

Corvette It is added, that the battle of the 27th lasted from 2 o'clock in the afternoon, to after midnight; and the Dey dissatisfied with the measures taken by his Minister of Marine, had cut off his head.

NAPLES, Aug. 18.—The American Squadron remains in our road. It is said they are desirous to enlist the colonists who are here. By a regulation of the Squadron, the indiscriminate visit of all persons thereunto is prohibited.

KINGSTON, NOVEMBER 2, 1816.

FOR THE KINGSTON GAZETTE. To the Members of the Provincial Parliament.

In former communications, I have attempted to shew the importance of an earlier publication of the Statutes of the Province, enacted from year to year; and the want of some substitute for a Court of Chancery, particularly in respect to the administration of mortgages, and some provision for the appointment of Guardians of minors. I now beg leave to call your attention to another defect in our Provincial system of jurisprudence, for which a legislative remedy seems to be required.

If one of two partners or joint contractors dies, the survivor may be sued alone; but if, instead of dying, he goes beyond the jurisdiction of the Court, his partner who remains within its jurisdiction cannot be sued at all. A several action will not lie against him, because it is a joint contract; and a joint action is not sustainable, because service cannot be made on the absent one. The English law, as a substitute for such service, allows the Plaintiff to proceed against the absent debtor by outlawry, after which he is permitted to prosecute his suit, and obtain judgment against him who is present. But the process of outlawry is impracticable here, for want of County Courts, which are the judicial organs of such a proceeding. It has been attempted to pass a Provincial outlawry Bill; but it was opposed and rejected, as too complicated and penal, being attended with severe forfeitures and disabilities. No substitute has yet been adopted. The consequence is, that when a joint debtor removes out of, or into, the Province, leaving his partner behind, both of them are exempted from the payment of their debt, let it be ever so honest and meritorious. Although the cause of action is not discharged, the means of enforcing it are suspended and gone. The debtor may laugh at his creditor, and set him at defiance.

This state of things surely requires legislative interposition: for the hands of the Courts of law are tied, so that they can administer no relief. The remedy proposed is simply to enact, that, in case of the removal or residence of one joint debtor out of the reach of the process of the Courts, the other, living within its jurisdiction, shall be liable in the same manner as if the absent one were dead; or that a joint action may be maintained and judgment rendered against both, upon proof, by affidavit, that notice of the suit has been given personally to him, on whom there could be no regular service of process.

A second clause in the same statute might remedy another evil existing at common law. Upon the death of one joint debtor, the cause of action survives against the survivor, but not against the executor or administrator of the deceased, whose estate may have been the principle source relied on for securing the debt. In that case, the creditor loses his security. The right of action, which was originally joint being severed by the death of one of them, it is not proposed to enable the creditor to join the survivor and the representatives of the deceased in the same action as they would be answerable in different capacities, and out of different funds; but to give him a several remedy against each, or certainly against either of them, at his election. This could be no hardship upon the estate of the deceased debtor, who was himself equally bound in law and whose estate is still equally holden in justice and equity, for the payment of the debt.

It is readily admitted, that a spirit of innovation ought not to be encouraged; but the amendments here proposed, appear to be simple and safe in their nature, and recommended by strong considerations of reason and necessity. CAMDEN.

FOR THE KINGSTON GAZETTE.

MR. EDITOR,
On taking up the New-York Spectator of the 16th inst. I observed a paragraph (avowedly copied into that paper from the Watertown, American Advocate,) to the following effect:—
"A British Deserter.—It is stated, that about the 1st inst. a British deserter from Kingston passed thro' Sacket's Harbor, and was soon pursued by

three armed English Officers, who overtook and secured him at Henderson. While the officers were conducting their prisoner back to Kingston, a number of Ship Carpenters and other citizens of Sacket's Harbor interfered, and effected his escape."

Now, Sir, the facts to which the above has allusion, are as follows:—

Two officers belonging to the 70th Regiment, stationed at Kingston, were sent over, by me, to Sacket's Harbor, not armed, nor with the view of seizing a deserter; but as private gentlemen, in pursuit of a villain who had committed the most daring robbery on his master, and in whose detention and punishment every upright citizen of every nation ought to have felt alike interested. The said two gentlemen employed in a regular manner to the Civil Magistrate (paying the required fees) in order to the culprit's being committed to prison, in the full confidence that the American laws would deal justly by the offender; but, with regret do I publish to the world, that the Civil Magistrate of that section of the U. S. after receiving the prisoner into his custody, and being paid for his trouble, and the effrontery of winking at his escape, following up his duplicity by the degrading acknowledgment, that the prisoner's rescue was effected by the daring violence of a lawless Mob. Thus it is, Mr. Editor, by similar artful misstatements as the one inserted in the American Advocate, are rancorous feelings excited, and jealous suspicions begot, in the minds of the subjects of two nations who have the strongest possible incentives to reciprocal good offices and durable friendship.

