



T U E S D A Y,

S E P T E M B E R 8, 1801.

St. JOHN: PRINTED and PUBLISHED by JOHN RYAN, Printer to the KING'S MOST EXCELLENT MAJESTY, at his Office, No. 38, PRINCE'S WILLIAM Street, where ESSAYS, ADVERTISEMENTS, &c. will be thankfully received.

[VOL. XVI.]

[NUMB. 799.]

Assize of Bread,

PUBLISHED JULY 28th, 1801.
The Sixpenny Wheat Loaf } lbs. oz.
to weigh - - - } 1 10
Ditto Rye - - - } 2 5
And other Loaves in proportion.
WILLIAM CAMPBELL, Mayor.

BY HIS EXCELLENCY
THOMAS CARLETON, Esq.

L. S. Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c.
THOS. CARLETON.

A PROCLAMATION.

BY Virtue of the Power and Authority granted to me, in and by an Act of Parliament made and passed in the Twenty-eighth year of His Majesty's Reign, intituled, "An Act for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North-America and in the West-India Islands and the Countries belonging to the United States of America, and between His Majesty's said Subjects and the Foreign Islands in the West-Indies"—I do, by and with the advice and consent of His Majesty's Council, publish this Proclamation, hereby authorizing and permitting Wheat, Rye, Rice or Indian Corn, and the Flour of Wheat or Rye—also Ash Oak-Rafters and Capstern Bars, Staves, Heading and Treennails, to be imported by British Subjects in British built ships, owned by His Majesty's Subjects, and navigated according to Law, from any of the Territories belonging to the United States of America, for and during the term of Six Months from this date—and of this Proclamation all Persons whom it may concern will take due notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the first day of July, in the Year of our Lord, one thousand eight hundred and one, and in the forty-first year of His Majesty's Reign.

By His Excellency's Command,
JON. ODELL.

John Black, & Co.

HAVE JUST RECEIVED

By the AMERICA, from LIVERPOOL, WILLIAM, from GLASGOW, and DUKE of KENT, from LONDON,

A New and General Supply of

BRITISH GOODS,

Now opening for Sale on the lowest terms.—ALSO, a quantity of COARSE and FINE grained

LIVERPOOL SALT.

St. John, 26th May, 1801.

TO BE SOLD,
AT PUBLIC AUCTION,

ON THURSDAY the 17th of September next, at 9 o'clock in the forenoon, at the Court-House in the town of SAINT ANDREWS—All the Right, Title, and Interest of HENRY GOLD-SMITH, Esq. in or to certain Houses and Lands lying in the Parish of Saint Andrews, in the County of Charlotte—One tract about ten miles from the town of Saint Andrews, on which is erected a good Dwelling House, a Grist and Saw Mill—two tracts adjoining the town of Saint Andrews, on one of which is a new Dwelling House and Barn—The payments to be made easy to the purchasers on giving good security.—Other conditions made known at the time of Sale.

JOHN DUNN, Auctioneer.

St. Andrews, July 14th, 1801.

LUDLOW, FRASER, and ROBINSON,

HAVE RECEIVED
By the AMERICA from Liverpool, the WILLIAM from Glasgow, and the ATLANTIC from London,

A very General Assortment of
MERCHANDIZE,

Which they are now opening for Sale, at their Store in St. John-Street, on the most reasonable terms,

Comprising, among others, the following Articles, viz:

