

Documents in the case of the King vs. Seth Huskins

Liverpool, N.S. 1816-1817

The King Record
vs of
Seth Huskins Conviction

(Copied from original documents in the possession of William Shepherd, former Prothonotary of Queens County. They were copied for the Canadian Archives at Ottawa by Charles Warman in 1918, according to pencil notes on each document. In 1960 Shepherd turned the originals over to Jones & Milford, lawyers, Liverpool.)

BE IT REMEMBERED that at His Majesty's Supreme Court Court of Assize and General Gaol Delivery Holden at Liverpool in and for the County of Queens County on the First Tuesday of July in the Fifty Seventh Year of the Reign of our Sovereign Lord George the Third of the United Kingdom of Great Britain and Ireland King etc, and in the year of our Lord One thousand eight hundred and seventeen Before the Honourable Breton Halliburton Esquire one ONE of the Justices of the said Supreme Court and Feleg Winwall Esquire Associate JUSTICE Circuit Justice of the same Court by the oath of Curdon DeWolfe and others his fellow Jurors good and lawful men of the County aforesaid then and there impanelled sworn and charged to enquire for our said Lord the King and for the Body of the County aforesaid

IT IS PRESENTED that Seth Huskins late of Liverpool in the County aforesaid Heretofore not having the Fear of God before his eyes but being moved and seduced by the instigation of the Devil on the seventeenth day of September in the year of our Lord One thousand eight hundred and sixteen and in the fifty sixth year of the Reign of our Sovereign Lord George the Third of the United Kingdom of Great Britain & Ireland King Defender of the Faith and so forth with force and arms Etc, at Liverpool aforesaid in the County aforesaid in and upon one Edmund Colbert in the Peace of God and our said Lord the ONE King then and there being feloniously and wilfully and of his malice aforethought did make an assault and kin the said Edmund Colbert then and there with great force and violence cast and threw ONE upon the ground and his the said Edmund Colbert to cast and thrown upon the ground the said Seth Huskins with his fists and knees then and there did beat bruise and wound giving to the said Edmund Colbert one mortal wound of which said mortal wound he the said Edmund Colbert died on the nineteenth day of September aforesaid until the nineteenth day of September in the year aforesaid at Liverpool aforesaid did languish and languishing did live on which the said nineteenth day of September in the year aforesaid the said Edmund Colbert at Liverpool aforesaid in the County aforesaid of the said mortal wound died and so the Jurors aforesaid upon their OATHS do say that the said Seth Huskins the said Edmund Colbert then and there feloniously and of his malice aforethought did make an assault and kin the said Edmund Colbert then and there with great force and violence cast and threw ONE upon the ground and his the said Edmund Colbert to cast and thrown upon the ground the said Seth Huskins with his fists and knees then and there did beat bruise and wound giving to the said Edmund Colbert one mortal wound of which said mortal wound he the said Edmund Colbert died on the nineteenth day of September in the year aforesaid at Liverpool aforesaid did languish and languishing did live on which the said nineteenth day of September in the year aforesaid the said Edmund Colbert at Liverpool aforesaid in the County aforesaid of the said mortal wound died and so the Jurors aforesaid upon their OATHS do say that the said Seth Huskins the said Edmund Colbert then and there in manner and form aforesaid feloniously wilfully and of his malice aforethought did Kill and Murder against the Peace of our said Lord the King his Crown and Dignity

QUEEN'S COUNTY To Wit

July Term 1817

<p>The King vs Seth Huskins</p>	}	<p>Record of Conviction</p>
---	---	-------------------------------------

