

deposition was sent by Mr. Deblois for Dr. Anson. On his return, and visiting the ground where the parties had assembled, he found a pair of pistols which did not appear to have been used. On his cross-examination, he stated, that some moments elapsed between the firing of the first and second rounds: that both Mr. Uniacke and Mr. M'Swainey appeared extremely distressed. He repeated the reply of Mr. Bowie to the question put to him by Mr. M'Swainey.

Mr. Demolitor stated, that Mr. Uniacke called upon him at 5 o'clock on the morning of the 21st, told him of the meeting which had taken place, and expressed his fears that he had mortally wounded Mr. Bowie; shewed several letters which had passed between Mr. B. and him, considered himself obliged to call him out, but hoped an accommodation would have taken place before it had gone so far, but, circumstanced as he was, he could not suppose it. That Mr. Uniacke was in the utmost distress, and reflected upon the event with anguish and horror.

Mr. Demolitor, on a cross-examination, stated, that he went to the North Farm, and saw Mr. Deblois, who observed to him, that though the termination of the meeting had been unfortunate, every thing was fairly and honorably conducted, and that Mr. Bowie had even used one of Mr. Uniacke's pistols.

Mr. Cline was then sworn—his evidence was not material: he had assisted to lay Mr. Bowie on a bed, had unbuttoned his waistcoat and shirt, and given him some wine and water.

Mr. Demolitor about four hours before Mr. Bowie died, asked him if the duel was fair and honorable, to which he replied, "I forgive Mr. Uniacke, and hope he will pray for me."

Mr. Archibald then rose, and stated to the Court, that the evidence on the part of the Crown had been gone through with.

The Court then informed the Prisoners they were at liberty to enter upon their defence, and to offer evidence in their behalf.

Mr. Uniacke then addressed the Court and Jury, in a style at once honorable to his feelings and abilities, lamented most sincerely, the sad occurrence which had placed his friend and himself at that bar, and upon their trial for murder—he snatched at the mention of such a crime, as much as any person present could do. He asked from the Jury the indulgence and the justice the Juries of Nova-Scotia have invariably shown to persons brought before them charged with Capital Offences—he urged that all prejudices may be set aside, and a cool, deliberate, and just decision take place. He described the provocation he had received, the steps taken to obtain satisfaction in a conciliatory way, and asked what alternative remained to him at last, but quietly to submit to the wound his honor had received, or to seek for redress in a duel. He had descended from a line of ancestors who had sustained life with a reputation which was not to be sullied by him. He had gone to the ground with no feelings of malice against Mr. Bowie—no wish to shed his blood—he had gone to maintain his honor and his character in Society.

If his allusions towards Mr. Bowie, upon the trial which had taken place on the Monday preceding the unfortunate catastrophe, had been considered unjust, he would have shewn the instructions of his client, and if he had overstepped them, have instantly made a most ample apology—but a Letter was handed him from Mr. Bowie: it aspersed his character: it charged him with falsehood, and compromising his honor. He could not stoop to the insult: he submitted the letter to his friend, whom he instructed, if the offensive parts of it were not withdrawn, to make the necessary arrangements for a meeting, and gave into his charge a letter for Mr. Bowie to that effect. He here spoke in the highest terms of regard of his friend—he considered him in the possession of every virtue which ornaments life, or characterizes the Gentleman—his coolness, his prudence, judgment, and desire to effect a reconciliation between Mr. Bowie and him, were as conspicuous as they were laudable and praise-worthy. He called upon the parties, he represented the injustice of the expressions in the Letter which had been sent to him—he made every effort to prevent a meeting, but his efforts were vain, and the time and place of meeting were determined upon. Had the Letter been withdrawn, he solemnly declared, and he called upon his God to witness the declaration, that he would have gone upon his knees and apologized to Mr. Bowie for any offence he might have supposed he had committed against him.

The meeting took place—he now called upon the Jurors to say if malice appeared in the conduct of himself or friend—his adversary's Pistols were considered defective, and those he had taken out preferred; and unwilling that he should have the least advantage, his friend begged that Mr. Bowie would use them also—he did and the duel was fought with his own weapons.

