was brought up in custody on this day to receive sentence, after judgment by default upon an information filed against him for having sent a letter to his superior officer, provoking him to fight a duel with him, in consequence of certain charges thrown out against him by the other reflecting upon his character and conduct while serving as an officer under him, and of certain acts done by the superior officer tending to degrade the defendant in the eyes of the crew.

GROSE J. in passing sentence upon the defendant censured strongly several circumstances of provocation on the part of the prosecutor, which had led to the challenge given by the defendant. And as to the offence itself he observed: This offence in modern times is so frequent, that it is become alarming to the public, and induces me to suspect, that men either are not aware of the consequences the offence may lead to, or are become insensible to the mischiefs of them.—That fighting a duel is a grievous breach of the peace is undoubted, and that it ought to be so considered is as clear; inasmuch as it may lead to one of the worst of crimes, *murder;* the murder of one probably, and possibly of more. I lay stress upon the word *murder*, because I fear some are ignorant, and others will perversely not understand, that *to kill a man in a duel amounts to the crime of* DELIBERATE MURDER, *whether he that gave or he that accepted the challenge fall.* To every lawyer this is a proposition perfectly clear; but that others who are not of the profession may as perfectly be assured of it, I will read only a passage or two from the most able writers upon the subject, to shew that it is a doctrine not of modern date, but coeval with the first institution of our laws.

By sir Matthew Hale, as correct, as learned, and as humane a judge as ever graced a bench of justice, we find it laid down (*a*) that if A challenge C to meet in the field to fight, and C decline it as much as he can, but is threatened by A to be posted for a coward, (an ingredient to be found I fear in this case in substance, though not in terms) if he meet not; and thereupon A and B his second, and C and D his second, meet and fight, and C kill A; this is murder in C and D his second, and so ruled in Taverner's case; (*b*) in which case, tried before this court of K. B. in this place, it appeared that the deceased was the challenger, and that the prisoner accepted the challenge, as the case terms it, *upon very forcible provocation.*

Sir Edward Coke, the lord chief justice, laid down the case thus; (*c*) 'This is a *plain* case, and *without any question;* if one kill another in fight, upon the provocation of him which is killed, this is murder.' Of the same opinion were the rest of the court. In this case it is to be observed, that the second, one Thomas Mugrave, as well as the principal, was indicted, and the second outlawed. This precedent may well deter others from taking upon them so illegal and improper an office. And such has been the law recognised at different times down to the present moment, as we may observe by what is laid down by a very learned and able judge (*d*) of the last reign; his words are, 'that in all possible cases deliberate homicide upon a principle of revenge, is murder; for no man under the protection of the law is to be the avenger of his own wrongs. If they are of such a nature, for which the laws of society will give him adequate remedy, thither he ought to resort; but be they of what nature soever, he ought to bear his lot with patience, and remember that vengeance belongeth only to the Might *High*.' Then he goes on.—'Upon this principle, deliberate duelling, if death ensueth, is in the eye of the law *murder;* for duels are generally founded in deep revenge; and though a person should be drawn into a duel, not upon a motive so criminal, but merely upon the punctilio of what *the swordsmen falsely call honor*, that will not excuse; for he that deliberately seeketh the blood of another on a private quarrel acteth in defiance of all laws human and divine, whatever his motive may be.' Here too we may note this excellent man's opinion upon that punctilio of honor, by the rules of which some men affect to palliate and others to justify crimes of the blackest dye, the grossest frauds, gambling, seduction, adultery, murder. Such was and is the law of honor, and no man who will attend to the subject can doubt of it. In this case, if the prosecutor had not obeyed the law, by consulting his own honor, and not the false honor of swordsmen, and either party had fallen, the other would have undoubtedly been guilty of murder, and liable to an ignominious and fatal sentence: from which had it been his fortune to escape, either from absence of witnesses or any other means that sometimes occur to cause a failure of public justice, the remainder of his life must have been clouded with the dreadful remembrance that for the purpose of giving or receiving that miserable thing falsely called *satisfaction*, he had unnecessarily imbrued his hands in the blood of a brother officer. Fortunately for the defendant, that crime he has not to atone for; he is to receive sentence only for attempting to provoke a duel; the punishment of his offence as a misdemeanor is discretionary, and must be guided by such circumstances of aggravation or mitigation as are to be found in the offence.

