

of Literature and Science, with notices of Works in the press, or preparing for publication; of Societies established for bettering the condition, or improving the manners of the people; and of the Societies whose object is the promotion of religious knowledge at home and abroad. It is probable that there are many associations which are now doing good in secret which may also be brought into notice; of which the resources may be enlarged, and the utility extended beyond their present limited sphere of action. By this means also, a degree of publicity which has not hitherto been afforded, and of which the want is frequently lamented, may be given to the measures of the great Societies, for Promoting Christian Knowledge; for the Education of the Poor in the Principles of the Established Church; for the Enlargement of Churches and Chapels; and for the Propagation of the Gospel in Foreign Parts. The several Secretaries of the District Committees of the National Society, and of the Society for promoting Christian Knowledge, have it in their power to render essential service to this department of the work; and it is hoped, that there is no presumption in soliciting their frequent and valuable communications.

The main design of the whole is to produce co-operation among Churchmen, by means of the press; to conciliate for the Clergy reverence and esteem, by producing instances of the various good works in which they are instrumental; to consolidate their exertions, and direct them to proper objects; and to prove what they are capable of effecting by prudent zeal, and cordial unanimity. It cannot be pretended, that the proposed publication is unnecessary; that the present labours of the periodical press are sufficient to accomplish its ostensible object; or that the means of public communication which the Church already possesses, bear an adequate proportion to the influence which she might be expected to hold over the moral and religious feelings of the age. The spirit of the Remembrancer is liberal and tolerant, as that of the Church, whose cause it undertakes to advocate; and in its execution it will endeavour to shew, that it is possible to speak the truth in love, to be zealous without bigotry, and moderate without an unprincipled flexibility; to be charitable without ostentation, and pious without superstition or fanaticism. The contributions of the zealous, the learned, and the good, are earnestly intreated, as they have been liberally promised, and are confidently anticipated in the progress of the work; and if, by the instrumentality of its pages, any practical good can be promoted; if what is evil can be counteracted or repressed; if what is of an ambiguous character can be prevented from becoming mischievous, and converted into an engine of unquestionable general utility; if any sophistry shall be detected, any ignorance exposed, or any avowed hostility overcome,—the REMEMBRANCER will not appear in vain.

London, Oct. 13, 1818.

Applications for the above Works which are respectfully recommended to be made without loss of time, will be received at the Office of MR. LUGGIN, the store of MR. SLASON, and the House of the Rev. J. MILNE.

Fredericton, June 11, 1819.

HALIFAX, JULY 17.

SUPREME COURT,

Trinity Term.

On Thursday last Capt. Pechell, commanding H. M. Sloop Bellette, and P. G. Phanton, Esq. the 1st Lieutenant, were brought before the Court under a Writ of Attachment, issued against them for contempt of its authority, in opposing the Sheriffs' Officer in the execution of his duty, after having served a Capias on the sailing-master of the said ship. It appeared that the sailing-master was desirous of going on shore with the Officer in a peaceable manner and to settle the demand against him, but Lieut. Phanton rescued the prisoner, ordered the officer over the side of the vessel at the point of the bayonet, and threw the writ after him, as appeared by the Affidavit of Thos. Hardy, the officer who served the writ; upon this affidavit and that of Lewis Demolter, Esq. (the under Sheriff) the Court issued out writs of attachment against the Captain and the 1st Lieutenant for contempt of Court and the Kings Writ, directing Mr. Demolter to perform his duty forthwith. Mr. Demolter however, returned

without being able to accomplish it, and tendered into Court his affidavit, of having been opposed in its execution, by Lieut. Phanton ordering the marines to fire upon the boat if she dared to approach the ship.

Capt. Pechell and Lieut. Phanton, came on shore on Thursday morning, and delivered themselves up to the Court. The respective affidavits being read, the Court addressed them as follows:

"You appear before us on a charge of as high and heinous a nature as can be conceived—the Warrants issued out, of the Kings' Court must be obeyed and respected, for without that respect being shewn to them, the laws would be set at defiance, and justice could not be rendered between man and man. You have heard the affidavits read, and it now remains for you to admit or deny them."

Capt. Pechell rose and observed, that the service at that time was so important, that he was bound to put to sea, and consequently he could not dispense with the services of that officer—he had, however declared his readiness to be answerable for the payment of the debt; and he begged the Court to understand it was far from his intention to offer any contempt of its authority; their Lordships must be aware that a ship without officers could not put to sea.—In the affidavits which had been read, there were much erroneous and false matter as related to himself, excepting that made by Mr. Demolter; and he positively denied that part, which stated that he was seen upon the deck.—He never gave orders that the marines should fire, but admitted his directions were, that the boat should not come along-side.—No insult he assured the Court, would have been offered if the process had been considered legal.

Lieut. Phanton admitted that the marines had his orders, as is usual in vessels of war, to keep all shore boats off, but denied giving orders to the marines to fire; neither did he throw the writ into the sea, as set forth in the affidavit.

The Court having decided they should be subjected to Interrogatories.—Lieut. Phanton was sworn:

Question—State what conversation took place between Capt. Pechell and yourself relative to the manner you should act?

