

THE NEW-BRUNSWICK ROYAL GAZETTE.

[Volume IX.]

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The Gazette.

By His Honor WARD CHIPMAN, Esquire, President and (L.S.) Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

A Proclamation.

WARD CHIPMAN.
WHEREAS the General Assembly of this Province stands prorogued to WEDNESDAY the THIRD day of DECEMBER next, I have thought fit further to prorogue said General Assembly, and the same is hereby prorogued to WEDNESDAY the TWENTY-FIRST day of JANUARY next ensuing—then to meet at Fredericton for the dispatch of Business.

Given under my Hand and Seal, at Fredericton, the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-three, and in the Fourth Year of His Majesty's Reign.
By His Honor's Command,
W. M. F. ODELL.

By the Honourable JOHN MURRAY BLISS, Esquire, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of New-Brunswick.

To all whom it may concern—Greeting: NOTICE is hereby given, that upon the application of Daniel Leavitt and Francis Leavitt, to me duly made, according to the form of the Statute in such case made and provided, I have directed all the estate, as well real as personal, within this Province, of Edmond Kirk, late of the City of Saint John, Baker, (which same Edmond Kirk, is departed from and without the limits of this Province, with intent and design to defraud the said Daniel Leavitt and Francis Leavitt, and other the Creditors of the said Edmond Kirk, (if any there be) of their just dues, or else to avoid being arrested by the ordinary process of the Law as it is alleged against him) to be seized and attached; and that unless the said Edmond Kirk, do return and discharge his said debts, within three months from the publication hereof, all the estate as well real as personal, of the said Edmond Kirk, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Edmond Kirk.
Dated at the City of St. John, the 1st October, 1823.
G. W. CLEARY, Attorney.

New-Brunswick, in Chancery.
George Burns, Complainant, and Andrew S. Ritchie, Adm'r of William Pagan, deceased, Hugh Johnston, John Thomson, John Currie, Alexander Edmond, Landlman Dunstison, Adm'r of William Donaldson and William Scovil, Harry Peters, and Sarah Grigor, Ex'rix of James Grigor, deceased, Defendants.

FORASMUCH as the Court was this day informed by Messrs. Charles J. Peters and James Peters, of Counsel for the Plaintiff, that the Bill in this cause was filed on the ninth day of October last, as by the certificate of their Clerk in Court appears, and process of Subpoena taken out against the said Defendants, but that John Currie, one of the above Defendants, now resides without the limits of this Province, or hath otherwise absconded to avoid being served with such process, as by affidavit appears: And the said certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the Court,

It is Ordered, That the said Defendant do appear and answer to the Complainant's

Bill, on or before the seventeenth day of February next.

By the Court,
D. L. ROBINSON, Registrar.
23d October, 1823.

IRELAND,

HORRIBLE MURDERS.

On Tuesday evening the 9th inst. a party of White-boys attacked the house of Mr. Thomas Franks, of Lisnagooneen, near Rockmills, within five miles of Fermoy, and murdered that gentleman, his wife, and his son, Mr. Henry Maunsell Franks. Our Correspondent states, that the miscreants "murdered the old man by discharging a blunderbuss through his side, and his wife and son, by beating out their brains with a bar of iron."

The following letter to the Editor of the Dublin Evening Mail, from a relation of the murdered family, furnishes some interesting particulars of this shocking affair. It seems that the murderers after having turned out the servants from the house, shot Mr. Franks, sen. dead. They entered the apartment where the mother and son were sitting, and proceeded to a further consummation of the crime. The lady, on seeing the ruffians, ran to her child, 21 years of age, whom she supposed was to be the only victim of the assassins' vengeance—inasmuch as he had been the direct prosecutor of their convicted comrade: she covered him with her body in order to protect him from their hands. But they had more of murder in their brain, than the destruction of two members only of her family. They beat the head of the son to pieces, while he yet was in the grasp of the mother; and having left him a butchered corpse in her arms, they next shattered the head of the lady, in like manner with their weapons—and she sank into death.

To the Editor of the Dublin Evening Mail.

SIR,—For the information of His Majesty's Government, and of the loyal part of my fellow subjects in this unhappy country, I beg leave to send you the following statement of facts, in order that they may judge what security there is for the lives and property of individuals, who dare to oppose the present system of terror:—

In the beginning of 1822, my late nephew, Mr. Henry Franks, who then resided in a thatched house, on the lands of Lisnagooneen, near Kildorrery, in the county of Cork, informed me that the neighbourhood he lived in was very much disturbed, that he frequently met parties of insurgents in arms, and knew some of them. I advised him to give information to the neighbouring magistrates; he expressed his willingness to do so, but was restrained by the fear of being left without protection, exposed to the fury of the insurgents and probably murdered! I said, if that operated on his mind, he ought to write to the Lord Lieutenant's Chief Secretary, stating the facts within his knowledge, and asking for protection, which I assured him, he might be certain of receiving. This he promised to do, and afterwards informed me that he had written repeatedly on the subject, but got no answer. His house was subsequently several times attacked and once set on fire, and his corn burned! (It is to be observed, that such attacks are always made by persons, living very remote from their devoted victims, to avoid their being readily identified.) One of these attacks happened on a Sunday night, and the next day, at the fair of Mallow, he recognized one of the party, who had presented a brass blunderbuss at him, and who had him on his knees a length of time the night previous, threatening him with instant death if he did not surrender his arms. He gave me the information of the fact to a magistrate at the fair, and the man was instantly arrested. Well what was the consequence?—Mr. Franks was that day waylaid, and fired at on his

way home, and a ball shot thro' the top of his hat! All these facts were inquired into before the magistrates and officers commanding the district in Mallow. The prisoner was fully committed for trial, and found guilty, at the last Spring assizes of the county of Cork, and sentenced to be transported.