AND THE SAID JURORS upon their OATHS do further Present that the said Seth Huskins not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil, afterwards to wit on the seventeenth day of September in the year aforesaid with force and arms Etc, at Liverpool aforesaid in the County aforesaid in and upon the said Edmund Colbert in the Peace of God and our said Lord the King then and there being feloniously wilfully and of his malice aforethought did make one other assault and kin the said Edmund Colbert with his feet knees and fists then and there did beat bruise and wound giving to the said Edmund Colbert in and upon the Belly of his the said Edmund Colbert one other mortal wound of which said last mortal wound the said Edmund Colbert from the said seventeenth day of September in the year aforesaid at Liverpool aforesaid until the nineteenth day of September in the year aforesaid at Liverpool aforesaid did languish and languishing did live on which the said nineteenth day of September in the year aforesaid the said Edmund Colbert at Liverpool aforesaid in the County aforesaid of the said last mentioned mortal wound died and so the Jurors aforesaid upon their oaths aforesaid do say that the said Seth Huskins the said Edmund Colbert then and there in manner and form aforesaid feloniously wilfully and of his malice aforethought did Kill and Murder against the Peace of our said Lord the King his Crown and Dignity.

Whereupon the Sheriff of the County aforesaid is commanded that he omit not for any Liberty within his Bailiwick but that he cause take the said Seth Huskins and him safely keep to answer to the felony and murder whereof he stands indicted and afterwards to wit at the Delivery of the Gaol of our said Lord the King of this County aforesaid before the Justices aforesaid on the First Tuesday of July

BE IT REMEMBERED that at His Majesty's Supreme Court Court of Assize and General Gaol Delivery Holden at Liverpool in and for the County of Queens County on the First Tuesday of July in the Fifty Seventh Year of the Reign of our Sovereign Lord George the Third of the United Kingdom of Great Britain and Ireland King etc, and in the year of Our Lord One thousand eight hundred and seventeen Before the Honorable Brenton Halliburton Esquire one ~~XXX~~ of the Justices of the said Supreme Court and Peleg Wiswall Esquire Associate ~~XXXXXX~~ Circuit Justice of the same Court by the oath of Gurdon DeWolfe and others his fellow Jurors good and lawful men of the County aforesaid then and there impannelled sworn and charged to enquire for our said Lord the King and for the Body of the County aforesaid

IT IS PRESENTED that Seth Huskins late of Liverpool in the County aforesaid Mariner not having the Fear of God before his eyes but being moved and seduced by the instigation of the Devil on the seventeenth day of September in the year of our Lord One thousand eight hundred and sixteen and in the fifty sixth year of the Reign of our Sovereign Lord George the Third of the United Kingdom of Great Britain & Ireland King Defender of the Faith and so forth with force and arms Etc, at Liverpool aforesaid in the County aforesaid in and upon one Edmund Colbert in the peace of God and our said Lord the ~~XXX~~ King then and there being feloniously and wilfully and of his malice aforethought did make an assault and him the said Edmund Colbert then and there with great force and violence cast and threw ~~XXX~~ upon the ground and him the said Edmund Colbert so cast and thrown upon the ground the said Seth Huskins with his fists and knees then and there did beat bruise and wound giving to the said Edmund Colbert one mortal wound of which said mortal wound he the said Edmund Colbert from the seventeenth day of September aforesaid until the nineteenth day of September aforesaid in the year aforesaid at Liverpool aforesaid did languish and languishing did live on which the said nineteenth day of September in the year aforesaid the said Edmund Colbert at Liverpool aforesaid in the County aforesaid of the said mortal wound died and so the Jurors aforesaid upon their ~~XXXXX~~ oaths aforesaid do say that the said Seth Huskins the said Edmund ~~XXXXX~~ Colbert then and there in manner and form aforesaid feloniously wilfully and of his Malice aforethought did kill and murder against the Peace of our said Lord the King his Crown and Dignity-