Answer—I appeal to the Court, whether I am bound to disclose what conversation passed between the Commander of a vessel and his officer. I understand it to be the law of the land that no man can be required to criminate himself.

Court—Touching the contempt to the Writ, you are most assuredly bound to answer such question Yea or Nay, but not to disclose what would otherwise criminate yourself, unconnected with that subject.

Q—Did you not throw the Writ overboard after the Sheriffs' Officer left the ship.

A—The Sheriffs' Officer threw the Writ on the quarter deck and I ordered it to be thrown after him, with an intent he should get it, having previously given it to him, and put it in his bosom; and I do not know whether he picked it up in the boat or not.

Q—Did you pick up the writ after it was thrown upon deck?

A—I did, and gave it to one of the men who leaned over the vessel, to give it to the officer, but he refused to take it from the man.

Q—Was it afterwards thrown over the side of the vessel by you, or by your orders?

A—It was not.

Q—Was it thrown over at all.

A—Not to my knowledge.

Q—Did you give orders to the marines to keep off the second Boat, in which was the Under Sheriff?

A—The orders to the Marines were general, to keep off all Boats, unless by special directions, and I did not give particular orders respecting that boat.

Q—Did you at any time on that day give any particular order respecting that boat?

A—No.

Q—Did you in any way by words or actions give directions to keep off that boat?

A—I do not at this moment recollect having done so, and to the best of my knowledge I did not.

Q—Did you not give directions to the marines to fire into the boat if she came alongside.

A—I positively did not.

Q—Were you the senior officer commanding on deck at the time the boat was coming on board?

A—I was senior officer, but not the officer of the watch.

Q—Were you the officer commanding at that time, being senior officer, and had the command of the deck?

A—I was senior officer, and of course commander.

Q—At the time you were so commanding on deck, with whom did the 2d Lieut. communicate after speaking to the Sheriff?

A—He did not communicate with me.

Q—Did you at that time hear the reply made by the 2d Lieut. to the under Sheriff?

A—I heard the 2d Lieut. order the boat to lay off.

Q—Did you give orders to the 2d Lieutenant to direct the marines to keep the boat off?

A—To the best of my recollection I did not. Capt. Pechell sworn.

Q—Did you observe yesterday a boat approaching H. M. ship under your command, with the under Sheriff in it?

A—I did not see any boat approaching the Bellette, or alongside with the Sheriff in.

Q—Was it made known to you by any person on board, that a boat was approaching with the Sheriffs' Officer in it?

A—A shore boat was reported to me, as wishing to come on board the ship, but I was not informed who was in it.

Q—What were your orders when the shore boat was approaching?

A—I gave directions that no boat should come near the ship.

Q. (By the Court)—Did you receive information by any means, of a Sheriffs' Officer being on board that boat?

A—I had no correct information, nor was I informed who was on board.

Q. (By the Court)—Had you any suspicion that there was a Sheriffs' Officer in the boat?

A—I confess I was aware it was the intention of the Officer to get on board if possible, and I consequently had a suspicion of every boat approaching.

Q—Had you any communication with any Officer on board the Bellette as to the persons in the boat?

A—I had no conversation as to the persons, but the report of the boat.

Q—Had you any information that the Sheriffs' Officer had an attachment against yourself and Lieut. Phanton, and was in a boat alongside the Bellette.

A—I had not at the time, nor until the boat had been some time gone; the first intimation I had of it was from Mr. Jeffery, and I went on shore with him immediately; nor was I perfectly aware till this moment that such an attachment was against me.

Q—Was you on the deck at any time when the boat was alongside the ship; and did you hear the Deputy Sheriff say he had a writ against you?

A—I was not on deck, and consequently could not hear it, or see him.

Decision of the Court.

"You now stand before the Court, for improperly interfering in the execution of a King's Writ, and you must be aware that it is an offence of a most heinous nature

—It was your duty as H. M. Officers to enforce, and not prevent the execution of the Laws. You may probably be unacquainted with the circumstance about to be related to you, but it is well known to the gentlemen of the Bar—that in England the King's Courts are so jealous of their Writs, that an instance is on Record, of the Capt. of a King's ship having been brought up by a Writ of Habeas Corpus, for contempt, and compelled in the face of the Public to go down on his knees and beg the pardon of the Court. The officer had taken the person duly authorized, and must under any Court, whether civil or military be protected

—you turned the Sheriffs' Officer out of the ship, and therefore treated him with disobedience, and your own declaration on this subject is conclusive.—Could you both have answered, that you had no knowledge such an officer was coming, the case would have been different; but you have admitted, you entertained suspicions. The order given by the Captain to prevent all boats coming alongside the ship, was doubtless very proper, yet it cannot be enforced so as to resist a King's Writ. The conduct, however, of Captain Pechell, in coming on shore after being informed there was a complaint against him, does him much credit, and is certainly an alleviating circumstance. As to Lieut. Phanton, he is charged with one of the most contemptuous acts that could possibly be offered to His Majesty's Court

