

THE NEW-ROYAL



BRUNSWICK GAZETTE

VOLUME XIII.]

TUESDAY, 24TH OCTOBER, 1826.

[NUMBER 85.]

THE GAZETTE.

By His Excellency Major-General Sir Howard Douglas, Baronet, Lieutenant-Governor, and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

HOWARD DOUGLAS.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the Twelfth day of September next; I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the Second Tuesday in December next ensuing.

Given under my Hand and Seal at Fredericton, the thirty-first day of August, in the Year of our Lord one thousand eight hundred and twenty-six, and in the seventh Year of His Majesty's Reign. By His Excellency's Command. WM. F. ODELL.

By the Honorable John Murray Bliss, Esq. one of the Justices of the Supreme Court of Judicature for the Province of New-Brunswick.

NOTICE is hereby given to all whom it may concern, that upon application of James S. Woodhouse to me duly made, according to the form of the Act of Assembly in such case made and provided, I have directed all the estate as well real as personal, within this Province of John Leper, Patrick M'Manus, and John Carland, late of Fredericton in the County of York, and Province aforesaid, (which said John Leper, Patrick M'Manus, and John Carland, have departed from and out of the limits of this Province, or are concealed within the same with intent and design to defraud the said James S. Woodhouse, William Peters, and Thomas W. Peters, and the other creditors of the said John Leper, Patrick M'Manus, and John Carland, if any there be, or else to avoid being arrested by the ordinary process of the Law, as it is alleged against them), to be seized and attached and unless the said John Leper, Patrick M'Manus, and John Carland, do return and discharge the said debt or debts, within three months from the publication hereof, all the estate as well real as personal of the said John Leper, Patrick M'Manus, and John Carland, within this Province, will be sold for the payment and satisfaction of the creditors of the said John Leper, Patrick M'Manus, and John Carland.

Dated at Lincoln, the Thirteenth day of September in the year of our Lord one thousand eight hundred and twenty six J. M. BLISS.

CHARLES S. PUTNAM ATTORNEY AT LAW FOR JAMES S. WOODHOUSE, et al.

NEW BRUNSWICK, The eighth day of July in the year of our Lord one thousand eight hundred and twenty six Present, His EXCELLENCY the CHANCELLOR

WHEREAS the appointment of persons to be clerks in the Court who reside in different parts of this Province and are remote from the place where the sittings of the Court are held, has been the occasion of great inconvenience, and has exposed the records and papers of the Court to accident and loss: It is therefore ordered

that all the appointments here before made of persons as clerks of the Court, be, and the same are hereby revoked and vacated: and it is further ordered, that the Registrar of his Court be the officer in lieu of the clerks to transact and file all proceedings by bill and answer, and to have the custody of all Record papers, and proceedings relating to cases in equity, and to make and sign all office copies thereof, and to enroll the decrees of the Court, and to sign and seal all writs and process on the equity side of the Court, and to perform all other such like service, which appertain to the office of clerks of this Court.

By order of His Excellency the Chancellor D. L. ROBINSON, Registr.

PROVINCIAL AUDITOR'S OFFICE Fredericton, 9th Aug. 1826.

ALL Persons who have received and who have not yet accounted for the Expenditure of any public monies entrusted to their care and expenditure, are hereby required to make up and transmit their several Accounts (pro paid) to this office duly attested, and with the proper Vouchers in their support, by the first day of December next, or their Defaults will be reported to His Excellency the Lieutenant Governor as directed by the Act of Assembly "for the better examining and auditing the Public Accounts of this Province."

The Accounts must be stated Dr. & Cr. with the Province; and the warrants credited each separately, and the purpose for which granted. The payments made must have distinct Vouchers applying to each Charge and corresponding in number and Amount: The Accounts must state whether any and what parts of the work have been done by Contract, also the names of the Contractors, the nature of the contract, whether by the rod or other distance, or so much for the whole, or in what other way? how the Contract has been performed and what sums have actually been paid?—If done by Days-work to state the names of the workmen, the rate of wages per day of each man whether found in provisions or no? the number of days which each man has worked, the amount paid to each man, the quantity of work done, and the mode in which the same has been performed; The proper receipts must accompany the accounts of all monies paid by the commissioners, and if the same are Signed with a mark they must be witnessed by at least one respectable witness: The Commissioners Account must be attested to before a Justice of the Peace, and the Oath must be in the following form, or to that effect viz. "We A. B. & C. D. the Commissioners within named do make Oath that the foregoing Account is correct and true, and that the several sums therein mentioned as paid have actually been paid by us as therein stated"

"Signed A. B. C. D. Sworn the day of 1826 before Justice of the peace" The Commissioners in signing their Accounts will please to add their places of residence.

D. D. STREET, Prov. Auditor.

WARWICK ASSIZES.

