressions in the acts. Tounderstand them all, requires no inconsid-

trable research. But, as this is an important branch of law, Brcessary to be considered and acted on, not foly by the Judges of the highest Court of law. and professional men, but also by the officers he various Surrogate Courts, as well as adbaistrators, heirs and other parties interested, may be useful, for the direction of all persons pocerned, that the rules of descent and distrition should be specimed, comprised in a sin-

Island, and published in the Provincial Statute book.

The adjoined form accordingly contains uch a specification, expressed in terms as simple and definite, it is believed, as the subject will admit.

It varies from the existing laws of distribution in two points, of minor importance. Ist. it gives the widow of an intestate, who leaves no kindred, the whole of his estate, after the payment of debts and charges; whereas by the 22d and 23d of Car. 2. she is cutitled to only half of it. 2ndly. It gives collateral kindred claiming through a nearer ancestor the preference to those claiming through an ance tor more remote. For instance, nephews and nieces, being in the third degree, but claiming through an ancestor in the first degree of kindred, are prefered to uncle- and aunts, who are likewise in the nird degree themselves, but claim thro a common ancestor in the second degree from the tage-tate; whereas by the statute of Charles, as rettled by a number of adjudications upon it, nacles and aunts share equally with nephews and nicces.

The clauses, thus varying from the laws now in force, are distinguished by Italic characters and may easily be struck out, if those altera tions should be thought inexpedient.

In other respects, the principles of the Stat utes of distribution are retained, and applied to the descent of real estates.

An Act regulating the Descent and

Distribution of intestate estates. Whereas the right of Primogeniture and other principles of the Common tates, are not so well adapted to the | lentine Flake, belonging to the family of citied in a Previncial Statute, for the of accidental death. - Communicated. direction of all persons concerned: Therefore be it enacted, &c. That whenever hereafter a person shall die seized, in this Province, of any land, tenement or hereditament, or any interest therein or right thereto, in fee simple or for the life of another, not having lawfully devised it, the same (subject to the payment of the intestate's dehis, according to law, when the per-- al estate shall be insufficient there-

for) shall descend to the intestate's chitd or children in equal shares, and to the lawful issue of any deceased child, by right of representation, saving to the intestate's husband his tenancy by the curtesy, and to the intestate's widow, her dower, as at common law; and, if the intestate shall leave no issue. the same shall descend to the enryiving husband, or [the widne, in case of a widow and no kindred of the intestate, but | if there be kindred, as well as a widow, of the inteswas more and the some shall the seemd to the said widow, and the other moiety be inherited by the person or persons, who would inherit the whole, if there were no widow; and, if there be no issue, husband or widow, the same shall be inherited by the intestate's father; and, if there be no father, then, in equal shares, by the mother and each of the brothers and sisters of the intestate, and the child or children of any deceased brother or sister, by right of representation; and, if there be no mother, brother or sis- Heister. ter, or brother's or sister's child, then by the intestate's next of kin, in equal shares, without any distinction between those of the whole and those of the half blood; the degrees of kindred to be computed according to the rules of the civil law; [collateral kindred claiming through a nearer ancestor to be preferred to those claiming through a common ancestor more remote; and if the issue or next of kin, entitled to any estate by virtue of this act, shall all be in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take it according to the right of representation; and when there shall be neither lissue, husband, widow, parent nor other kindred, the estate shall, for want of heirs, escheat to his Majesty the

King. whenever herefter a person, domicited | Penzance, in Cornwall. It is from adin this Province, shall die possessed of, or entitled to, any chattel, or personal estate or right, not having law- | verge of a precipice on a base not larger fully disposed of the same by will, the than a man's hat that a fingle man may same being subject to the payment of the intestate's debts, the funeral expences, and charges of administration, according to law, the residue thereof shall be distributed to the person or persons, who shall, by virtue of this The Bill of the last session conformed the act, be entitled to the said intestate's real estate, and in the same proportions as the real estate; provided, however, that the intestate's husband shall have the whole of the said residue, as administrator, whether there be issue of the intestate or not; and, if there be a widow and issue of the intestate, the widow shall have one third part of the said residue; but, if there be no issue, she shall have one half of the said residue; [and if there be no kindred, she shall have the whole of the said residue.

3d. Andbe it further enacted, That if a gift or grant of any estate real or personal shall have been made by the day in December.

interiore, in his life time, to a child, in advancement of the said child's portion, and so expressed in the said gift or grant, or so charged by the intestate in writing, or so receipted or acknowledged in writing by the child, the estate so advanced, at the value thereof as expressed or charged by the intestate, or acknowledged by the child, or otherwise at the just value thereof by estimation of appraisers under oath, shall be considered in the settlement of the intestate's real and personal estate, as a part thereof, and shall be accepted by the said child towards his or her share of the intestate's estate.

Members of the Legislature who may honor this communication with a perusal, are assured, that the forgeing sketch of a Bill is not proposed, as a perfect draught, but is communicated in this form, as an exemplification of the ideas, which the writer, in the exercise of a common privilege, upon a subject of general concern, begs leave to suggest for their consideration; not with a disposition to encroach upon their province, or to anticipate the result of their deliberations; but to keep the object still in public view, and do all in his power to abridge and facilitate the labour of attending AMICUS CURIÆ.