He then adverted to the particular circumstances of the case, amongst which were several of a nature to mitigate very materially the offence, accompanied by affidavits of the defendant's general merits as an officer from many respectable officers of the navy; though there still remained, as he observed, much for which atonement should be made to the public for the intended violation of the peace. Wherefore upon the whole the conrt, taking into consideration the imprisonment already suffered by the defendant, (who had been brought up early in the term, and committed to custody in the mean time) adjudged him to pay a fine of 100*l* and to be imprisoned for one calendar month, and at the expiration of that time to give security to keep the peace for three years, himself in 1000*l* and two sureties in 250*l* each, and to be further imprisoned until such fine were paid and securities given.

(*a*) 1 Hale's *P.C.* 452. (*b*) 1 Rol. Rep. 360. (*c*) 3 Bulstr. 172. (*d*) Mr. Justice Foster in his Crown Law, 296.

FORTUNATE RESCUE.

As the Quebec steam boat on her passage to Montreal was in the habit of bringing up at Three Rivers, a boat put off from the shore with passengers, and running between the steam boat and a brig lying at anchor, was unfortunately upset by the adjusting motion of the former vessel. The passengers who were thus suddenly immersed in the river were N. B. Doucet Esq. of this city, his lady, two children and a maid servant, with three others whose names are unknown to us; all of whom, however, were providentially saved by the immediate exertions of captain *Hull* and William Rogers Esq. purser in the *U. S.* navy, who preserved one of the children after it had floated past the boat, and was in the act of sinking, being then many feet below the surface.—*Western Star.*

Quebec, Aug. 24.

The commissioners of the Halifax dockyard have sailed for England, the dockyard having been disbanded, the naval hospital broken up, and all the officers discharged, except the storekeeper. The mechanics have also been discharged. It is expected that Bermuda would be the future place of rendezvous. This is a sad stroke upon *H*alifax.

TRADE TO INDIA.

It is stated by one of the London papers that the American trade to India is much greater than that of Great Britain in the same country. This has probably been one of the chief causes of the distress lately experienced by the American banks—a prodigious quantity of specie having been exported to the East Indies for the purchase of commodities which, on importation, have been nearly unsaleable from the glut produced by the too extensive competition—*Can Courant.*

The Herald.

TUESDAY, SEPTEMBER 7, 1819.

The fast sailing Ship Martha, arrived at New York, has brought London dates to the 22d July, extracts from which will be found in our columns.

It will be seen by His Royal Highness the Prince Regents' speech, that Parliament was prorogued on the 13th July.

A very interesting debate took place in the two houses of the British parliament on the 7th and 8th July, which ended with the marquis of Lansdown and Mr Wilberforce, respectively, moving an address to his royal highness the prince regent, acknowledging the zealous & persevering efforts which his royal highness had made for accomplishing the total annihilation of the African slave trade, by all the foreign powers whose subjects had hitherto been engaged in [illegible] and supplicating his royal highness to renew his beneficent endeavors for the attainment of this desirable object

The remains of our late, lamented, Governor in Chief, arrived at Montreal on the 31st ult, and the same day, attended by the inhabitants and military of that city, they were carried on board the steam boat Malsham, to be conveyed to Quebec His Grace did not die at Richmond, as stated in our last, but at a small house within about three miles of that place

A Savings Bank has been established in the city of Montreal, and will go into immediate operation This institution promises to be of infinite advantage to those for whose benefit it is intended, and we hope the most sanguine expectations of its promoters will be realised

Suicide—Yesterday a man named *Amable La Rue*, a baker, put an end to his life by shooting himself with a gun—The inquest returned a verdict of insanity.

