

teen guineas, he would leave his own mare in pledge until he would bring the horse, as he knew there was a vessel then in St. John, bound to Cumberland, where the horse was. To this proposal he said the Colonel agreed, and having received the money and left the mare, went to his lodgings; but before he could return, the vessel had left him, and having no other conveyance by water, he was obliged to set out on foot; and having a long journey to travel, and but a short time to perform it in, he travelled all night, and at daylight was overtaken by a stranger with a large horse and a small mare, which he offered for sale, and that he being weary with walking all night offered him ten pounds for the mare, which he accepted. That they continued their journey some time and began to find out that the mare would not answer his purpose; the horse being a good looking one, which he might sell again for the money, he bantered the stranger for a swap, which was effected by giving the mare and fifteen pounds in exchange for the horse, saddle and bridle. He then produced a receipt which he said the stranger gave him, to the following effect:—

Received July the 20th, 1814, of Henry More Smith, fifteen pounds in swap of a horse between a small mare and a large horse I let him have, with a star, six or seven years old.

JAMES CHURMAN.

He then stated that he proceeded on to Cumberland, and bargained for the black horse which was the object of his pursuit; and not having money enough to pay for him, without selling the one he rode, and hearing that Captain Dixon, of Truro, wanted to purchase such a horse, and finding that he, Captain Dixon, had gone to Pictou, forty miles further, to attend Court, he was obliged to follow him with all speed. That the next day being Sunday, he was obliged to wait till Monday to sell his horse, and was there apprehended by Mr. Knox, and charged with stealing his horse; that he was taken before the Court, and had all his money, his watch and his horse taken from him, and was sent back to King's County gaol to take his trial; and complained that as he was an entire stranger, and had no one to speak for him, unless the man were taken who sold him the horse, his case might be desperate, for he had neither friends nor money, nor any one who knew him to take his part. He complained also of having been badly used by Mr. Knox on the way.

Having been asked by Mr. Knox, in the course of his examination, what occupation he followed in the country, he replied, "No one in particular." Mr. Knox then hastily asked him how he got his living. He then replied with great firmness and self-possession, "By my honesty, sir." After this examination, a regular commitment was made out, and he returned to prison. He submitted to his confinement without a murmur, and with much seeming resignation; but complained of a severe pain in his side, occasioned by cold he had received. He seemed anxious for an opportunity to send for his portmanteau, which he said he had left with some other articles in the care of Mr. Stackhouse near St. John. The portmanteau, he said, contained his clothes, which he would be obliged to sell to raise money for the purpose of procuring necessaries and engaging a lawyer, repeating again, that as he was a stranger and had no friends to help him, there would be but little chance for him, though innocent, except the thief who stole the horse were taken and brought to justice.

It so happened on the day following, that I had occasion to go to the City of Saint John, in company with Dr. Adino Paddock, senr., when on our way, he had occasion to call at Mr. Nathaniel Golding's tavern, in Hampton, and while placing our horses under his shed, we perceived a man mounting a horse in great haste, that was standing at the step of the door, who immediately rode off with all possible speed, as though he were in fear of being overtaken. On inquiring who he was, we were informed by Mrs. Golding that he was a stranger who had called there once or twice before, and that she believed his name was Chuman, or Churman. I observed to the Doctor, that that was the name of the man from whom the prisoner, Smith, said he had purchased the horse, upon which Mrs. Golding said that she could ascertain that by inquiring in the other room, which she was requested to do, and was answered in the affirmative.

We made frequent inquiries by the way, as we proceeded towards St. John, but could ascertain nothing further of the stranger by that name. After my return from St. John I informed the prisoner, Smith, of what had happened by the way; he appeared exceedingly elated with the idea of his being the man that had sold him the horse, and said if he had money or friends he could have him taken and brought to justice, and would soon be restored to liberty again himself; but that if he were suffered to make his escape out of the country, his own case would be deplorable indeed though he was innocent. He again reiterated his complaint, that he

was destitute of money and friends, in a strange country, although anxious to employ a lawyer, he did not know of any to whom he could apply for advice. He was recommended to Charles J. Peters, Esq., Attorney in St. John, with the assurance, that if there were any possibility in the case of getting him clear, Mr. Peters would exert himself in his behalf most faithfully. The first opportunity that offered, he sent an order to Mr. Stackhouse for his portmanteau, with instructions to apply the proceeds of certain articles, which he had left with him for sale, if disposed of, in retaining Mr. Peters as his Attorney. The return brought a handsome portmanteau and a pair of boots, leaving a small sum in the hands of Mr. Peters, as part of his *retainer*, which was to be increased to five guineas before the sitting of the Court.

This arrangement seemed to be productive of much satisfaction to the prisoner, and for the purpose of fulfilling the engagement with Mr. Peters, he expressed a desire to dispose of the contents of his portmanteau, as far as was necessary for making up the sum. He gave me the key, with which I opened his portmanteau, and found it well filled with various articles of valuable clothing; two or three genteel coats, with vests and pantaloons, of the first quality and cut; a superior top coat, of the latest fashion, faced with black silk; with silk stockings and gloves and a variety of books consisting of a neat Pocket-Bible and Prayer Book, a London Gazetteer, a Ready Reckoner, and several other useful books. He had also a night and day spy-glass of the best kind, and a small magnifying glass in a tortoise-shell case, with many other useful articles. Suspicions of his not having come honestly by the contents of his portmanteau was not the impression that was made, but rather that he had been handsomely and respectably fitted out by careful and affectionate parents, anxious for his comfort and happiness, and that he was in all probability innocent of the charge alleged against him. He soon commenced selling off his little stock, and for the purpose of affording him facility, persons wishing to purchase from him, were permitted to come to the wicket door, through which he could make his bargain, and dispose of his things. He never failed to excite the pity of those who came to visit him, by representing his deplorable situation, he being reduced to the necessity of selling his clothing to raise the means of defending his innocence in a strange country from the unfortunate charge preferred against him. Nor did he fail of his purpose, for many from pure sympathy for his unfortunate situation, purchased from him and paid him liberally. Among those who came to see him, there was a young man, who said he had known the prisoner in St. John, who professed to visit him from motives of friendship; he had access to him through the grates of the window, and some of the glass being broken, he could hold free conversation through the grates. The last time he came he carried off the night and day glass for debt, which he said he owed him while in St. John; but the probability rather was that he had given him a watch in exchange.

The prisoner was then kept by Mr. Walter Dibblee, a man of learning and talents, who for several years had been afflicted with a painful disease, so that for a great part of the time he was confined to the house, and frequently to his room in the County Court House, where he taught a school, by which means, together with the fees and perquisites of the jail and court house afforded him a comfortable living for himself and family, consisting of his wife and daughter and one son named John, about nineteen years of age, who constantly attended his father. It may be also necessary to mention that Mr. Dibblee was one of the principal members of the Masonic Lodge held at Kingston, and was held in high esteem among them; besides he was regarded by all who knew him as a man of honesty and integrity and well worthy to fill any situation of responsibility or trust. I am induced to avert to these particulars of Mr. Dibblee's character, because I am indebted to him for many of the particulars relative to the prisoner, and because having had a person to be relied on, there was less necessity for my visiting the prisoner very frequently, which did not exceed once a week generally, except upon special occasions.

(To be continued in our next.)

The anthem for Queen Victoria, "Domine, salvam fac Reginam nostram," has been sung daily by the nuns of the Benedictine Abbey of Princethrope, England, throughout the whole of her reign. This has been done in gratitude for the cordial welcome and hospitality extended to the Benedictine community by the English government when they fled to England from Montargis during the French revolution.

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