

THE NEW-BRUNSWICK ROYAL GAZETTE.

[Vol. II.]

TUESDAY, 3d SEPTEMBER, 1816.

THE GAZETTE.

BY HIS HONOR
MAJOR GENERAL
GEORGE STRACEY SMYTH,
President, and Commander in Chief of the
(L. S.) Province of New-Brunswick, &c. &c. &c.
G. S. SMYTH.

A PROCLAMATION.

WHEREAS by Act of Parliament passed in the Forty-eighth Year of His present Majesty's Reign, Power is given to the Governor, Lieutenant Governor, or Commander in Chief of this Province, with the advice and consent of His Majesty's Council, to allow the importation of certain enumerated articles from the United States of America into this Province, for the purpose of re-exporting the same—I have therefore thought fit with the advice and consent of His Majesty's Council, to publish this Proclamation, hereby authorising and empowering British Subjects, for the space of six months from the date hereof, to import and bring into this Province from the United States of America, in British built Ships or Vessels, owned and navigated according to Law; Scantling, Planks, Staves, Heading-Boards, Shingles, Hoops or Squared Timber of any sort; Horses, Neat-Cattle, Sheep, Hogs, Poultry, or Live Stock of any sort; Bread, Biscuit, Flour, Peas, Beans, Potatoes, Wheat, Rice, Oats, Barley, or Grain of any sort; and British Subjects during the same period, are hereby authorised and empowered to Export in British Ships, owned and navigated as aforesaid, all or any of the said herein before enumerated articles, to any other of His Majesty's Colonies or Plantations.

GIVEN under my Hand and Seal the eighteenth day of JUNE, in the Year of our Lord one thousand eight hundred and sixteen, and, in the fifty-sixth year of His Majesty's Reign.

By His Honor's Command,

WM. F. ODELL.

To be Sold by Auction.

On the 1st day of November next at 11 o'Clock, at Mr. JOHN McLEOD'S,

THAT valuable FARM, the property of DAVID BETTS, in Northampton, with the House, Barns, &c. Lot No. 10, two hundred and ten acres, more or less, in Grant to AMOS BROOKS and others, bounded on the North by Peter Grant, and on the South by the globe lands; taken in execution by a writ of fieri facias issued out of the Supreme Court, for one hundred and forty-six pounds and nine pence, New-Brans. Currency, at the suit of GEO. D. BERTON, and JEDEDIAH SLASON—and will be struck off on the above day to the highest bidder by

ROBERT SMITH, Coroner.

1st May, 1816.

NOTICE.

ALL Persons having any just demands against the Estate of the late FRANCIS McBEATH, of Fredericton, deceased, are requested to render the same duly attested; and all Persons indebted to said Estate, are desired to make immediate payment to

CATHARINE McBEATH, Executrix.
ROBERT SMITH, | Executors.
ALLWARD HARNED, |

20th June, 1815.

NOTICE.

THE Co-Partnership of PEABODY & SIMONDS is dissolved by mutual consent:—ALL PERSONS having demands against them are requested to render their accounts for adjustment—and all Persons indebted are desired to make immediate payment to

FRANCIS PEABODY,
RICH^d. SIMONDS,
E. SIMONDS.

Miramichi, 20th June, 1816.

FREDERICTON LIBRARY.

A SHARE in this LIBRARY to be disposed of. Inquire at this Office.

25th May, 1816.

LAND FOR SALE.

A HANDSOME Tract of Wood-land, called Lot No. 12, in the Grant to RICHARD WALKER and Associates, containing by estimation, two hundred Acres more or less, situate at Point Mispeck, in the County of Saint John, is now offered for Sale.—An indisputable title will be given to the purchaser. For particulars please apply to

CHARLES BRANNEN, senr. Fredericton,
or to

BERNARD KIERNAN, Saint John.
Fredericton, 5th July, 1816.

FROM THE PARIS SPECTATOR, 15TH MAY, 1815.

A DUEL.

Les hommes, dans le fond raisonnables, mettent sous les regles leurs prejuges memes.

Men who are really reasonable, subject even their prejudices to rule.

MONTESQUIEU, *Esprit des Loix*.

A. M. D. Breant, an old officer, was constantly declaiming against the folly of duelling. A person took it into his head, in order to ascertain the sincerity of his philosophy, to inform him one day, that his son had just received a very serious insult, for which he had the courage not to demand satisfaction. M. Breant immediately gave the lie in form, to him who had invented this story, and was with the greatest difficulty prevented from fighting him. This inconsistency, of which I can cite examples still more recent, is the necessary result of the discordancy existing in this point between manners, morality and the law. Of all the prejudices now in direct opposition to the established law, the point of honour is perhaps the most ancient, and, I am afraid to say it, that which is the most difficult to be overcome, because it is in some sort identified with the national character. Of what importance is it in reality, that the law forbids, under pain of death, that which honour commands under pain of shame, in a warlike nation, education makes cowardice a crime, and contempt a dreadful punishment?

