

Ward Chapman

THE NEW-BRUNSWICK

ROYAL GAZETTE

[Volume IV.]

TUESDAY, 19th JANUARY, 1819.

[Number 47.]

The Gazette.

By His Excellency Major-General GEORGE STRACEY SMYTH, Lieutenant Governor and Commander in chief of the Province of New-Brunswick, &c. &c.

G. S. SMYTH.

A Proclamation.

WHEREAS the General Assembly of this Province stands prorogued to the second Tuesday in December next; I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the first Tuesday in February next, to meet at Fredericton for the dispatch of Business.

GIVEN under my Hand and Seal at Fredericton, the seventeenth day of November, in the year of our Lord one thousand eight hundred and eighteen, and in the fifty-ninth year of His Majesty's Reign.

By His Excellency's Command, H. H. CARMICHAEL, Dep. Sec.

NOTICE.

A General meeting of all the Creditors of Gavin Smith, an absconding debtor, is requested at the office of E. J. Jarvis, Esq. in the City of Saint John, on Wednesday the twentieth day of January next, to examine and see the debts due to each person as a creditor, agreeably to the form of the Act of Assembly in such case made and provided.

Dated at the City of Saint John, this seventh day of November, in the year of our Lord 1818.

E. J. JARVIS, R. M. JARVIS, Trustees.

AT a General Sessions of the Peace holden at Fredericton on the 15th day of January, 1818.

Ordered that the ASSIZE of BREAD be as follows:—viz.

THE Chilling Wheaten Loaf lb. oz. to weigh 2 : 13 Ditto Rye do. 4 : 0

And other Loaves in proportion. By order of the Court, G. CLOPPER, Clerk of the Peace.

NEW-BRUNSWICK.

WHEREAS (in pursuance of an act entitled "an Act for relief against absconding Debtors") We, the Subscribers, have been duly appointed and sworn before the Hon. JOHN MURRAY BLISS, one of the Justices of His Majesty's Supreme Court of Judicature for this Province, as Trustees for all and every the Creditors of Reuben Smith, late of the County of York, Farmer, an absconding Debtor: We do, therefore, in pursuance of such our appointment, require all persons indebted to the said Reuben Smith, to pay to us, on or before the thirteenth day of February next, all such sum or sums of money, debts, duties and things, which they owe to the said Reuben Smith, and to deliver to us all other effects of the said Reuben Smith, which they or any of them may have in their hands, power or possession.—And all the Creditors of the said Reuben Smith are also required to deliver to us, on or before the first day of March next, their respective accounts and demands against the said Reuben Smith.

WITNESS our hands, at Fredericton, this thirteenth day of November, in the year of our Lord one thousand eight hundred and eighteen.

GEO. FREDK. STREET, GEO. MINCHIN, WM. TAYLOR.

Commissariat-Office, Fredericton, N. B. 29th December, 1817.

CASH.

ANY Person wishing to remit MONEY to Saint John, may obtain Drafts from this Office, on the Assistant Commissary General, payable at sight.

By the Honorable THOMAS WYER, Esquire, one of the Justices of His Majesty's Inferior Court of Common Pleas in and for the County of Charlotte.

To all to whom it may concern:

NOTICE is hereby given, that upon the application of THOMAS WHITLOCK, to me duly made according to the form of the Act of the General Assembly, in such case made and provided, I have directed all the Estate, as well real as personal, within the said County of Charlotte, of Alexander McDonald, late of Saint George, in the said County of Charlotte, (which same Alexander McDonald has either departed from this Province with intent and design to defraud the said THOMAS WHITLOCK, and the other Creditors of the said Alexander McDonald, of their just dues, or else to avoid being arrested by the ordinary process, as it is alleged against him) to be seized and attached, and that unless the said Alexander McDonald do return and discharge his said debt or debts, within three months from the publication hereof, all the Estate, as well real as personal of the said Alexander McDonald, within this County of Charlotte, will be sold for the payment and satisfaction of the Creditors of the said Alexander McDonald.

Dated at Saint Andrews, in the said County of Charlotte, this twenty-sixth day of November, in the year of our Lord one thousand eight hundred and eighteen. THOS. WYER, J. C. P.

NOTICE.