To prevent Smut in Wheat.

We invite our friends, the farmers, to make trial of the remedy recommended in the following communication, having been assured that it will answer a good purpose:

MR. EDITOR,

It may not, perhaps, be generally known, that the following simple remedy will effectually prevent smut in wheat; I therefore beg you will publish it for the information of such as may be desirous of keeping their fields of grain free from so great a nuisance.

First steep your seed wheat twenty four hours in strong brine—drain and then spread it on a clean floor; after which sift as much dry lime over it as will adhere to the grain; let it lay twenty four hours in this state, when you may sow [illegible] depend upon a crop entirely clear of smut.

A FARMER.

Parliament was prorogued on the 13th July, to the twenty fourth of August. The following is the REGENT'S SPEECH.

My Lords and Gentlemen,

It is with great regret that I am again obliged to announce to you the continuance of his Majesty's lamented indisposition.

I cannot close this session of parliament without expressing the satisfaction that I have derived from the zeal and assiduity with which you have applied yourselves to the several important objects which have come under your consideration.

Your patient and laborious investigation of the state of the circulation and currency of the kingdom demands my warmest acknowledgments; and I entertain a confident expectation that the measures adopted, as the result of this enquiry, will be productive of the most beneficial consequences.

Gentlemen of the House of Commons,

I thank you for the supplies which you have granted for the service of the present year. I sincerely regret that the necessity should have existed of making any addition to the burthen of the people; but I anticipate the most important permanent advantages from the effort which you have thus made for meeting at once all the financial difficulties of the country; and I derive much satisfaction from the belief that the means which you have devised for this purpose are calculated to press as lightly on all the classes of the community as could be expected when so great an effort was to be made.

My Lords and Gentlemen,

I have observed with great concern the attempts which have recently been made in some of the manufacturing districts, to take advantage of circumstances of local distress, to excite a spirit of disaffection to the institutions and government of the country. No object can be nearer my heart than to promote the welfare and prosperity of all classes of his majesty's subjects; but this cannot be effected without the maintenance of public order and tranquillity. You may rely, therefore, upon my firm determination to employ for this purpose the powers entrusted to me by law; and I have no doubt that, on your return to your several counties, you will use your utmost endeavors in co-operation with the magistracy, to defeat the machinations of those, whose projects, if successful, could only aggravate the evils which it is professed to remedy, and who under pretence of reform, have really no other object but the subversion of our happy constitution.

MARRIED,

At Bozrah, Mr. John *Bate*, of Williamstown, Mass. to Miss Ann *Bass*, after a courtship of one hour.

Is this not angling well, I ask,
Such tender fish to take—
He caught in one short hour the *Bass*,
The Bass tho' caught the *Bate*.

DIED,

On Wednesday the 1st inst. Mrs. JANE QUIGLEY—Same day, EDWARD, infant son of Mr. JOHN HYNES, aged 23 days.

At Bellville, on the 28th August, *Elizabeth Mary*, daughter of Mr William England, aged five months.

BANK NOTICE.

THE Stockholders of the Bank of Upper Canada are hereby required to pay into the Bank, in Specie or Bills of the Montreal Bank, an instalment of six per cent or six dollars on each share on or before the 4th day of October next.

S. BARTLET, *Cashier.*

Kingston, Sept. 1, 1819. 27

Bank Notice.

BANK OF UPPER CANADA.

DIRECTOR for the week,
Thomas S. Whitaker, Esquire.

DISCOUNT Days—WEDNESDAY in each week.

All Notes offered for DISCOUNT must be handed to the Cashier on the day preceding the DISCOUNT Day.

S. BARTLET, Cashier.

Drafts on Quebec at a short sight will be given for specie.

NOTICE.

BOOKS OF SUBSCRIPTION for the

Bank of Kingston,

will be opened at the Director's Room in the Bank of Upper Canada, on the 24th August next, and kept open each day from the hour of ten till three o'clock, until further notice.