God forbid that I should wish to become the apologist of a barbarous custom, "of a ferocious prejudice, which places all virtue on the point of the sword;" but leaving the application to it of all the odious names with which moralists have endeavoured to degrade it, I am of opinion that in the actual state of our society it is much easier to attack the principle than to avoid its consequences. On this subject people are willing to think generally with Rousseau, provided they are allowed to act on particular occasions like M. Breant. Let us then acknowledge, that however blameable the practice of duelling may be, it finds a sort of excuse in the delicacy of the sentiments which it supposes to exist, a pretext, in the decency and the politeness which it maintains in the world, and a powerful ally in the public opinion which protects it against the punishment of the law. Sanval, in his antiquities of Paris, does not trace the origin of this sanguinary custom father back than to Gondebaud, king of the Burgundians, who, he says, sanctioned the practice by the law *Gombette*. Other historians attribute its invention to the Franks, our paternal ancestors; but it is certain, that it was peculiar to this nation, as we see in the life of Louis le Debonnaire, where it is said that Bernard demanded to clear himself of the crime imputed to him, by an appeal to arms, *more Francis solito*. Once introduced into France, this custom was not slow in naturalising itself. Chivalry, which adopted it, made it a fundamental principle of honour, and notwithstanding the severest laws, it could never be entirely extirpated. The ordinances of our kings have had no effect but to add disobedience to the crime they were intended to prevent, and the most illustrious blood has flowed on the scaffold in vain. It is even very remarkable that duels have never been more frequent than they were at those periods when they were most rigorously proscribed. The edict of Henry II. against duelling, issued in 1547, after the last authorised combat, between Jarnac and La Chataigneraye, gave as it were the character of fashion to that custom which was no longer resorted to as a judicial process. Under the reign of Henry III. this frenzy, in defiance of the severity of the laws, was carried so far, that in allusion to the honours which had been paid by the king in the church of St. Paul to Cylus and Maugiron (killed in duel, by D'Entragues and Riberac) it was customary to say, "I shall have him sculptured in marble," to express, "I shall kill him in a duel." Henry the Fourth is reproached with having displayed too much indulgence towards this species of crime; but it has not been remarked, that in his time the examples of it were much less frequent than during the two reigns between which his was placed. Duellists under Louis XIII. were pursued with all the severity of the law, and an idea may be formed of their number, by an extract of the Chancery registers, from which it appears that more than a thousand pardons were granted by Louis XIV. during the first twenty years of his reign.

The famous Declaration of 1679, which for a moment seemed to abate the duelling frenzy, only served to change the field of battle, which was then removed to the frontiers.

XV. became then less fatal; the point of honour obtained its regulating code, in which injuries were divided into two classes, and no longer required the same kind of satisfaction. It was settled that they should continue to fight for nothing, but that they should only kill each other for something, and then was invented that *mezzo termine*, that combat for first blood, in which, says Rousseau, "affectation is mixed with cruelty, and men are only slain by chance." It is on the subject of the last description of combats, that the author of *Eloisa* exclaims with that eloquent indignation, which dictated to him, perhaps, the finest pages which have ever been written in any language "The first blood! Great God! and what wilt thou do with that blood, ferocious monster? Wilt thou drink it?"

At that period, for the least word, a man was obliged to draw; but it frequently happened, that a single crossing of the swords was considered a sufficient satisfaction for a slight offence. This ridiculous mania did not escape dramatic authors, and supplied Fagan with one of the best scenes of his "Originaux," and with the highly comic part of *Bretanville*.

Up to that time, the sword had been the only weapon allowed in duels: the obligation of wearing it, constantly imposed, at the same time, that of knowing how to use it; and the certainty of being skilful to defend their lives made men less careful of exposing them. The alteration which took place in dress, under the reign of Louis XVI. probably contributed to introduce the use of pistols in duels. A mode of fighting which by the bye, has nothing noble—nothing French in it, in which courage cannot supply the want of skill, and in which you are compelled to kill a defenceless adversary, or to suffer yourself to be killed in the same manner.—This anti-chivalric customs now begins to be out of fashion.

For about two centuries witnesses have taken the place of seconds. This is at least one step towards reason and equity; for if it is inhuman to fight to avenge your own injury, it were certainly most absurd to fight to avenge the injury of another, against a person who had neither offended you nor your friend. Witnesses in our days, regulate the mode and the conditions of the fight, and in no case will they allow the adversaries to meet with unequal arms. They were less scrupulous in the time of Henry III. since it is ascertained, that in the duel between Crylus and D'Entragues, the first was killed, because he had only a sword and a dagger. On Caylus's observing this inequality, D'Entragues, who, however, was considered a man of honour, replied drily, "You have then committed, a great fault to leave your danger at home, for we are here to fight, and not to discuss our weapons."

At that period, it appears that the offended had even the singular privilege of imposing upon his adversary any condition to which he chose to submit himself. This at least is the inference which may be drawn from a fact, related by Brantome. He speaks of having witnessed a duel between a gentleman of very small stature, and a very tall Gascon sergeant. The first regulated the conditions of the duel in such a manner, that they were both obliged to fight with a collar round the neck, armed with points, which compelled them to hold up their heads very high. "This mode," says Brantome, "had been invented very prettily by the little one, who could raise his head against his tall adversary, and mark him at his ease, which the other could not do against him, without bending and piercing his own throat. In this manner the short combattant despatched the Gascon very easily, with two thrusts of his sword." In our days the short one would pass for a murderer, if he could find a tall man fool enough or a fool tall enough to accept of such conditions.

This dissertation, into which, I have almost unconsciously fallen, is only an introduction perhaps rather too long, to the adventure which I have now to relate. One day last week as I was breakfasting with a Bavarian in one of the Cafes, on the Boulevard, near some young men, who were making a more substantial repast, I heard one of them called Alfred, receiving the congratulations of his friends, on a marriage which he was on the eve of contracting with a lovely girl, to whom he was passionately attached. It would be difficult to say how a quarrel began between that young man and one of his friends, as I only paid attention to it, when it had grown so serious, as to give me some anxiety respecting the manner in which it might terminate. I only know that the question was originally, how far a woman may love a man who wears a wig? Alfred had uttered some witticisms on the occasion, which one of his friends was foolish enough to apply to himself; these witticisms