SUPERFINE, Second and Coarse Cloths, Coatings and Cal- furnes, Flannels and Baizes, Duffels' Blanket- ing, Calamancos, Durants, Moreens, Rattinets, Wildbores, stript and plain, Camblets, 4-4 and 7-8 Irish Liners, Irish Dowlas, Brown and white Russia Sheetings, Irish and Lancas- shire ditto, Flax and Tow Oznaburghs, Romal Handker- chiefs, Pullical do. Check Linen do. Long Lawns, French Cambrics, Book and Jaconet Muslins, Cotton and Muslin Shawls, Dimities, Men's & women's	Cotton Stockings, Children's ditto, Men's Cotton pan- talon Socks, China and Satin Ribbon, Barcelona Hand- kerchiefs, Silk Romal and Bandanna do. White, black, and colour'd Pelong, Sewing Silk and Twist, Ladies long Silk Gloves, Pound and Paper Pins, Ladies Kid & Mo- rocco Slippers, Children's Moroc- co Shoes, Hylon, Souchong, and Bohea Teas, Loaf Sugar, Raisins and Cur- rants, Pepper & Pimenta, Scented Pomatum, Port, Sherry, and Lisbon Wines, An assortment of Cutlery, Ditto of Buttons, Stoves and Sheet Iron.
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With a great variety of other Articles.
St. John, 30th May, 1801.

JOHN L. VENNER,

HAS IMPORTED

IN THE MINERAL SPRING, FROM LONDON,

An Extensive Assortment of
BRITISH GOODS,

Which are opening for Sale at his Store, on the Market Wharf.

THESE GOODS are perfectly adapted to the consumption of the Country—they have been put up under Mr. VENNER'S own inspection, and in a way that enables the Subscriber to sell unusually low, and to warrant the articles in general of a superior quality.—His former friends it is presumed will find it greatly advantageous to renew their orders, they may be assured the business will be conducted in the same liberal manner, and as much to their satisfaction as heretofore.

For the accommodation of purchasers out of town, payments will be received in the Produce of the Country on the fairest terms.

ZALMON WHEELER.

CASH and the highest prices always given for SKINS and FURS.

St. John, 21st July, 1801.

JONATHAN LEWIS, TINNER,

RESPECTFULLY informs the Inhabitants of New-Brunswick, that he purposes carrying on the Tinning Business in all its various branches in the Parish of Kingston, near the Church. Those persons who please to favor him with their commands, may rely on the strictest punctuality, and their orders executed with neatness and dispatch.
Kingston, 25th July, 1801.

From the (N. Y.) Mercantile Advertiser.

LAW INTELLIGENCE.

The People v. Walter Dunlevy.

AT the Court of Oyer and Terminer and Goal Delivery, holden in Queen's county, on the 17th June, the prisoner was convicted on an indictment for Manslaughter.

The case appeared to be as follows: On the evening of the 2d Dec. last, a quarrel arose at a small tavern in the country between one Drawyer and one Oakley, which they agreed to decide by blows. Benjamin Fish, the deceased, was the second of one of them; and the prisoner, if not the appointed second, appeared in the course of the battle to take the part of the other.—While Drawyer and Oakley were engaged, there was a cry that one was choking the other; and while the deceased was stooping down, as it would seem, to see if his friend was unfairly dealt with, the prisoner took the deceased by the arm, and attempted to pull him away. Upon this the deceased turned upon the prisoner, and they had a scuffle. The deceased struck the prisoner several times. Whether the prisoner returned the blows did not appear. But the deceased was decidedly the strongest man; and in the course of their scuffle, he had the prisoner at one time down, or nearly so; and finally pushed him, and held him against a garden fence. On being urged to desist, the deceased and the prisoner voluntarily separated. The prisoner then ran to one Smith, who was standing a few yards from the place where the prisoner and the deceased separated, and demanded of Smith a loaded whip (tho' not a very heavy one) which Smith held in his hand. Smith asked the prisoner what he wanted to do with the whip? To which the prisoner made some answer, but what the witness could not say.—The prisoner then attempted to get the whip out of Smith's hand; but Smith resisted the attempt; the prisoner quitted him and went towards a wood pile which was near. The prisoner soon appeared armed with a green oak club, about three feet long, and between an inch and an inch and an half in diameter. With this club the prisoner came behind the deceased; and while he was entirely unguarded, and unsuspecting of any attack, the prisoner with all his violence, struck the deceased on the back of the head. The deceased fell on his hands and knees, and while he was in that situation the prisoner repeated his blow with all his force, striking under so that the club hit the deceased in the face, and laid him on the ground. The prisoner then gave the deceased another blow, and was about to repeat it, when a person seized him by his arms and arrested his club, which was then raised. At this moment the deceased exclaimed, "for God's sake take him away! he has killed me."—From the time that the prisoner and the deceased separated till the prisoner returned with the club was between 3 and 5 minutes. At the time when the prisoner attempted to get the whip from Smith, he did not as Smith testified, appear to be angry; but spoke with composure. The prisoner was a school master. Several witnesses who had known him for some months, deposed that he was a man of good character and quiet disposition. He and the deceased were neighbours, and had always been on friendly terms. The deceased languished till the next day.