Mr. Uniacke then concluded, by declaring to the Jury, that he had exhibited all the circumstances connected with the unhappy event without guile or deceit—he had described his feelings on receiving the Letter from Mr. Bowie—the desire he felt, and the pains he had taken to obtain satisfaction, previous to appealing to that alternative which at last only remained to him—he considered his conduct as justified in the eye of mankind, and duelling authorised by the custom of ages. He again urged the Jury to divest themselves of all prejudices against his friend and himself, which they may have formed from representations made to them before they came into Court; and thanked the King's Counsel for the gentlemanly, liberal, and humane manner, in which he had conducted the prosecution.

Mr. M'Swainey afterwards addressed the Court and Jury. He considered the observations made by Mr. Uniacke as fully sufficient to explain those parts of the unfortunate transaction which had taken place, in which he had been engaged—but he felt, in addition to the charges contained against him in the indictment, he had to contend with a malicious prejudice. He mentioned several calumnies which had been industriously circulated against him, declared that he could point out their authors, that he held them in the utmost contempt, and defied them to prove their assertions. His friend had entrusted him with his honor, he knew the importance of the charge—to preserve it, he would at any time risk his life. He had three interviews with Mr. Deblois, but they resulted in a Meeting between Mr. Bowie and Mr. Uniacke having arrived at the ground, Mr. Deblois called him aside, he fondly hoped with a view of proposing a reconciliation, but it was with another object—he asked him to say upon his honor if he thought the pistols he had brought were good—he thought they were not; and such was

his opinion of them—Mr. Deblois asked for the loan of one of them, and, when loaded, had his choice of them. The ground was chosen, the distance (12 paces) determined and marked, the parties took their stations, and were told they were to fire immediately upon the word being given, no time being allowed for aim—they fired, and the ball from the pistol of Mr. Uniacke entering the ground a few inches from his foot, he stepped aside and asked what was to be done—he was told to resume his place that he had lost his fire. Considering his friend as the challenger, no attempt at reconciliation could be made by him—he hoped an offer would have come from the other side, but none was made.—The pistols were reloaded, the parties fired together, and Mr. Bowie fell to the ground. He instantly quitted the place, went for surgical assistance, and soon returned with Dr. Mackesy—afterwards on going to Town, he met Dr. Anson, and carried him out in his gig. The Jury, he hoped, seeing the great anxiety he manifested to preserve surgical aid for Mr. Bowie, would be satisfied, that no malice towards Mr. Bowie could have been harboured in his breast.—The declaration of the dying man shewed that he did not entertain such an opinion.

Dr. Mackesy was again called—he saw Mr. M'Swainey shake hands with the deceased; heard him ask, if he had any charge to make against Mr. Uniacke or himself—to which he answered "not the smallest," believes he added, "everything was honorable"—Dr. Mackesy had known Mr. M'Swainey some time; always entertained a very high opinion of him.

Col. Mackie, 60th Regt. Capt. Sweeney, 62d. Regt. James Tobin, Esq. and Lieut. Lyster. R. A. had known Mr. M'Swainey for a long time—some of them for many years, in other countries—and all gave to his character the most honourable testimonials.

Mr. Martyr stated, that about three hours before Mr. Bowie died, he charged him to say to Mr. Uniacke—That he freely forgave him: The deponent observed to him, that he was confident the conduct of Mr. Uniacke was fair and honorable—the deceased exclaimed "You have said it!"

Mr. Uniacke then offered the following Letters which were read:

Monday 4 o'clock.

SIR—I can make any allowance for an Attorney, who, in support of his client, takes liberties not at other times warranted, but I can never think it becoming a gentleman in any situation, or for any purpose whatever, asserting things as facts from his own knowledge, which he is convinced is not true: I do therefore say that in asserting as you did this day, that I treated your note as a guilty man would have done, you told an untruth; for you know perfectly, that although I did not write to you, yet that I met you in the street a day or two after, and stated the circumstances, and that you then told me that you would have nothing to do with the affair, and that honor through life was your aim. I therefore, call upon you to retract what you have this day asserted, or allow me to observe that if this is refused, I shall be compelled to think you are losing sight of the high sense of honor you so much valued yourself on, and to say at once you are not a man of truth.

Yours, &c.

WM. BOWIE.

Halifax, 20th July, 1819.

SIR—The tenor of your letter, addressed me, and delivered by Mr. Deblois, at once precludes the possibility of my placing myself on a par with you in explaining assertions made solely under the influence of your imagination. Sufficient will it be for my character (however much I regret being compelled to place myself on a level with you in this community) to say—I am prepared to carry into the fullest effect the arrangement which will be made by the Gentleman who bears this.