Your obed't. serv't.
THOMAS EVANS,
Lt. Col. Com'd. 70th Regt.

MR. MILES,
SIR,
By your inserting the following observations in your useful paper, you will perhaps save the parties concerned a public mortification.

On Monday evening last I attended the Theatre, when I could not but observe the impertinence of a few gentlemen, who seemed to take a peculiar pleasure in staring the ladies out of countenance. It would not be amiss that the managers of this edifice should adopt some plan, or throw out such hints as would preserve order and decorum within its walls. The indecorous custom of staring should be checked by branding the offender, or offenders, with the words *Public Nauseance* on the forehead, for the first offence, and for the second, they should be forthwith transported for life, to prevent a third transgression.

Gentlemen wearing spectacles should not be allowed to enter the Theatre without giving security for their good behaviour.

Yours, &c.
SENTIMENTALIBUS.
Kingston, 31st Oct. 1816.

A daring attempt was made on Monday morning, about 1 o'clock, to break open the store of John Lilly, Esq. in the occupation of Mr. William Newton. The villains had forced the passage door from the street, and had ascended the stair case: where, in wrenching the iron door of the store, the family in the dwelling house were alarmed by the noise and barking of the dog in the yard, which the robbers perceiving, they abandoned their projects and made a precipitate retreat—we are informed that there appeared to be three persons in the gang.

Montreal Gazette.

FROM THE MONTREAL HERALD.
The following account of the most atrocious attempt ever made in this or any other country, to poison a numerous family, and others who might taste of the deadly draught, has been communicated to us by a gentleman of respectability and unquestionable veracity. The mind is petrified with horror at the recital of such a diabolical deed, and startles at the thought of the depravity of human nature, when divested of moral and religious principles.

ELIZABETHTOWN, UPPER CANADA.
October 3, 1816.

"I cannot but mention an instance of depravity, as singular as it is cruel and malicious. The well of a Mr. Gardner, of the adjoining town of Yonge, was poisoned by some person on Sunday night, by throwing in a quantity of Arsenic. The family, 12 in number, were in the most distressing pain, their bowels, eyes, and lips, swelled in the most astonishing manner. Besides the twelve in the family, three others were taken ill by drinking a little of the water. I am sorry to say that the wretch who did the deed is yet undiscovered; none as yet have died, but the old man, 82 years of age, has not been expected to live for 2 or 3

days past, true it is, that in the midst of life we are in death."

Lieutenant Governor's Office, York, 27th Sept. 1816. CIVIL APPOINTMENTS.

His Excellency the Lieutenant Governor has been pleased to make the following appointments, viz:

RICHARD HATT, Esq. to be Judge of the District Court, and Surrogate of the District of Gore.

SIMON McNABB, Esq. to be Collector of the Customs at the mouth of the River, Moira, in the Midland District.

Mr. WILLIAM COOPER, to be Government Auctioneer—and Mr. WILLIAM KNOTT, Senior, to be Door-Keeper to the House of Assembly.

By His Excellency's command,
EDWARD MACMAHON,
Acting Secretary.

Lieutenant Governor's Office, York, 30th Sept. 1816.

His Excellency the Lieutenant Governor has been pleased to appoint the undermentioned Justices of the Peace for the District of Niagara, to be additional Commissioners for Administering the Oaths to Militia Pensioners:—
ROBERT NELLES, Forty Mile Creek
JOHN SYMINGTON, Niagara.

JAMES MACKLEM, Chippawa.

ROBERT GRANT, Queenston.

GEORGE ADAMS, Twelve Mile Creek.

JOHN CLARK, Near do.

By His Excellency's command,
EDWARD MACMAHON,
Acting Secretary.

Extract from the Caracas Gazette of the 7th and 14th August.

Venezuela.—On the 27th, the company of grenadiers of the Union, a detachment of 50 men of Yagers of Cosilla, and a picket of 25 of the flying corps, under the orders of Don Bartolome Martinez, the whole under those of the commandant of the garrison, Capt. Mon. Thomas Garcia, had arrived in the town of Chaynaramas. The body of fugitives were discovered towards evening in the vicinity of the town, and were immediately and rapidly attacked with the bayonet. In spite of the heavy fire they kept up, it was impossible for them to withstand this charge, which obliged them to disperse in the woods, near at hand.