Kingston, 27th July, 1819. 22tf

Government Sale by Auction.

TO be sold at the Office of Ordnance, Point *H*enry, at Kingston, Upper Canada, on Friday the twenty fourth instant, the following unserviceable stores in convenient lots, which may be viewed any day previous to the sale, between the hours of six in the morning and six o'clock in the evening.

Several Setts of Harness for Waggons and Carts, with Collars, Saddles, &c.
Clothing for the Royal Corps of Artillery and Sappers & Miners.
Painted Covers for Ordnance,
Tarpaulins, Tents, Sheep Skins,
Leather, Hambro' Line, Haircloths
Corn Bags, Drums, Powder Horns,
Handspikes, Junk Wads, Pikes,
Bugles, Cartridge-Boxes and Accoutrements, Blocks, Spunges, (with caps,)
Copper Ladles, Lanthorns,
Locks, Tin Cases, &c. &c.

Sale to commence at 10 o'clock, A. M.

JOHN STRANGE, *Auctioneer.*

Kingston, Sept. 3, 1819.

CHARCOAL.

5,000 BUSHELS are required for the service of the Naval Yard at this place, the first thousand bushels must be delivered the beginning of next month, and a thousand bushels in each following month.

Tenders will be received for supplying the same, at 12 o'clock at noon, on the 14th inst.

EDWARD LAWS,
Naval Storekeeper.

Kingston, 1st Sept. 1819.

NOTICE

IS hereby given that I William Taylor, as heir at law and administrator to the estate of the late Allan Taylor, deceased; have this day assigned, all the real and personal estate of the late Allan Taylor, and all the interest in the concern of Taylor and Parker; and Thomas Parker, unto John Kirby, Alexander Oliphant Petrie and Thomas Parker, as trustees, for the benefit of the creditors.

William Taylor,
Administrator of the estate of the late Allan Taylor.

Kingston, Aug. 28, 1819. 26tf

NOTICE.

THE copartnership heretofore existing under the firm of LAMB & MCDONELL, was dissolved on the 11th instant, by mutual consent. The business will hereafter be conducted wholly by the subscriber

WM. B. LAMB.

Kingston, Aug. 24, 1819. 25

A dissolution of the Copartnership between LAMB & Mc DONELL has never taken place with my consent.

ARCD. Mc DONELL

WATCHES,

Jewelry & Silver Plate.

By Private Sale, for a few days at Mr. Henry Cassady's, Innkeeper, Store-st. By J. ROBB.

GOLD and silver watches, (warranted) gold chains, seals and keys, broaches, pins, ear-rings, pearl and coloured stone rings, neck chains, lockets, &c. engraved, cut beed and embossed sterling gold rings, silver and shell snuff boxes and spectacles, silver thimbles, pencil cases, tooth and ear picks, aromatic boxes, graters, fruit and butter knives, candlesticks, spoons, forks, fish knives, knife rests, wine lables and corks——Also in lots, a large stock of very superior gilt chains, seals, keys, finger rings, broaches, ear rings, bracelets and snaps, neck chains, needles, pencils, braces, watch materials, &c.

N. B. Old gold and silver lace, diamonds, pearls, etc. bought—The above goods are London made, and are of a superior quality and latest patterns.

Kingston, 30th August, 1819.

NOTICE

Midland District, To Wit: } IS hereby given, that a Court of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius, will be held in and for the said District, at the Court *H*ouse in the town of Kingston, on Monday the 27th day of September, inst at ten o'clock in the forenoon, at which time and place all Justices of the Peace, Coroners, Constables and all those otherwise concerned, are desired to be then and there present, to do and perform what to their several offices in that behalf appertains.

JOHN M'LEAN, *Sheriff M. D.*

Sheriff's Office, Kingston, Sept. 3d, 1819. }

REMOVAL.