SUCH Persons as are intitled to receive the out Pensions residing within this Province, will forward their Applications and Documents to Captain JENKINS, the Town Major at Fredericton, who is authorised to receive and transmit them to Head Quarters at Quebec. Fredericton, 11th May, 1818.

TRIAL OF ARBUTHNOT AND AMBRISTER.

[Concluded from our last.]

William Hambly, a witness on the part of the prosecution, being duly sworn, commencing a statement of what he heard the chiefs say, and the prisoner objecting to hearsay evidence of that kind—the court was cleared in order to take the question; when they decided that the prisoner's objection was not valid. The witness was therefore recalled, and stated, that 15 or 20 days after the prisoner arrived at Ocklocknee, the Seminole Indians began to steal horses from the United States' settlements, and committed murders on the Satilla River, which he was informed by them was at the instigation of the prisoner.

The Chiefs of the Little Villages in witness's neighbourhood then desired him to write a few lines to the prisoner, stating those reports, and did not know that those Indians he was exciting had long been outlawed, and cautioned him against such proceedings, or he might be involved in their ruin. This the witness did, when the prisoner wrote him a long and insulting letter, which was lost, upbraiding the witness for calling the Indians outlaws, and accusing him of exciting the Indians to cruel war. The witness was told by Chiefs and Indians who had seen the prisoner, that he advised

them to go to war with the United States, if they did not surrender them the lands which had been taken from them, and that the British government would support them in it.

The Indians that took the witness and a certain Mr. Doyle prisoners, which happened on the 13th December last, told them that it was by the prisoner's order; and on their arrival at Mickasuky (as prisoners) King Hijah and all his Chiefs told them it was by the prisoner's orders they were taken and robbed—on their arrival at Suwaney they were told by the Indians and Negro Chiefs who sat in Council over them, that the prisoner had advised that he should be given up to five or six Choctaw Indians who were saved from the Negro Fort, who would revenge themselves for the loss of their friends at that place. On their return from Suwaney, the Chief King Hijah told them that he had got the prisoner to write several letters for him, one to Governor of Providence, one to the British Minister at Washington, one to the Secretary of State in London, and one to the American Agent for Indian Affairs, protesting against the proceedings of the Commanding Officer at Fort Scott. While the witness was at Suwaney, the Indian chiefs told him, that the prisoner had arrived at that place with ten kegs of powder on board his vessel; and whilst at Fort St. Marks, sometime in March, Hillisajo or Francis, brought an order from the prisoner to the commandant, for two kegs of powder, with other articles which were in his possession.

Ques. by the Court. Were any murders or depredations committed on the white settlements by the Indians previous to the prisoner's arrival at Ocklocknee?

Ans. None, except one murder at Fort Gaines, which was before or about the time of the prisoner's arrival.

Q. How long have you resided among the Indians; state to the Court whether you are acquainted with the Indian language, and how long since you learned it?

A. I have resided among them fourteen years, and have understood their language twelve years.

Q. Do you believe the Seminoles would have commenced the business of murder and depredations on the white settlements, had it not been at the instigation of the prisoner and a promise on his part of British protection?

A. I do not believe they would without they had been assured of British protection.

Q. What was the light in which the prisoner was received by the hostile Seminoles; was it that of an authorised agent of the British government?

A. The different chiefs always represented him to me as such.

The witness recognised the letter marked G. and signed A. Arbuthnot, as being a copy of the one alluded to in his testimony as lost.

Q. By the Prisoner. Are you acquainted with the prisoner's hand write?

A. I have seen it, but cannot say I am acquainted with it.

Q. Is that which you have just seen and say is the copy of the one you lost, the prisoner's hand write?

A. It looks to be his hand writing, but I cannot say positively.

Q. Was the prisoner considered as the agent of the Seminoles at the time those murders were committed?

A. I had not seen the prisoner at that time; the Indian Chiefs told me that the prisoner had reported himself to them as an English Agent.

Q. Where did you understand the prisoner to be when you was taken prisoner?

A. The Indians told us that he had gone over to Providence, but was expected back by the time we should arrive at Suwaney.