The night was drawing on, and the commandant, Garcia, desirous of amusing them as long as possible, to give time for the corps which were following him to come up, retired into the town, and posted himself in a fortified house there.

His project succeeded to his wish. At day-break of the 28th, the enemy had surrounded the house, and at 8 o'clock a flag of truce delivered the commandant Garcia a summons, signed by Sir Gregor M'Gregor, calling himself general in chief of that corps. Nothing could be more laughable than this summons: it goes even a step beyond that of his excellency general Bolivar.—After bedaubing his itinerant band with the title of *invincible*, Sir Gregor concludes—"The life, the honor, the properties of officers and soldiers, shall be respected and preserved: I merely require your arms and ammunition. My word is sacred and shall be inviolable." The answer given half an hour afterwards was couched in terms of energy, equal to the folly of the summons.

During the day, the insurgents attempted to draw near the house, but 80 bodies stretched on the plain, shewed the rest the excess of their temerity.

The night of the 28th all was quiet, and on the morning of the 29th, without thinking any thing more of the summons, and without beat of drum, they resumed their flight on the road of the valley of La Pasque.

On the 30th, the column destined to follow them up, under the command of major Quero, entered the town, and after a few hours rest, followed their route in number about 700 infantry and upwards of 500 cavalry.

The morning of the 31st were burnt the 50 bodies found close to the house, and near 70 dead and dying were collected in the town and on the road, amongst the former five officers and the one who acted as their major-general, &c.

On the 10th inst. a rapid march placed the column under major Quero in the *hato* (cattle pen) of the Socorro, where the enemy was posted.—As soon as observed, the major ordered them to be attacked by some Carabineers and riflemen. The enemy retreated precipitately for 2 leagues till he reached La Quebradita, where he made a stand, favoured by the marshy soil of the wood, and by a rivulet which hindered our cavalry from attacking. The major then gave orders for Captain Rasco to force the passage with the infantry of Aragua, and a detachment of the light infantry of Castilla. Rasco satisfactorily obeyed this order, and dislodged the enemy from his positions, after 8 hours smart firing, whilst the squadrons of El Sombbrero penetrated into the Savannah.

The inundation of the surrounding country at that time prevented our troops from pursuing the enemy, and they returned to the field of battle. Our loss amounts to 29 wounded and 18 killed. That of the enemy to upwards of 150 killed, according to the uniform testimony of many prisoners, amongst whom is a captain of Carabineers, named Montero, who accompanied the rebel Bolivar. Amongst the killed was found the adventurer M'Gregor, who acted as commander in chief; and whose coat, clothes and money are in the possession of the soldier of the squadron of El Sombbrero, who killed him. The whole of his guard were also destroyed.

From South America.—A letter has been received in this town from a gentleman in South America, of which the following are extracts:

Buenos Ayres, July 10, 1816.

"The political state of the country is such, that from the first politician to the last, an opinion cannot be given by them. Liberty and Independence, unsupported by Virtue, Patriotism and Energy, are nothing;—the pretensions to the former are now to the last spark extinguished, and the magistrates have even been destitute of the latter.

"At present heavy armies are rapidly approaching from the westward, which will be difficult to check, if possible.

"The Portuguese are coming, to a certainty, with a very strong force, by sea and land; as well as Gen. Artigas, and all the towns in this province, on the other side of the river, against this capital, which has to depend entirely upon its militia, of inferior numbers. We shall have great changes here by October—if we do not entirely fall under the old yoke. The distresses of the country will be unlimited.

"Notwithstanding all this, there are desperate people here, who may be inclined still to hold out, by driving off the supplies, to annoy the enemy;—in which case a century must elapse (attended with all the St. Domingo horrors) before the country will be good to any one."

Extract of a letter.

Buenos Ayres, July 14.—We have pretty correct information that the Portuguese expedition, of 10,000 troops, has arrived in this river."

Buenos Ayres gazettes received with the above, contains an official address declaring "the country to be in danger," and calling on the people to "rise in arms and once more save it."

From the Newburyport Herald of October 4.

The report respecting the seizure of American property, (as published in our last,) probably arose from the circumstance of a new collector being appointed at St. Andrews, in which district is comprehended Eastport, who deemed the indulgencies of the former collector incorrect; and accordingly, had seized on all the merchandize which was judged to have been imported contrary to law. The merchants, having been so long indulged in a free trade, and not dreaming of such a change, were very naturally surprized; and of course, had spread alarms, calculated to awaken the public sensibility.

From the Missionary Register.

Another Woman Burnt Alive.—The following Narrative is given by Mr. John Peter, an Armenian, who acts as Missionary at Balafore, in connection with the Baptist Society. It is extracted from a letter of his, dated Balafore, Sept. 6, 1814.