ACCIDENT.

Law, respecting the descent of real es- | On the 27th of october one James Valcircumstances of His Majesty's subjects | Capt. Robt. Wikins, at the Carrying and the state of society and govern- | Place, head of the Bay of Quinte, went ment in this Province, as the laws res- lout in a Borch Caroe, to shoot Ducks, pecting the distribution of personal es- | against the consent of the family, and by tates: and whereas it is expedient. | some unknown accident, upfet very near that the rule of descent and distribu- the Shore, and was drowned, though a tion of intestate estates be rendered good swimmer. His body was found next! more simple and uniform, and be spe- morning-the Jury brought in a verdice

We understand that a treaty was figned at the feet of the Rapids of the Miami of Lake Erie, on the 20th ult. by Governor Cass and General McArthur, Commissioners appointed by the President of the United States, and the Chiefs of the Wiandot, Delaware, Shawanoes, Senera, Ottoway, Chippewa, and Potowatamy tribes of Indians; by which these tribes have ceded to the United States all the lands which they claime within the limits of the State of Ohio, with certain refervations.

National Intel.

We are informed that a stout healthy young woman, who is on the point of lying in, is already engaged as wet nurse for the child expected to be born next mouth of the Princels Charlotte. The person so engaged is the wife of a respec- or in his absence. Allan MacLean, Esq. table yeonan near Claremont.

London paper. PENNSYLVANIA ELECTION

It is now afcerrained that William Jinlay is elected Gov. of Penns Ivan a, for the enfuing three years, by a majority of some thousands over Gen.

N. Y. Herald.

Wonderful Fecundity.

On a farn, near La Prairie, under the management of Mr. James Clarke, a Scotchman a piece of ground, not ling to the Subscriber. three quarters of an arpent in extent, was planted laft firing with 10 bushels of potatoes, of the English white kind. The crop measured 420 bushels, or 42 fold. Six of thele potatoes were brought to this Office, weighing 12 lbs. 14 oz. of them weighed 3 lbs. 2 oz. The feed was planted in drills 4 feet apart.

Montreal Herald.

Logan Rock.

An Extraordinary Phenomenon. In Silliman's Travels, just published, there is an account of a wonderful phe-2d. And be it further enacted, That | nomenon, called the Logan Rock, near measurment citimated at three hundred tons weight, but is fo poifed on the move it backwards and forwards like a cradle. Formerly he fays, it could be moved with a fingle hand, now it requires a shoulder .- Watchman.

Potatoes.

Receipt for boiling wet Potatoes - For a family of eight perfons, about the fize of an egg of roach lime, thrown into the veffel while the water is partly heated, will completely cause the wettest potatoe (Dublin paper. to be dry.

Vermont Beet .- A Beet was raifed the late season in the Garden of Meifrs W. and A. Chapman, in Middlebury, Vt. which weighed, including the top, 241; without the top, 16 pounds, 14 onnces.

The Congress of the United States meet on the first Mon-

Au agricultural Society has been] formed in Montreal.

ACKNOWLEDGMENTS.

" A Canadian Farmer" will have place in our next. "W L." is receive ed. His "Oppressed Soldier" will find a place in the Gazette, in due feafon. The Poem, which he speaks of, we really have not had time to give a thorough perufal.

TATALATATATATATA

At Montcalm House, Quebec, Col. Myers, 99th Regt. Deputy Qr. Mr. General to the Forces in the Canadas.

Tenders

The second section of the s

TILL be received at the Custom House Office, until the Tenth ! day of December next, for drawing into the Government Wood Yard, at this place, during the enfuing winter, from one to twelve hundred Cords of WOOD, from the "big bills," on the road lead ing to the Kingston Mills.

Tenders to be scaled, and to contain the names of two functies for the performance of the contract.

Kingston, 17th Nov. 1817. 25

TIUST received and for fale at this Office, price 7 d. the

MONTREAL

ALMANACK,

For the Year of our Lord

Alfo-ESSAYS on PRACTICAL HUSBANDRY. Addressed to the Canadian Farmers. By C. F. GRECE, of Montreal.

Lands for Sale.

November 14.

TOTS number 6 and 7. in the 3d A concession of Rawdon, containing 400 acres : Lot number 11,3d concession horaugh 200 heres.

For terms apply to Richard Robifon. | Kingston, 17th Nov. 1817.

LANCASTRIAN SCHOOL.

HE Midland District School, on FITENDERS will be received at this under the superintendence of Mr. John- | Wednesday, 10th of December next, son who has been engaged as Teach. from persons wishing to supply this er, will be opened on Monday next, 16th | Garrifon for fix months, commencing the November. - The terms of Tuition three | 25th December 1817, and ending 24 h shillings and four pence per month pay | June, 18 28, with Bread to be baked from able in advance.

By order of the Prefident & Trustees R. STANTON, Sec'y.

