

THE NEW-BRUNSWICK ROYAL GAZETTE.

TUESDAY, 30th JULY, 1816.

[Number 21.]

[Volume II.]

THE GAZETTE.

BY HIS HONOR
MAJOR GENERAL
GEORGE STRACEY SMYTH,
(L. S.) *President, and Commander in Chief of the*
Province of New-Brunswick, &c. &c. &c.
G. S. SMYTH.

A PROCLAMATION.

WHEREAS by Act of Parliament passed in the Forty-eighth Year of His present Majesty's Reign, Power is given to the Governor, Lieutenant Governor, or Commander in Chief of this Province, with the advice and consent of His Majesty's Council, to allow the importation of certain enumerated articles from the United States of America into this Province, for the purpose of re-exporting the same—I have therefore thought fit with the advice and consent of His Majesty's Council, to publish this Proclamation, hereby authorising and empowering British Subjects, for the space of six months from the date hereof, to import and bring into this Province from the United States of America, in British built Ships or Vessels, owned and navigated according to Law; Scantling, Planks, Staves, Heading-Boards, Shingles, Hoops or Squared Timber of any sort; Horses, Neat-Cattle, Sheep, Hogs, Poultry, or Live Stock of any sort; Bread, Biscuit, Flour, Peas, Beans, Potatoes, Wheat, Rice, Oats, Barley, or Grain of any sort; and British Subjects during the same period, are hereby authorised and empowered to Export in British Ships, owned and navigated as aforesaid, all or any of the said herein before enumerated articles, to any other of His Majesty's Colonies or Plantations.

GIVEN under my Hand and Seal the eighteenth day of JUNE, in the Year of our Lord one thousand eight hundred and sixteen, and in the fifty-sixth year of His Majesty's Reign.

By His Honor's Command,
WM. F. ODELL.

BY HIS HONOR,
HARRIS WILLIAM HAILES, Esquire,
(L. S.) *President and Commander in Chief of the*
Province of New-Brunswick, &c. &c. &c.
H. W. HAILES.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the second Tuesday in September next; I have thought fit, by and with the advice of His Majesty's Council, to dissolve the said General Assembly, and the same is hereby accordingly dissolved; of which all Persons whom it may concern will take due notice.

GIVEN under my hand and Seal at Fredericton, the twentieth day of July, in the year of our Lord one thousand eight hundred and sixteen, and in the fifty-sixth Year of His Majesty's Reign.

By His Honor's Command,
WM. F. ODELL.

To be Sold by Auction,

On the 1st day of November next at 11 o'Clock, at Mr. JOHN M'LEOD'S,

THAT valuable FARM, the property of DAVID BETTS, in Northampton, with the House, Barns, &c. Lot No. 10, two hundred and ten acres, more or less, in Grant to AMOS BROOKS and others, bounded on the North by Peter Grant, and on the South by the glebe lands; taken in execution by a writ of fieri facias issued out of the Supreme Court, for one hundred and forty-six pounds and nine pence, New-Brunswick Currency, at the suit of GEO. D. BERTON, and JEDEDIAH SLASON—and will be struck off on the above day to the highest bidder by

ROBERT SMITH, Coroner.

1st May, 1816.

To be Sold, By Auction,

On Saturday, the 3d day of August next at 11 o'Clock in the forenoon, at JOHN M'LEOD'S in Fredericton,

THAT valuable Farm of RICHARD ROGERS, in Woodstock, with the Houses, Barns, and Fences thereon, 468 Acres of Land, more or less, (subject to a Mortgage) bounded on the South by Capt. Bull, and North by the Revd. Frederick Dibblee, the whole taken in execution from Richard Rogers at the Suit of William Bull, by a Writ of Fieri Facias issued out of the Supreme Court for ninety-eight pounds New-Brunswick Currency, and will be Sold on the above day to the highest Bidder, by

GEORGE D. BERTON,
Sheriff of York.

2d April, 1816.

NOTICE.