Judge Burton, who presided, directed that protection should be afforded to Mr. Franks and his family, and Mr. Franks told me that the Crown Solicitor promised to write to Government on the subject. But owing to what cause I know not, not a single step was since taken for the purpose; and, shocking to relate, Mr. Franks and his father and mother, were all most barbarously murdered in their house by a party of Insurgents, at eight o'clock on the evening of Tuesday, the 9th instant. If this be the way in which His Majesty's subjects are to be protected, when they come forward in support of the laws, and endeavour to put down insurrection, where are we to look for safety?

From the time of Mr. Franks giving information, he was obliged to quit his house and farm, and retire to the town of Kildorrery for safety. He was tempted to return to his house a few days before he was murdered, in order to attend to the harvest. Are we to be compelled to leave our property unprotected because we do our duty?

I am your humble servant,
C. MAUNSELL,
59, Angier-street, Dublin.
Sept. 11, 1823.

On the following day an Inquest was held on the bodies of these unfortunates, when the following information was afforded:—

Mr. Franks' house had been burned some time ago by the miscreants who devastate this country, and was now undergoing repair. Not a door had been yet put up; the family principally lived in one small room 12 feet square, the window sashes of which were not put up, and the wind was excluded only by a curtain. On the day of the murder, Mrs. Franks and her son had been at Kildorrery, and returned to a late dinner, which had been scarcely over, when a noise was heard in the passage. Mr. Franks started up, and said, here are my friends paying me another visit, and beckoning to his wife and son to remain quiet, he went outside the room door; here he was met by a fellow of a large stature, between whom and him a contest commenced. The man was not armed, and they fought with their hands, Mr. Franks retreating to the parlour; on his entering which, the insurgents rushed in, and soon filled the room. At this time, a servant girl about 14 years of age, of the name of Mary Myer, a most intelligent creature, slipped under a table, and concealing herself there, witnessed the horrid scene which followed. The leader of the insurgents, a ruffian, dressed in women's clothes, demanded of Mr. Franks, his arms. Mr. Franks said he had none in the house; but that he would, if they chose, accompany the party to the Rock Mills and get them from Mr. Smith, who had them. The leader then said, "Boys, do your duty," and he himself upset a table on which a lighted candle was placed, which being extinguished he again had it lighted at a fire in the room. Mr. Franks, his wife and son, went on their knees to beg for mercy, assuring the leader of the party that they had no arms; but here no mercy was to be found. The savage, as if impatient of delay, snatched a short gun from one of his followers, and within three feet of the unhappy father, fired and lodged the contents in his heart. They then proceeded to despatch the son, and here a dreadful scene ensued; the mother, only anxious to preserve her son, and regardless of her own safety, clung to the wretched young man as if to shield him from the vengeance of the assassins. They repeatedly tried to force her from him and told her to

retire to another room, but she would not leave her son; they then struck her with a heavy iron bar on the left temple and literally smashed her head to atoms; after which they beat the son's brains out and mutilated all the bodies of the deceased. At the commencement of the horrid work another female servant had been shut up by the ruffians in a small room, when they had murdered the young man they thought they heard some groan or sound as if life was not entirely extinct, and the candle having been extinguished, they took this servant from her place of confinement, and one of them holding her by the hand with one hand, and her head down with the other, made her proceed to a cupboard in the parlour and take out a candle and light it; they then drove two heavy iron bars, weighing 30 or 40 lbs. each through the dead bodies; and each man in succession took a long three-pronged fork, and repeatedly drove it also into the bodies. It also appeared that another ruffian, second in command, was dressed in female apparel. He commanded outside the house; and seeing a woman appear at the door of an out house with a child in her arms, he called out "To bed, to bed, and placed a sentinel on the door. When the shot was fired inside, this fellow danced a regular hornpipe, as if delighting in the dreadful scene going forward. The woman of this house is named Glaveen, and gave testimony as above; her son, immediately on the party marching off, mounted a horse, and rode to Kildorrery, whence a military party arrived in half an hour at the scene of carnage. It would appear that the insurgents separated and proceeded in different directions, as blood was traced on the roads to Doneraile and Kildorrery.

This is pretty nearly the substance of the evidence, and it is sufficient to thrill any soul with horror indelible, and to stamp a deeper stain upon the Irish character, already sanguined with the blood of innumerable murders, and disgraced with peculiar atrocities.

We are told that the sight on entering Mr. Franks' house, was truly shocking. Nothing had been moved since the perpetration of the murder; the dead bodies lay as they had been left in all the horror of gaping wounds, broken limbs, and mangled bodies. It was an appalling sight, and calculated to fill the spectators with dismay. We are concerned to learn that no clue appears to lead to the discovery of the offenders.

The Irish papers since received, however, inform us that suspicion has fallen upon two men named Sheehan, brothers of him who was transported last spring, on the testimony of the younger Mr. Franks; they have been once examined, and are still in custody. A cruel and frightful sympathy with the unknown assassins, is said to have discovered itself among the country people, by many striking circumstances: and indeed no doubt can be entertained that the purpose of which this horrid act is an illustration, has long been a received and established policy with the natives of the south of Ireland.

To deter from giving evidence, or from finding a verdict of guilty, by murdering witnesses and jurymen, has been with them a favourite, and too often a successful method of undermining the power of the laws. Is it not dreadful that the people of a whole Kingdom should from the cradle, have been taught to consider the law as a public enemy?

In the county of Limerick, a magistrate, with four policemen, have had an engagement with a body of Whiteboys, calculated at 150, from whom the police have contrived to take one prisoner and one shirt. The Whiteboys had two of their number killed. A melancholy accident has happened in the same county, where a ferret shot a faithful servant, for a fellow who lurked about and of whom they were both