The Assistant Attorney General in the afternoon of the second day of the court, stated to the court that in a certain case the grand jury had desired him to draw a bill for Manslaughter. That a doubt in his mind, whether a bill for Manslaughter ought in any case to be presented, had induced him to decline drawing such a bill until he could have the direction or

advice of the court. The court declined interfering with the duties of the public prosecutor. He was not an officer of the court, but of the people, and in conducting prosecutions was to exercise his discretion.—They however, sent for the grand jury, and intimated the opinion of the court, that a grand jury in no case could find a bill for Manslaughter. That where it appeared to the grand jury that a felonious homicide had been committed, they ought to indict for murder. With this advice the grand jury withdrew, and did not return till the next morning; when they presented a bill against the prisoner, drawn by themselves, and not by the public prosecutor, indorsed as follows: "Manslaughter without premeditated malice." The prisoner being arraigned upon this indictment, by advice of his counsel, (who were Gen. Hamilton, Edward Livingston and Cornelius I. Bogert) pleaded guilty. The witnesses were then examined, and disclosed the facts which relate to the offence as above stated. In the afternoon the court passed sentence. His honor Judge Lewis stated to the prisoner, that the crime of which he was guilty was such, as that the laws of this and of every civilized country, and by the laws of God, he had forfeited his life. "Upon what grounds," said the Judge to the prisoner, "the Grand Jury have refused to find a bill against you for murder, the court cannot know. It is for them to reconcile their conduct to their consciences; but the court are unanimously of opinion that you have been guilty of murder, and of murder under many aggravating circumstances.—Your contest with the deceased was ended; you had separated by mutual consent; while you were attempting to take the whip from Smith, and while you were searching for the stick, you had probably several minutes for reflection; but you armed yourself with a deadly weapon, and made a dastardly attack while the back of your unguarded and unsuspecting adversary was towards you. When you had prostrated him, you most cruelly repeated your blow with all your violence; and would still have beat him, even while he was crying for mercy, had not your arm been arrested by one of the witnesses." The Court then passed the sentence, which was fourteen years imprisonment in the state prison.

NEW-BRUNSWICK, to wit.

WHEREAS (in pursuance of an Act, intituled, "An Act for relief against absconding Debtors" we the subscribers have been duly appointed and sworn before the Hon. ISAAC ALLEN, one of the Justices of His Majesty's Supreme Court of Judicature for this Province, as trustees for all and every the creditors of Peter Grim, late of the City of St. John, in the County of St. John, Tanner, an absconding debtor—We do therefore in pursuance of such our appointment, require all persons indebted to the said Peter Grim, to pay to us on or before the fifth day of September next, all such sum or sums of money, debts, duties and things, which they owe to the said Peter Grim, and to deliver to us all other effects of the said Peter Grim, which they or any of them may have in their hands, power, or possession.—And all the creditors of the said Peter Grim are also required to deliver to us on or before the fifth day of December next, their respective accounts and demands against the said Peter Grim.

Witness our Hands at Fredericton, the fifth day of June, in the Year of our Lord one thousand eight hundred and one.

Signed { ANDREW PHAIR,
ROBERT SMITH,
FRANCIS M'BEATH,

BLANKS of various kinds may be had at this Office.