As a Barrister I had a right to draw any conclusions upon your conduct, from the evidence about to be produced, that I thought in the minds of the jury would promote the interests of my client: as a proof those conclusions were not imaginary, the strongest testimonial I can offer is the verdict of the twelve men who tried you. However, Sir, to conclude, I have only to add that whatever expressions may fall from me at that bar, I consider myself as responsible for, as if said in private society.

RICHARD JOHN UNIACKE, JUN.

Messrs. Chipman Hill, Nutting, Fraser and Fairbank, voluntarily offered their testimony in behalf of the character of Mr. Uniacke—they had been his school-fellows, had served with at the bar, and always warmly esteemed him for his obliging, generous, and conciliatory disposition.

His Hon. Judge Halliburton then charged the Jury—In the eye of the Law, he observed, the killing of a Person in a Duel was considered murder, and subjected principal and second to the punishment of death—he had not been able to discover in the rage of his reading, that such a punishment had ever been inflicted, where the conduct of the parties engaged in a duel had been fair and honorable—that such had been the conduct of the Persons engaged on this melancholy occasion the witnesses produced had fully proved. He recapitulated the evidence, and, leaving the case with the Jury, hoped they would give such a verdict as in their consciences they thought would be just.

The Jury retired, and after a short absence returned with a verdict of—NOT GUILTY.

The Prisoners then thanked the Court and Jury, and withdrew.

The Attorney General then rose, and moved, that all proceedings against Mr. Deblois upon the indictment charging him with a misdemeanor, should be quashed—which the Court agreed to.

JULY 27.

On Friday the remains of Mr. Bowie were consigned to the grave; and the highest panegyric that could be penned, would fall short of that produced by the detected and mournful demeanor of the multitude which followed him to the tomb. It seemed as if the whole population of Halifax had poured forth to evince their esteem for his character and regret for his loss, by paying the last sad tribute of respect to his memory.

## FOUND,

ON Wednesday evening last a Red Morocco POCKET BOOK, containing several Notes of Hand &c. The owner may have the same by applying at this office, and paying the expence of advertising.

Fredericton, 20th July, 1819.

## FREDERICTON, (N. B.)

10TH AUGUST, 1819.

In our preceding columns we have given the Trial (as first published in the Halifax papers) of Richard John Uniacke, Esq. and Edward M'Swainey, Esq. charged with the murder of Mr. William Bowie, who fell, at the second shot, in a duel, in which Mr. Uniacke was the challenger. A more particular account of that very important Trial has since appeared in other papers published there; but in substance the different statements accord with each other. In neither account do we find such a word as *Manslaughter*. The Jury acquitted the Prisoners, and of course considered their conduct as *justifiable*, because it was *fair and honorable*.

No case like this has ever, we believe, happened in this Province.

### COMMUNICATION.

At a meeting of Inhabitants of Fredericton, held at the Jerusalem Coffee-House, on Saturday evening last, it was proposed and concluded upon to form a Society for the purpose of assisting the Welch families who are about forming a settlement between the Madam Keswick and the Nashwalk; and that Samuel Grosvenor and Peter Fisher, be nominated a Committee, to take charge of any articles of husbandry, clothing, provisions, tools, &c. that may be contributed.

A subscription for the above purpose was immediately entered into, and the following sums subscribed by the Persons present:—

Peter Fraser, Esq. . . . .	£10	0	0
Henry Smith, Esq. . . . .	5	0	0
Edward W. Miller, Esq. . . . .	5	0	0
William Wilmot, Esq. . . . .	5	0	0
Lieut. George West, (R.N.) . . . . .	5	0	0
Mess. Stephen Cameron, . . . . .	7	10	0
Jedediah Slason, . . . . .	5	0	0
Oliver Bradley, . . . . .	5	0	0
Samuel Grosvenor, . . . . .	5	0	0
Thomas Phillips, . . . . .	4	0	0
Jarvis Ring, . . . . .	5	0	0
William Roberts, . . . . .	3	0	0
John M. Blair, . . . . .	2	0	0
M. Needham, . . . . .	5	0	0
Peter Fisher, . . . . .	5	0	0

£76 10 0

By the kindness of one of the Members, a paper was immediately taken into the country, to solicit subscriptions for the above purpose; several donations, &c. were also received from persons who were unavoidably absent from the meeting, and assurances of cordial support from others.

It is the intention of the Committee to publish from time to time the amount of subscriptions and donations received, and also the manner in which they are applied, so that persons contributing may know in what manner their bounty is disposed of.