THE Subscriber respectfully informs the public that he has removed to the BRICK STORE in Store street, within a few doors of Henry Cassady's, where he intends following the

Tayloring Business,

in all its various branches. Any persons pleased to favor him with their custom, may rely on having their work done in the neatest manner, and on moderate terms.

OLIVER W. STEVENS.

Kisgston, Sept. 7, 1819. 27

REMOVAL.

THE subscribers beg leave to inform their friends and the public generally, that they have removed from their former stand to the house lately occupied by Mr. Edward Walker, opposite M. Williams, & Co. Shoe Factory in Store-street, where they have just received an extensive assortment of

DRY GOODS
AND
Ready Made Clothing,

Too numerous to mention—Which they will sell cheap for cash or short approved credit.

MONJEAU & ST. GERMAIN.

Kingston, 30th August, 1819.

GOVERNMENT CONTRACT.

FRESH BEEF

WILL be required for the use of his majesty's troops, &c. stationed at Kingston, Point *H*enry and Point Frederick, for six months, commencing on the 25th *S*eptember next, and ending the 24th March following, the quantity about

One Thousand Pounds per Day,

but subject to increase or diminish.

Sealed tenders will be received at this office until twelve o'clock on Friday, the 10th September; the price must be inserted in words at length, and the names of two sureties given for the due performance of such contract as may be entered into.

Commissariat Office,
Kingston, 20th August, 1819. 25

GOVERNMENT BUILDING.

A STORE HOUSE, to be built of hewn or cut Stone, in His Majesty's Naval Yard at Kingston, U. C. according to plans (observing that the roof is altered to a projecting eave) which may be seen at the office of the Commanding Engineer at Quebec, Naval Storekeeper's office at Montreal, and at the Commissioners office at this place. Persons desirous of contracting separately for the Mason's, *(by the toise)* Carpenter's or Cast Iron work, or to wholly finish the building, digging the foundation and covering the roof with tin, will send in sealed tenders to the latter office, on the 11th of October next, naming two sufficient securities for the due performance and proper execution of the works by the 30th Sept. 1820.

Other tenders will also be received for erecting the building *with wood instead of the Cast Iron work for the inside*, as described in the drawings. Whether the building is put up with or without the Cast Iron work, the Stone will be allowed to be quarried on the King's ground, and all the timber materials furnished from this yard.

EDWARD LAWS,
Naval Storekeeper.

Naval Yard, Kingston,
23d Aug. 1819. 25

N. B. tenders will only be received from British Subjects, nor will any Foreigner be allowed to have an interest in the contract.

E. L.

THOMAS ASKEW,

RESPECTFULLY informs the public that he has received a small assortment of

India and British Cottons,

Calicoes, Velveteen Fustians, Flannels, black Bombazettes and Bombazeens, Lutestrings, black and white worsted and cotton Hosiery, striped Linseys, Dimities, silk Hat covers, &c; which with his remaining stock he offers for sale at a very low rate forcash

Kingston, 31st Aug 1819 26

W. STENNETT,

HAS just received from England an elegant assortment of

Jewelry, Watches, Silver & Plated Goods, Cutlery & Japanned ware,

consisting of several valuable complete

TEA SETTS,

each consisting of Tea Urn, Coffee do Tea Pot, Sugar Bason, Milk Ewer, &c. of the *R*egent's pattern, silver mounted.
Plain do do do do do
Bronze do do do do do
Branch and Plated Candlesticks, silver edged
Plain do do do;
Tea Trays, Bread Baskets, Knife and Snuffer Trays, Candlesticks, Dressing Cases, &c &c;
Ladies' morocco Ridicules, Pocket Books and Thread Cases, Bank note Cases, and Gentlemen's Pocket Books;
Several setts of highly finished white Ivory handle Knives and Forks, fifty pieces to a sett;
Common do do do;
Eight day spring Clocks, Patent Leaver and Vertical Watches;
A general assortment of Fancy Gold Jewelry, Silver and Metal articles;
The above goods are all of the newest fashion, and are now offered for sale on very reasonable terms.