N. B. An EVENING SCHOOL also will be opened at the same time, the terms of which anay be known by apply-

RB. JOHNSTON.

C. Hatch & Co.

OFFER FOR SALE, Elegant Broad top ball back, Fancy & Windfor bamboo, Slat back, Real Cane feat, Waterloop Common, Rocking and Children's W IRRANTED GOOD,

At their Chair Shop, opposite Wm. Powell's Tin and Grocery Store, store firt. Their Chairs are superior to any they have hitherto offered for fale. Country Produce received in payment.

Cabinet Ware for fale as above. Kingston, Nov. 10, 1817. 24tf

TO LET,

ND possession given immediately, a House, containing fix rooms, a good Celler, Well and Garden; and a good Bake-house adjoining it, the oven of which will hold 200 Loaves of bread. Apply to the subscriber, near the Catholie Charch.

PHILIP VIAS. Kingston, Nov. 7, 1817.

To be Let,

Room with a fire place and two Bed rooms. Enquire at this Kingston, Nov. 5. Office.

Church Catechism For Sale at this Office.

BY AUCTION.

ATII. L be fold at the subscriber's office, King Street, on Thursday, 20th instant, a quantity of Choice GOODS Confisting of

Cassimeres, Cloths, Flannels, large Blankets, Cassimere Shawls, white and Blue cotton Cambric, cutton furniture Calicoes, Muslins, Leno's, vesting, Irith Linen shirts, flannel ditto cotton Shawls, white and Gray worsted Hose, Lamb's wool ditto, lined Gloves, &c.

ALSO,

Skates, kint Hammers, Locks, wool Cards, Mustard, &c. &c.

And a variety of other articles. Sale will Commence at 12 o'clock precilely.

Archibald McDonell, A. & B. Kingston, 17th Nov. 1817.

PUBLIC NOTICE

HE first Subscription Ball will take place at WALKER'S HOTEL, on Friday, the 28th instant.

ALLAN MA LEAN, THOMAS MARKLAND, Managers. PETER SMITH,

Kingston, Nov 14th 1817. N.B. Tickets of Admittance to be procured from the Treasurer.

Advertisement.

HE Subscriber respectfully informs the Inhabitants of the Town and Township of Kingston, the Township of Pit fourgh and Woolf Island, that he is now errecting a Pot Affi work in the Vicinity of this Town, where he will receive good House Ashes at the rate of Seven Pence C'y per Boshel when delivered at the Works, and fix pence when colle cted in Town ; the Afhes to he paid for in Merchandize.

A Sleigh is to be fent round Town to collect the Ashes once a week, or oftener if necessary.

A. MACPHERSON.

Kingston, 17th Nov 1817. N. B. Care should be taken to Keep the afnes Dry and Clean as none but what i of a good quality can be received.

T F PETER DRUMMOND, Eig. of Murray, 200 acres; East balf number | late a Captain in the 29th Itegiment 2, 3d concession of Richmond, 100 acres; of Foot resides at present in the Canadas, Lot number 24, 2d Range 3d conces- and this should meet his perusal, he is fion of Richmond, 200 acres ; Lot num- earnellly requested to communicate his ber 20, 8th concession of Richmond, 200 | address to Deputy Affillant Commissary acres; Easternmost half number 21, 3d | General TUBBY, at Montreal, as the concession of Fredericksburg 50 acres; latter is desirous of corresponding with Lot number 1, 9th concellion of Lough | him relative to the affairs of Lieut. Hill, formerly of the fame Regiment.

Montreal, 7th Oct. 1817.

TO BAKERS.

GOVERNMENT CONTRACT.

the British system of Education, | IL Office until 2 o'clock P. M. on Flour furnished from the King's Magazines.

> Further information may be had onapplication to this office. Commiffariat Office,

Kingston, 18 November 1217,

ADVERTISEMENT.

THE Concern heretofore exitting under the firm of " Rodk & Alexr. Mackay," at Point Frederick, was diffolved on the 24.h ultimo. The Subscriber holds himself responsible for all legal claims against the faid concern, as well as all Perfonal demands against his Brother, who retires from it, and will thank those indebted to either of the parties to pay their respective accounts to Mr ROBERT GRAHAM, who will conduct the Bufinels in future, in Company with the Subscriber, under the firm of Robert Graham & Co.

R. MACKAY. Kingston, 13th Nov. 1817. 25tf

JOSEPH MURDOCK,

(Late from Ireland,)

EGS leave to Inform the Publick. D) that he has commenced the Chandlery Bufiness nearly opposite the Union Hotel. He flatters himleif that from his experiance in Bufiness, he will be able to give fatisfaction to those that will favour him with their commands in the above line

Kingston, 14th Nov. 1817.

MMEDIATELY, an elegant 21 Story dwelling House, fitted out in the most commodious manner, alto an excellent Stable, together with the Town Lot on which they fland .-Any person wishing to leafe or purchase the above will find it their interest to make immediate application to

HENRY CASSADY.

Kingston, Nov. 3, 1817.