THURSDAY, JULY 27. (Before the LORD CHIEF BARON.) CROWN COURT

Samuel Smith was indicted for the wilful murder of Mary Ann Randal, on the 24th of May last.

John Morris was called, but his testimony was in no other respect important, than as establishing a fact which was not denied by the prisoner's counsel, that he had purchased, on the 24th of May last an ounce of arsenic at Nuneaton.

Eliza Comyns gave testimony to the same effect.

John Hale was the next witness produced and he stated that he was a labourer, and occasionally worked for Miss Overton. Upon those occasions he was accustomed to sleep with the prisoner. On the night of the 24th May last, prisoner called him up, and said he had bought an ounce of arsenic, and that he had given one fourth of it to the deceased. He was some time after called up by an alarm that the deceased was very ill; witness said to the prisoner, "Though she's sick now, she may, perhaps, get better from it." Witness being desired by Miss Overton to go for the doctor, did go, and he afterwards told the prisoner that Mary was dead; he then wanted to go for Mary's brother to Atherstone; prisoner pulled some arsenic out of his pocket, and threw it away; about three months before, prisoner told witness that Mary was ill; that she was not regular, and asked him if he knew what was good for her? Witness said, "No; you had better ask a doctor, or an old woman." Prisoner said a doctor would be too expensive; and witness then replied, "I heard the boatmen say that Owen's daughter had taken a quarter an ounce of arsenic, when every thing else failed, and that that cured her." Witness asked if Mary was not with child, and prisoner replied that she thought so—that she said she was.

Cross examined—It was three or four months before Mary died, that the prisoner told me she said she was with child.

Daniel Hazlewood, the shepherd of Miss Overton remembered the night of Mary Randal's death; saw the prisoner and Mary Randal that night at the end of the brewhouse, a little after ten o'clock; they were then in conversation; he was not near enough to hear what passed; on the same night I saw them in the kitchen, leaning each of them on the table, and the prisoner said, "I am sick; what's a thing good for it." Mary Randal said, some warm water; Smith then said, "I shall have a little," and took a mug from the shelf; he put some warm water into the mug and left the kitchen with it. She followed him; I went out to fasten the shutters, and I met Smith coming in; I saw Mary Randal washing something from the vessel; the next thing I heard Mary say was, "Good night Sam; great luck to you;" I was awakened by Smith about 12 o'clock, who said Mary was dying; I said "What can be the matter?" Thomas Amos came again and said, "Sam, they say Mary's dead; he said, "I'll get up, for her mother will never be able to bear it, and he did get up and went down.

Cross examined.—He seemed much agitated when he heard that Mary was dead.

A fellow servant of the deceased proved, that after going up stairs, she was seized with violent vomiting and said she should die—she must die.

Miss Overton, a very masculine-looking person, corroborated this testimony.

The mother of the deceased was called in about an hour before her child died, and found her in extreme agony. The deceased at first refused to tell, but afterwards said, "Sam gave it to me."

The surgeon that opened the deceased said, that her death was caused by some corrosive poison.

In reply to a question from the Court, he observed, that three grains of arsenic were sufficient to take away life.

The CHIEF BARON told the jury, that this case presented itself in three distinct shapes for their consideration. If they were satisfied that this poison was given with a view to deprive the deceased of life, they would find the prisoner guilty. If satisfied that the object was not the deprivation of her life but to procure abortion, that offence was equally murder in contemplation of law, and if they believed such to have been the intention of the prisoner, they would say that he was guilty. In the third place, if in their opinion they conceived that the object of the prisoner was merely to produce that regularity which was so requisite in the constitution of females, then, however ignorant or culpably negligent the prisoner might have been, they would say that upon this indictment he was not guilty, and he (the learned Judge) should not quarrel with that verdict. Now, on the first point to which he called their attention, it did not appear to him that there was any evidence tending to show that the prisoner contemplated the death of Mary Ann Randal. It was other wise on the second head, and to that part of the evidence he should beg leave to call their attention. His Lordship then recapitulated these parts of the evidence, as well as those other portions of it showing that he had made no concealment of what had occurred, and left the whole case to the jury, who, in the course of a quarter of an hour, returned the following verdict:—"We find the prisoner Guilty of administering poison with intent to produce abortion."

The CHIEF BARON said, he could not receive a verdict in that special form. They would have the goodness to say guilty or not guilty.

Foreman.—We are unanimously of opinion that the prisoner is Guilty.

The CHIEF BARON then passed upon the prisoner the awful sentence of the law, ordering him for execution on Saturday next, and that his body should be given to the surgeons for dissection.

The prisoner, who received an excellent character for humanity from a most respectable witness, conducted himself in a most suitable manner. Never was guilt, such as that imputed to this unhappy man, less legible in countenance. He shed a few tears during the period while the sentence was passing, but his firmness and respectful conduct never forsook him.