AND THE SAID JURORS upon ~~XXXXXXXXXXXXXXXXXXXX~~ their oaths aforesaid do further Present that the said Seth Huskins not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil, afterwards to wit on the seventeenth day of September in the year aforesaid with force and arms Etc, at Liverpool aforesaid in the County aforesaid in and upon the said Edmund Colbert in the Peace of God and our said Lord the King then and there being feloniously wilfully and of his malice aforethought did make one other assault and him the said Edmund Colbert with his feet knees and fists than and there did beat bruise and wound giving to the said Edmund Colbert in and upon the Belly of him the said Edmund Colbert one other mortal wound of which said last mortal wound the said Edmund Colbert from the said seventeenth day of September in the year aforesaid at Liverpool aforesaid until the nineteenth day of September in the year aforesaid at Liverpool aforesaid did languish and languishing did live on which the said nineteenth day of September in the year aforesaid the said Edmund Colbert at Liverpool aforesaid in the County aforesaid of the said last mentioned mortal wound died and so the Jurors aforesaid upon their oaths aforesaid do say that the said Seth Huskins the said Edmund Colbert then and there in manner and form aforesaid feloniously wilfully and of his malice aforethought did Kill and Murder against the Peace of our said Lord the King his Crown and Dignity.

Whereupon the Sheriff of the County aforesaid is commanded that he omit not for any Liberty within his Bailiwick but that he ~~XXXXX~~ take the said Seth Huskins and him safely keep to answer to the felony and murder whereof he stands indicted and Afterwards to wit at the Delivery of the Gaol of our said Lord the King of this County aforesaid before the Justices aforesaid on the First Tuesday of July

aforesaid in the year aforesaid here cometh the said Seth Huskins under the custody of Nathan Tupper Sheriff of the County aforesaid in whose custody in the Gaol of the County aforesaid for the Cause aforesaid he had been before committed being brought to the Bar here in his proper person by the said Sheriff to whom he is also here committed and forthwith being demanded concerning the premises in the said indictment above specified and charged upon him how he will acquit himself thereof He saith that he is not guilty thereof and thereof for good and evil he puts himself upon the Country and James Rogers Esquire Deputy Clerk of the Crown for the County aforesaid who prosecutes for the said Lord the King in this behalf doth the like

Wherefore, Let a Jury thereupon here immediately come before the Justices aforesaid of free and lawful men of the neighborhood of the County aforesaid by whom the Truth of the Matter may be the better known and who are not ~~XXXXXX~~ of kin to the said Seth Huskins to recognize upon their oaths whether the said Seth Huskins be guilty of the felony and murder in the Indictment aforesaid above specified or not guilty because as well the said James Rogers who prosecutes for the said Lord the King in this behalf as the said Seth Huskins have put themselves upon the said Jury and the Jurors of the said Jury by the said Sheriff for this purpose impannelled and returned to wit John West, John Smith, Thomas Gardner, Jacob Clattenburg, Leonard Teel, George Webb, Joseph Brown, Pitts Snow, John Teel, William Foster, Simeon Freeman Junior, and Joseph Payzant being called come who being elected tried and sworn to speak the truth of and concerning the premises upon their oath say that the said Seth Huskins is not guilty of the murder ~~XXXXXX~~ aforesaid above charged upon him but that the said Seth Huskins is guilty of the felonious slaying of the aforesaid Edmund Colbert and that he had not nor hath any goods chattells lands or tenements at the time of the Felony and manslaughter aforesaid or ever afterwards to this time to the knowledge of the said Jurors.

And immediately it is demanded of the said Seth Huskins if he hath or knoweth anything to say wherefore the said Justices here ought not upon the premises and verdict aforesaid to proceed to Judgement and Execution against him who saith that he is a Clerk and prayeth the benefit of Clergy be allowed him in this behalf WHEREUPON all and singular the premises being seen and by the said Justices here fully understood it is CONSIDERED that the said Seth Huskins be marked with the letter M in the brawn of the left thumb and stand committed to the Common Gaol of the County aforesaid for the space of ~~III~~ six Calendar months and then be delivered, and immediately he is marked with the letter M in the brawn of the left Thumb according to the Term of the Statute and delivered to the custody of the Sheriff to stand Committed as before considered.