ALL Persons having any just demands against the Estate of the late FRANCIS M'BEATH, of Fredericton, deceased, are requested to render the same duly attested; and all Persons indebted to said Estate, are desired to make immediate payment to

CATHARINE M'BEATH, Executrix.
ROBERT SMITH, Executor.
ALLWARD HARNED, Executor.

20th June, 1815.

HALIFAX, JULY 15.

On Thursday last, Michael M'Grath, and Charles Devret, soldiers of the 64th regiment, charged with the Murder of John Westmacott, Esq. a Captain in the Royal Staff, Corps, were tried before His Majesty's Supreme Court.

The Hon. the Attorney General, in a short but impressive manner, detailed the various circumstances which led to the charge against the Prisoners, in which he was very fully borne out by the evidence that appeared on the trial, of which the following is an outline:—

Captain Westmacott was visiting the Garrison Guards early on the morning the 17th of April last; near the Presbyterian Meeting-House he met two men (one of whom was very tall, the other rather short) carrying parcels on their shoulders; he knew them to be Soldiers, challenged them; demanded what was in their bundles, and was told it was Fish—being convinced they had been engaged in a robbery he ordered them to surrender to him: they dropped their plunder and attempted to escape—he pursued, and pressed Devret against the wall of the Meeting-House, and in the Act of drawing his sword to intimidate him to submission, was struck by M'Grath, knocked from his horse, and while prostrate on the ground and imploring the ruffians to spare his life, received a cut from a large hatchet, directly on the forehead, of about two and a half inches long, and rather more than one inch deep—that one of the Prisoners then exclaimed, "we have done his business for him," and both made off. Captain Westmacott afterwards went to the King's Wharf, dispatched a party in search of his assassins, and was assisted by some of the Guard to his lodgings, where, in extreme pain, he languished until the 4th of May, and expired. Two Gentlemen of the Medical Staff of the Garrison, who attended the deceased, declared, it was their opinion that his death was the consequence of the wound in the forehead, which they particularly described.

M'Grath and Devret were stationed at Melville Island—were present at roll call at 9 o'clock on the evening of the 16th April, and at 7 o'clock the next morning. At 1 o'clock on the morning of the 17th of April, they went to the public house then kept by one James Flemming: knocked, were admitted; M'Grath immediately emptied the contents of a sheet upon the floor in the bar-room, and Devret of a red handkerchief, which were pickled mackerel, asked for some liquor, received and drank it; M'Grath then enquired for a bag which he had left there some days previous, which was delivered to him, and both prepared to depart, when Flemming and his wife requested they would take the fish with them—they, however, evaded the request, by saying they would return for them in half an hour, and left the house, through not before Devret was seen to take something from off a table, apparently a bayonet, which he placed there on entering the house; and M'Grath, by accidentally opening his great coat, had discovered to Flemming, a hatchet partly concealed beneath his waistcoat. At ten o'clock in the forenoon of the 17th, Devret went to Flemming's house, and said to him: "We had a hell of engagement last night with the Grand Rounds, a Captain of the Staff Corps, near the Scotch Meeting-House;" when Flemming observed that it was a wonder the Captain had not taken him; to which observation Devret replied; "We gave him a queer clip, which prevented his taking us." Two or three days afterwards M'Grath and Devret entered Flemming's house together—when Mrs. Flemming took them into a private room, told them that the last night they had been in town a Captain of the Staff Corps had been severely wounded by two soldiers, and that it was supposed he would not long live, and expressed her fears that they were the men who had done it, when they exclaimed, "We are the Boys who did it—damn him, he got what he deserved."—This declaration they subsequently repeated to Mrs. Flemming several times.

About the 8th May Mrs. Flemming again saw M'Grath, and informed him that Capt. Westmacott was dead and buried—to which he replied: "the Devil's cure to him," and the same day, on passing the late residence of the deceased in company with Eleanor Gairns, the servant of Flemming, who pointed it out to him, he made use of the same inhuman observation.