A horrible thing was done in this town a few days ago. Ochob neighbor of mine died, aged 60 or 70 years, having 4 or 5 married sons, several daughters, and also grand children. He used to work for me, and I had many times been at his shop, and spoke, there the words of eternal life to his sons, and others, as well as to him, often at his house and my own.—His answer was always favorable. He acknowledged me to be a true preacher of the way of God, and was very religious in his own heathenism.

About 8 months ago he came to me and asked for one of our books, wishing to read it at his own house. I was very glad to give him an Orissa New Testament, which he continued reading or hearing.

About a month ago he fell sick; and on Sunday last, as I was returning from preaching to a large congregation at Mootigunj, one of his sons returned the Orissa Testament; and yesterday morning, I heard the man was dead, and that his wife, aged 45 or 50 years, was going to die with her beloved husband's body, in the burning flame. I was very sorry; had I known of his sickness before

the book was returned to me, I would certainly have endeavored to approach his death bed with the news of salvation. Alas! I cannot help it: the foul is gone.

I sent word to her sons, that I wished to speak with their mother; but they refused my entrance into their house, and desired me, if I wished to speak with her, to go to the place of burning, which was on the high road, a little distance from the town. I watched the opportunity, and about 4 o'clock in the afternoon, I was informed that the miserable woman had been led out from her house, the corpse of her husband having been carried a little before to the place, under the shade of a large tree. Hearing this I went thither.—Finding her in the midst of a large crowd, and surrounded with a great noise, and a band of music, I knew not how to get to her, but some of the crowd immediately helped me. I joined my hands and implored the musicians to let me pass to her for five minutes, that I might speak to her. I said, "I am very sorry for her." Upon this the crowd (near 1000 men) gave me room to approach, and all the musicians stopped their music. As soon as I got before her, I saw about 20 women surrounded her, and she in a most fantastic dress. Almost her whole body was covered with garlands. She had a large cap of flowers, and her forehead was covered with red paint. She had a cocoa nut in her hand; but remained silent, listening to what the others were saying to her. As soon as I approached her, I opened the Orissa Testament and from the 16th chapter of Acts, and the 28th verse, I cried out, "Do thyself no harm; This is a sin against God, and is unpardonable. I am a servant of God, and I love your soul. I am come to tell thee from the mouth of God, Do thyself no harm." She only shook her head, but seemed not to believe me. Afterwards she said, "no, no," when I was dissuading her from going to the fire.

The crowd did not like me to be near her any longer. However, I entreated her to speak to me; which she did, but it was through her nose, so that I was not able to understand her. She gave me two flowers, I told her I did not want flowers, but her life. She shook her head. Then I again said, "Do thyself no harm. If you do it, I am free from your blood."—She, and the crowd then proceeded to the place of death.

I am sorry I was not able to do her any good; I followed, warning her and the crowd against the horrible crime, with the New Testament in my hand. She bathed in a tank; and then, being almost unable to walk, several persons held her shoulders and arms, and took her to the spot. The flames were ready to receive her. The crowd was now about 4000 men. Three gentlemen were on elephants very near the flame. She went round the fire and threw some milk over the burning corpse. Three or four men were at her back, to shove her into the fire, but she fell on the fire, and was soon burnt to ashes. The crowd testified their approbation, during the procession from her house to the burning flames by crying out, "Huribul! Huribul!" I never saw before, such a horrible death.

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WANTED FOR HIS
MAJESTY'S SERVICE,
1000 Barrels of FLOWER,
500 Bushels of OATS,
20 Tons of HAY, &
3000 BROOMS

To be delivered whilst the Navigation is Open.

ALSO,
7000 Bundles of STRAW, &
1000 Bushels of PEASE,

In the early part of the Winter.

Tenders for the above will be received at this office, until the 15 November.

Commissariat Office,
Kingston, 1st November 1816. 22 w 8

CURRIER'S OIL,

5 Barrels,
5½ Barrels Currier's Oil just received and for sale by

JONAS ABBOT & Co
Kingston, Oct. 31, 1816. 22 w 9

To be Sold,

AT the Auction Room of J. DARELEY, on Tuesday, Nov. 27, at 10 o'clock, a Bright Bay HORSE, in excellent condition, and fit for either saddle or Draught.
Kingston, Nov. 1. 1 w

ALL persons having claims against the Estate of John Farrier, late of Kingston, deceased, are requested to present them to the subscriber duly authenticated, for payment; and all who are indebted to said estate, are desired to make payment immediately.

P. J. FITCH,
Acting Executor.
Kingston, Oct. 28, 1816. 22 w 3.