(signed)

Jas. Rogers

Dy. Clerk of the Crown

An Inquiry taken at Liverpool 19th September, 1816 (This is written on outer fold)

actually his name was Edmund Colbert. →

Queens County, Province of Nova Scotia. An Inquisition taken at Liverpool in the County aforesaid, this nineteenth day of September in the Year of our Lord one thousand eight hundred and sixteen, and in the fifty-sixth year of the reign of our Sovereign Lord the King, before me, Nelson Freeman, Gentleman, one of the Coroners of our Lord the King, for the County aforesaid, upon the view of the body of Edward Colbert, then and there being dead upon the oaths of Stephen Smith, Silas West, Henry Payzant, Ferguson Whitten, Martin Thaxter, William Riggs, James Webster, Samuel Freeman, Henry Godfrey, Cornelius Knowles, Smith Jones, Thomas McClearn, good and Lawful men of the County aforesaid, who being sworn and charged to enquire on the part of our said Lord the King, when, where, how and after what manner the said Edward Colbert came to his death, do say upon their oath, that the said Edward Colbert died in consequence of a hurt internally received in a scuffle with Seth Huskins, on the evening of the 17th September instant.

In Witness whereof, as well the aforesaid Coroner, as the Jurors aforesaid, have to this Inquisition put their hands and seals, on the day and year aforesaid, and at the place aforesaid.

(The signatures follow, all in good clear handwriting, some of them excellent samples of penmanship. Stephen Smith was the foreman of the Coroner's jury.)

Examination of Seth Huskins -- 20th September, 1816 (Written on outer fold.)

Queens County -- The Examination of Seth Huskins, of Liverpool in said County, Mariner, taken before us, Joshua Newton, Elisha Calkin, Joseph Freeman, Snow Parker, Joseph Barss, Benj. Knaut, Esquires --

His Majesty's Justices of the Peace for said County, the twentieth day of September, One thousand, eight hundred and sixteen, and in the 56th Year of His Majesty's Reign.

The said Seth Huskins being charged before us by James Ratchford DeWolf, of Liverpool aforesaid, Merchant, on oath, with having Feloniously beat, wounded and evil treated Edmund Colbert of Liverpool aforesaid, Labourer, by which the said Edmund Colbert came to his Death on the 19th day of this present month of September.

Upon his Examination, now taken before us, he says that he was in company with Edmund Colbert at the House of Mr. John More, Innholder, on Tuesday Evening last, the 17th Inst. That about ten o'Clock Colbert left the house with Mr. Chadsey in order to see him safe home, as he appeared to be in Liquor and could not walk very well. That about a quarter of an hour afterwards he left Mr. More's house himself to go home. That on his way home, above Mr. DeWolf's new house, near the great Rock, he saw Edmund Colbert and Mr. Chadsey on the road. That after they parted about a dozen Yards, Colbert came towards him, and he looked up to see who he was, and that he took the examinant by the hand and gave him a hard squeeze (sic). He then put out his left hand to push Colbert away, when he took hold of him (Huskins) by the two shoulders and lifted him up, and threw him down backwards, and fell upon him, and rolled over into the Ditch. That he took hold of Colbert by the shoulders at the time, that he got up immediately, did not complain of being hurt, and parted without being affronted as he supposed, as he asked him if he was affronted, and he said Oh no! and bid him good Night. That he saw Colbert come down the Hill towards the Street, and the Examinant went home to his Father's house. That no other Person was present or within hearing at the time, unless Mr. Chadsey

might have. That Edmund Colbert was always very Friendly, that they never had any quarrel or words together. He was often at his Father's house, and he had no ill will towards him, and does not think that he came by his Death by any hurt he received from him. He further says that he is not quite 21 years of age, that he considers himself under the direction of his Father, Job Huskins of Liverpool, Ship Carpenter.

For the suspicion of having feloniously killed Edmund Colbert, late of Liverpool aforesaid, Labourer, on the nineteenth day of September last at Liverpool, whereof the said Seth Huskins stands charged upon the Oath of Justice, and to do and receive what shall by the said Court be thought fit to be done there

his
Seth Huskins X Huskins
mark

Note by T.H.R. The Inquiry, ~~xxxx~~ on page 1, gives the dead man's name as Edward Colbert, and there are signs that it was originally written Edmund and then changed. Subsequent documents call him Edmund.