In behalf of the Prisoners several soldiers who were at Melville Island when they were there, were called, but none of them could say that the Prisoners were on the Island at the time the Murder was committed.

When the evidence on both sides was gone through, the Prisoners were asked by the Court if they wished to

say any thing to the Jury, to which they replied in the negative.

The Hon. the Chief Justice, then addressed the Jury—recapitulated generally the evidence which had been given against the prisoners, and observed that he did not believe there was one person in Court who was not fully satisfied of their guilt; in which observation we are convinced every one of the numerous crowd of persons present agreed with him.

When his Lordship had done, his Honor Justice Haliburton read to the Jury his notes of evidence; and the Jury immediately afterwards withdrew, and, in about ten minutes, returned with a verdict of—*Guilty*—against both prisoners.

The Honble. the Attorney-General then rose, and prayed that sentence of death should be immediately passed on them, and execution ordered within 48 hours, and their bodies given to surgeons for dissection; grounding his application upon the usage in similar cases in England—upon the atrocious crime of the prisoners, and the necessity of exemplifying most fully to others, the awful consequence of it.

Mr. Fairbanks, who acted Counsel for the Prisoners, begged the Court to allow them the same indulgence which had invariably been shewn by it to persons convicted of Murder: the better to enable them to prepare for the awful fate which awaited them—the better to enable them to obtain forgiveness of their God.

The Court agreed with the Attorney-General, and considered them as entirely undeserving of any indulgence—The Hon. the Chief Justice then in a forcible and affecting manner, pointed out to the prisoners the very great enormity of the crime of which they had been found guilty—sentenced them to death, and ordered them to be hung this day, between the hours of ten and two o'clock.

Throughout the trial, Devret appeared quite unconcerned—M'Grath sometimes a little affected, but it seemed to be more from fear of its consequences, than contrition for his crime.

M'Grath is six feet two inches high; Devret about five feet. They are natives of Ireland.

BOSTON JULY 3.

[Translated for the Palladium, from the Lisbon Gazette.]

TUNIS, APRIL 17.—Her Royal Highness the Princess of Wales arrived at this port the 3d inst. in an English merchant vessel. This government immediately determined to receive her with the greatest possible honours—in consequence of this as soon as she came on shore the forts of Goletta gave a royal salute, and the palace of the Bashaw in this city was destined for her residence, with a guard of Mamelukes corresponding to her dignity.

On the 5th, The French Consul began to negotiate a peace, and to treat for the ransom of the Neapolitan slaves, by order of his Government and the authority of that of Naples.

The 8th Her Royal Highness went to the Bardo to visit the Bashaw, the princes his sons, and the seraglio; and they exerted themselves so much in shewing her attention that the Princess was greatly satisfied with her good reception, and very grateful for the liberty that was given from respect to her, to several slaves.

The 10th. Her R. Highness went to see the ruins of Utica; took refreshments and spent the night in a handsome country seat, that the son of the Bashaw, Sidi Mustapha, has in that place; this prince himself condescending to the European usages, endeavoured to pay all due honours to the Princess.

The 12th. Her Royal Highness was to go to a splendid banquet in Manuba, garden and palace of the Bashaw, when there appeared in the morning at anchor at the bar of Goletta, an English fleet consisting of six ships of the line, one of them a three decker, two frigates, one corvette, five brigs, one schooner and three transports, commanded by the Admiral Lord Exmouth and by the Rear-Admiral Penrose. The Princess manifested that she had nothing to do with political affairs and that she wished to attend the invitation of the Bashaw; which was done, and to her great satisfaction she was received and entertained with the highest marks of consideration and respect by all the sons of the Bashaw and the whole court of Bardo, dressed with the greatest splendour and elegance.

On the 13th, in the morning, the Admiral, Lord Exmouth, went on shore, and proceeded immediately, accompanied by the English Consul, to the Bardo. He had an audience of the Bashaw, and during a conference of two hours he insisted on the following pretensions;—

1st. The liberty of all the slaves without exception
—2d. An exemplary punishment of the Tunisian