Q. Did you not request King Hijah to prevail upon the prisoner to give you a passage in his scho'r to Providence?

A. Yes, but was told that the prisoner refused it, stating, that if we were forced upon him, he would blind-fold us, and make us walk overboard.

Q. What were the reasons given by King Hijah for the prisoner's not granting your request?

A. King Hijah stated the prisoner was fearful of meeting with an American vessel, where we should be taken out and thereby lose his schooner.

Edmund Doyle, a witness on the part of the prosecution, being duly sworn, was questioned as follows:—

Ques. by the Judge Advocate. Do you know any thing that would tend to substantiate the charges against the prisoner now before you?

A. I know nothing but from common report.

William Fulton, an evidence in the present prosecution, being duly sworn, testified the copy of the letters from A. Arbuthnot

to General Mitchell, Agent for Indian Affairs, dated Suwaney, 19th January, 1818, and marked No. 6, as acknowledged by the prisoner to be the same in substance as one written by himself at that time. An extract from the letter was then read.

No. 6.

Extract from a letter written by A. Arbuthnot to General Mitchell, American Agent for the Creek Nation of Indians, dated Suwaney, 19th January, 1818.

In taking this liberty of addressing you, Sir, in behalf of the unfortunate Indians, believe me I have no wish but to see an end put to a war if persisted in. I foresee must eventually be their ruin, and, as they were not the aggressors, if in the height of their rage they committed any excesses, that you will overlook them as the just ebullitions of an indignant spirit against an invading foe. I have the honor, &c.

A. ARBUTHNOT.

By order of King Hijah and Bolegs, acting for themselves and the other Chiefs.

Ques. by the Prisoner. Where did the prisoner acknowledge the letter just read to be a copy of the one written by himself?

A. In the encampment before this place about the 6th or 7th instant.

Q. Was not the acknowledgment when he was a prisoner?

A. It was.

Q. Did you hear a gentleman say to the prisoner whilst in custody that those who recommended the scalping knife and tomahawk should feel their keenest edge?

A. I did hear a gentleman say, that those who excited the Indians to the murder of the unoffending should feel the keenest edge of the scalping knife; but, as well as I recollect, that observation was not made until after the repeated acknowledgments of the prisoner of having written the letter.

Ques. by the Court. Was not the confession of the prisoner to this letter made voluntary and without any constraint whatever?

A. I conceive it was.

The evidence on the part of the prosecution being closed, the prisoner requested as a witness Robert C. Ambrister as one of his witnesses, against whom criminal charges had been filed, and who was in custody on account thereof, to which the Judge Advocate objecting, the Court was cleared to take its sense: when it was decided that Robert C. Ambrister, now in custody for similar offences with the prisoner, cannot be examined as evidence before this Court.

John Lewis Phenix, previous witness, now on the part of the prisoner, being again sworn, was questioned as follows, viz:

Ques. by the Prisoner. Was there any other vessel at the mouth of the Savannah River when Ambrister seized your schooner?

A. Yes.

Q. What vessel was it? Was it not the vessel which Ambrister came in?

A. It was a sloop, and I understood Ambrister came in her.

Q. Did Ambrister ever mention to you who recommended him to seize the prisoner's schooner, or who assisted him in stimulating the negroes to do so?

A. No. I understood he came on board of his own accord.

Ques. by the Court. Have you, since you commanded the prisoner's vessel, ever brought any arms to that part of the country?

A. No. I brought a quantity of lead and ten kegs of powder the last trip.

John Winslett, a former witness on the part of the prosecution, being recalled on behalf of the prisoner, was questioned as follows, viz:

Ques. by the Prisoner. Are you not of opinion that the letter which you say was written by the prisoner to the Little Prince, is now in the possession of the Little Prince?

A. After reading it, I returned it to him, and believe it to be still in his possession, as Indians seldom destroy papers of that kind.

The prisoner requesting some time to make up his defence, he was given until to-morrow evening at four o'clock.

Fort St. Marks, 28th April, 4 o'clock, P. M.

The Recorder having read over the proceedings of the Court with closed doors, the prisoner was recalled into Court, and made the defence marked K. and attached to these proceedings. The doors were again closed, and after most mature deliberation on the evidence adduced, the Court find the prisoner, Alexander Arbuthnot, guilty of the first specification to the first charge, and