Kingston, Aug. 27, 1819, 26

NOTICE is hereby given, that William Taylor, heir at law and administrator of the late Allan Taylor, hath assigned all the real and personal estate of the late Allan Taylor, deceased, unto John Kirby, Alexander O. Petrie and Thomas Parker, in trust for the benefit of creditors. All persons having any claims against the late Allen Taylor, Taylor and Parker or Thomas Parker, are requested to present the same for adjustment and payment, and those persons indebted to either the late Allan Taylor, Taylor and Parker, or Thomas Parker, are requested to make immediate payment to the above trustees; who are fully authorised to give discharges for the same.

John Kirby,
A. O. Petrie,
Thomas Parker,

Kingston, August 28, 1819. 26tf

REMOVAL.

THE subscriber begs leave to inform his friends and the public generally, that he has removed from his former stand to the large stone store lately occupied by Messrs. W. Mc Cuniffe & Co. a few doors from the Market Place in King-street, where he has just received a well selected and extensive assortment of

Hardware & Cutlery,

consisting of several tons of
English and Swedes Iron,
Steel, Nails, Window Glass,
*P*utty, Paints, Oil, Spikes,
Tin Plate, Sheet Iron, Trace and Log Chains,
Hollow Ware of every description,
Frying Pans, Spades and Shovels,
Anvils Vices, Grindstones, &c. &c.

With a large assortment of shelf goods—consisting of most articles asked for in his line, which he will sell low for cash, produce, or short approved credit.

J. WATKINS.

Kingston, August 16, 1819. 6w

PROSPECTUS
OF A
MONTHLY MAGAZINE,
ENTITLED THE
EVANGELICAL HERALD.

IT has long been lamented by the friends of Evangelical Truth, and those who have the best interests of society at heart, that in the Canadas there was no periodical publication solely appropriated to the diffusion of Divine truth, and conveying to our numerous, but widely scattered inhabitants, a knowledge of the state and progress of Religion in our own country, and various parts of the world, and at the same time forming an instructive and entertaining Miscellany for the use of the rising generation.

The Editors of the *Evangelical Herald* have for many years been fully aware of the want of such a work and the advantage which would result from its circulation, to the Church of Christ and the country at large. They now come forward to attempt to supply the deficiency, and solicit the patronage of the public, and friends of vital godliness, to carry into effect their well meant design.

It is proposed that the Evangelical Herald shall be printed once a month, and shall contain not less than 32 pages, 8vo. neatly excecuted in letter-press, in the usual form of a magazine. The price not to exceed one shilling each number, (Halifax Currency.)

Besides a variety of useful and entertaining matter, original and selected from British and American periodical publications and authors of acknowledged merit, the Evangelical Herald will exhibit biographical sketches of eminent characters, obituary notices, contain essays and dissertations on moral, theological and philosophical subjects; sacred and profane history will form a compendium of domestic and foreign intelligence, giving an impartial account of revivals of religion, the formation and success of missionary and bible societies, and such institutions as are interesting to the pious and benevolent mind. It will also contain original and selected poetry. The whole forming a volume of practical divinity calculated to promote true piety, by exciting a love of reading, and at the same time directing the mind to the only pure fountain of religious knowledge, the *Holy Scriptures.*

No pains will be spared by the conductors of this journal to render it respectable and worthy of public patronage. Every reader who feels interested in the perusal and propagation of scripture truth, will find the pages of the Evangelical Herald faithfully devoted to his service.

Communications (post paid) which may advance the interest and prosperity of the *R*edeemer's Kingdom, will be thankfully received by the Publisher, Mr. H. C. Thomson, Kingston, or by the editor at Brockville, Elizabethtown, and those from the upper part of Canada, by the editor at Fredericksburgh, and find a ready insertion in this miscellany.

Subscriptions received at the office of the Upper Canada Herald.

Kingston, September 3, 1819.