

THE BRITISH-AMERICAN REGISTER.

QUEBEC, SATURDAY, 25th JUNE, 1803.

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TRIAL OF CAPTAIN MACNAMARA.

Old Bailey, April 22.

THIS morning Captain Macnamara was removed from Blake's Hotel, in order to take his trial at the Old Bailey Sessions. He went in his brother's coach, which, on account of the weak state of his body, drove very slowly to Mr. Kirby's house. At one o'clock the Capt. appeared in Court, attended by a Medical Gentleman, and a great number of respectable friends; and being unable to stand, a chair was provided for him at the bar. The Clerk of Arraignment read over the charge, which was founded on the Coroner's inquest, of manslaughter; with firing off a pistol, loaded with ball, which caused the death of Colonel Robert Montgomery.

To this charge the Captain pleaded Not Guilty.

Mr. Knapp opened the case for the prosecution, and after stating the law with respect to manslaughter, he entered into the circumstances of the provocation in Hyde-Park, and dwelt particularly on the use made by Captain Macnamara of the word *arrogance*. In Piccadilly something further passed, in which other persons were concerned, whose names he would not mention, as they were not now the object of accusation. He next stated the progress and effect of the duel, and concluded by saying that the prosecutor had no wish as to the event of the trial, but to acquit himself of the duty to his deceased

relative and to the public. If, in consequence of this prosecution, a stop or a check should be put to such fatal transactions, this prosecution would be attended with the best effects that had resulted from any trial that had taken place before a jury of the country.

The evidence given by the witnesses, Messrs. Sloane, C. Smith, Esq. Thomas Latch, a servant, D. Farrer, a post-boy, and Mr. James Harding, differed in nothing materially from what we have already stated to have been advanced on the Coroner's inquest.

Captain Macnamara being called upon for his defence, requested the indulgence of the Court, in a very low tone of voice, while he read from a paper what he had to offer in his defence, which was instantly complied with. The Captain then proceeded as follows:

" Gentlemen of the Jury,

" I appear before you with the consolation that my character has already been delivered, by the verdict of a Grand Jury, from the shocking imputation of murder; and that although the evidence against me was laid before them, without any explanation or evidence of the sensations which brought me into my present unhappy situation, they made their own impression; and no charge of criminal homicide was found against me. I was delivered at once from the whole effect of the Indictment. I therefore now stand before