Subscription papers are left at the Jerusalem Coffee-House; Mr. Avery's Tavern; at the Stores of Messrs. Samuel Grosvenor and Stephen Cameron; at Mr. Jarvis Ring's, and Mr. Peter Fisher's. Fredericton, 9th August, 1819.

MARRIED] At Kingsclear, near Fredericton, on Saturday the 7th inst. by the Rev. Mr. Samer-ville, George Pidgeon Bliss, Esq. only son of the Honorable Judge Bliss, to Miss Sarah Wetmore, daughter of the Honorable Thomas Wetmore, Attorney-General.

DIED] On the 1st instant, at Queensborough, in the 68th year of her age, Mrs. Ester Close, wife of Lieutenant A. Close.

### ST. JOHN, JULY 28.

CLEARED.

Ships Eliza, Purdy, Dublin—timber, J. Ewing & Co. Sovereign Pearson, Leith—timber, Hamilton, Sons & Co. Kingsston, Spencer, Liverpool—timber, Crook-shank & Johnston. Brigs Industry, Knight, Cork—timber, M'Leod, Robertson & Co. Charlton, Miller, Kinsale—do. A. Johnston. Duke of Wellington, Ramsey, Barbados—lumber, &c. N. Disbrow. Active, Davies, Cork—timber, A. Johnston. Alexy, (new) Dawson, Greenock—timber, L. Donaldson. Mary, Boadle, Whitehaven—ditto, W. Black. George, Leach, Greenock—ditto, Hugh Johnston & Co. True Blue, Taylor, Liverpool—ditto, James Ewing & Co. Ann M'Kenzie, Morrison, Demerara—lumber, W. Black. Jones, Stobo, Kinsale—timber, A. Johnston. Sch'r Flying Fish, Ives, Barbados—lumber, &c. Halsall & Peters. Am. Mary & Nancy, Rittle, Boston—plaster. Charles Miller, Williams, Philadelphia—plaster. Lucretia, Kembell, Philadelphia—rum, &c. Sloop Alonzo, Barns, New-London passengers.

His Excellency the Earl of Dalhousie in His M. S. Merry, arrived at Quebec from hence, on the 30th ultimo, and on the 5th inst. His Lordship was expected to leave that place on a visit to the upper Province. [Hal. Rec. July 17.

immediately, and prevent unpleasant consequences.

### AT PUBLIC AUCTION.

To be sold at the Jerusalem Coffee-House, on Wednesday the 25th inst. at 12 o'clock,

FOUR LOTS of LAND, Nos. 181, 182, 183, 184, containing two hundred acres, more or less, on the East side of the River Nashwalk, property of Mr. Laughlan M'Intosh.

Conditions will be made known at the time of sale.

ROBERT SMITH, Auctioneer. Fredericton, 5th August, 1819.

ALL Persons having any demands against the Estate of John Morgan, Sen. late of Fredericton, deceased, are requested to render the same, duly attested to, within twelve months from the date hereof; and all those indebted to said Estate, are desired to make immediate payment to JOHN MORGAN, Jun. Admr. Fredericton, 10th August, 1819.

### ALL PERSONS

HAVING any demands against the Estate of WILLIAM CORRY, JUNR. deceased, of the late firm of CORRY & THOMPSON, are requested to render the same duly attested within three months from the date hereof; and all those indebted to the said Estate, are desired to make immediate payment to GEORGE CORRY, Admr. Miramichi, 18th June, 1819. 2m

### NOTICE.

ALL Persons indebted to the Subscriber up to the first of the present year, are desired to make immediate payment, otherwise their accounts will be put into the hands of an Attorney to collect without discrimination. J. B. PAYNE. Fredericton, 22d June, 1819.

### NEW GOODS.

EZEKIEL SLOOT & Co.

Have received per the MELANTHO from London, their Spring supply of British and East-India MERCHANDIZE, which they offer for sale on their usual moderate terms.

—ALSO—

CONIAC BRANDY, Hollands GIN, PORT and LISBON WINE. Wine VINEGAR, Landon Bottled & Draft PORTER. Double and single Gloucester CHEESE. They expect daily, an assortment of WOOLLENS and STUFFS, from Liverpool. Fredericton, 15th June, 1819.

### NEW GOODS.

JAMES TAYLOR,

HAS just received, and is now opening his SPRING SUPPLY of GOODS, which he offers for sale on his usual liberal terms. Fredericton, 16th June, 1819. 2m