—throwing the Writ overboard; and his own Captain has confessed that he rescued the Prisoner. It is but proper to tell you, that if a ship is bound on the most urgent business—if an enemy's fleet was at the mouth of the harbour and threatened to destroy the town, and a King's Writ should come on board, you are even in that case bound to obey it. During a long and tedious war we know what your services were, but they are now no longer wanted.—When the heat of War was raging, it is true indulgencies were sometimes shewn to the officers of H. M. ships; but in the midst of serenity and Peace, no reason can be advanced to palliate your conduct. The debt, for which the sailing-master was arrested, was due to a poor man, therefore, instead of preventing it being paid, it was your duty to have rendered all the assistance in your power to enforce the ends of justice. Had the Sheriff been one of those determined men which we often see, and had notwithstanding, proceeded to execute the writ, and the marines had fired and killed him, you would have been guilty of the crime of Murder. And on the other hand, had they got on board and in the conflict killed one of your men, the Sheriff would not have been guilty of murder, but would have been acquired by the Laws of the Country.

Your station in life is high—your rank may be high, but however high it be, you must yield and be subservient to the Laws of this Country, which you are bound to respect here equally as much as at home.—The sentence of the Court is, that you pay the sum of £10 each.

HALIFAX, JULY 30.

On Tuesday, Bills of Indictment were presented by the Grand jury of the County to the Supreme Court, against Richard John Uniacke, Esq. the younger, a Barrister at Law, and Edward M'Sweeney, Esq. a merchant, both of this Town, charging them with the murder of William Bowie, Esq. a merchant, also of this Town—a Bill was at the same time preferred against Stephen W. Deblais, Esq. charging him with a misdemeanor.

The Court assembled on the following day—the Hon. Richard John Uniacke, His Majesty's Attorney General, soon after entered the Court with his Son, who was accompanied by Mr. M'Sweeney, and surrendered him up to the Laws of his Country—and the Prisoners immediately took their stations at the Bar.

The Prisoners being arraigned, and pleading not guilty, the Jurors were called, and twelve impanelled after several had been challenged who were on the trial which led to the melancholy event that occurred.

Mr. J. I. Chipman, and Mr. W. Hill then rose, and requested the permission of the Court to be allowed to act as Counsel for the Prisoners on their trial—which request the Court acquiesced in.

S. G. W. Archibald, Esq. King's Counsel, then opened the Case to the Jury, and in a clear, liberal, perspicuous and very able manner, detailed the circumstances which related to it—explained the Laws which pressed upon it—and drew a distinction between the taking of a life, under the influence of malice and depravity of mind, and the taking of a life in a duel, where the conduct of the Parties is proved to have been fair and honourable—in the latter instance, he asserted, a verdict of murder had never been found.

Dr. Mackesy was sworn—he knew the parties, was requested by Mr. M'Sweeney, on the morning of the 21st of this month, to attend a Gentleman at the North Farm, who had been badly wounded in a duel—he went, and examined the wound, discovered the ball had entered the right side above the hip, passed through the intestine, and had nearly reached the opposite surface.—He was soon after joined by Dr. Almon, and they relieved each other during the day in their attendance upon Mr. Bowie, who he understood had expired about 10 minutes before six o'clock. He was confident Mr. Bowie's death resulted from the wound.

Mr. Almon was summoned to attend the deceased. On his way to the North Farm, he met Mr. M'Sweeney, who carried him out in his gig, and detailed the particulars of the meeting which had taken place between Mr. Bowie and Mr. Uniacke. He saw Mr. M'Sweeney taken leave of Mr. Bowie, by shaking his hand—heard no expression of blame or satisfaction at his conduct, fall from Mr. B. The deceased continued sensible until the agonies of death became excessive.

John Peitzor, a Soldier in His Majesty's 60th Regiment, deposed, that he was employed at the North Farm; between 4 and 5 o'clock on the morning of the 21st inst. he distinctly heard four reports of Pistols, and soon after the groans of some person in pain—that Mr. Deblais came, with a hurried pace, towards him, and desired his assistance—he followed him, saw a Gentleman lying on the ground, apparently suffering severely from a wound, and assisted in conveying him to the house. He saw Mr. M'Sweeney set off in a gig, and return with Dr. Mackesy. Mr. Uniacke, greatly agitated, walked away towards Town.

John Shannon, a Soldier in the 62d Regt. heard the firing, and corroborated the evidence of the preceding witness, as to Mr. M'Sweeney getting into his gig, driving to Town, and returning with Dr. Mackesy.—Mr. Uniacke passed him with a case under his arm, and took the road to Halifax. He accompanied Mr. Deblais to where the duel was fought, saw Mr. Bowie, and gave him some water, which he requested, assisted him to the house, and then went for a Doctor—on his way he met Dr. Mackesy with Mr. M'Sweeney; returned to the house with them; saw Mr. M'Sweeney shake hands with Mr. Bowie, and heard him say to him—"Mr. D. or Sir, have you any charge against Mr. Uniacke or myself?" To which Mr. Bowie, replied, "My dear fellow, you behaved honourably, and I forgive you." Mr. M'Sweeney then left the room; and the