Mittimus - Seth Huskins -- 21st Sepr 1816 (written on outer fold)

Queens County Joshua Newton, Joseph Freeman and John Thomas Esquires, three Justices of Our Lord the King, assigned to keep the Peace in said County. To either of the Constables of Liverpool, in the said County, and to the Keeper of His Majesty's Gaol in Liverpool in said County --

These are to command you, the said Constable, or either of you, in His Majesty's name, forthwith, to convey and deliver into the Custody of the said Keeper of the said Gaol, the Body of the said Seth Huskins, Mariner, charged upon the Oath of J. R. DeWolf, in said County, Merchant, before us, with the suspicion of having feloniously (sic) beaten and wounded Edmund Colbert on the night of the Seventeenth of this present month of September, by which the said Edmund Colbert is supposed to have come by his Death on the nineteenth of the present month at Liverpool in the said County. And you the said Keeper are hereby required to receive the said Seth Huskins into your Custody in the said Gaol, and him there safely to keep, until he be thence discharged by due course of Law. And herein fail you not.

(signed and sealed by Newton, Freeman and Thomas.)

Recognisance - Seth Huskins - Principal £100.0.0

Job Huskins Securities \$50 in cash (all this written on
John More Acknowledged before outer fold)

24th October 1816

Queens County - Be it remembered that on the 24th day of October, in the year of Our Lord one thousand eight hundred and sixteen, and in the 56th Year of His Majesty's Reign - Before us, John Newton and Joseph Freeman Esquires, two of His Majesty's Justices assigned to keep the Peace in said County, Personally appeared Seth Huskins, Mariner, Job Huskins Sr., Shipwright, and John More, Innholder, all of Liverpool in the County aforesaid, and acknowledged themselves to owe to our Lord the King, to wit, the said Seth Huskins, the sum of One hundred pounds, the said Job Huskins Senr. the sum of Fifty pounds, and the said John More the sum of Fifty pounds of good and lawful Money of Nova Scotia, to be respectively made and levied of their several Goods and Chattels, Lands and Tenements, to the use of our said Lord the King, his Heirs and Successors, if he the said Seth Huskins shall fail in the Conditions hereunder written. Vizt --

is

The Condition of this Recognisance ~~is~~ such that if the within mentioned bound Seth Huskins shall personally appear before His Majesty's Justice of Gaol Delivery at the next Sessions of the Supreme Court, to be holden in and for the said County on the first Tuesday of July next, then and there to answer to our said Sovereign Lord the King whatever may be ascribed to him, in and concerning the charge against him for the suspicion of having feloniously killed Edmund Colbert, late of Liverpool aforesaid, Labourer, on the nineteenth day of September last at Liverpool, whereof the said Seth Huskins stands charged before us the said Justices, and to do and receive what shall by the said Court be then and there enjoined him, and shall not depart the Court without Licence, then the within written Recognisance shall be void.

(signed by Newton and Freeman)

Recognisance - Richard King - 21st. Sepr. 1816 (written on outer fold)

Queens County - Be it remembered, That on the twenty-first day of September, in the 56th Year of the Reign of our Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith and so forth, Richard King of Liverpool in said County, Yeoman, personally came before me, Joshua Newton Esquire, one of His Majesty's Justices of our said Lord the King, assigned to keep the Peace in said County, and acknowledged himself to owe to our said Lord the King, ten pounds of good and Lawful money of Great Britain, to be made and levied of his goods & Chattels, Lands and Tenements, to the use of our said Lord the King, his Heirs and Successors, if he, the said Richard King, shall fail in the condition under written. Vizt. ~~XX~~ --

The Condition of this Recognisance is such, that if the above bounden Richd. King shall personally appear at the next Court of Oyer & Terminer, and General Gaol delivery, to be holden at Liverpool in and for the said County, and then and there give evidence of what he knoweth upon a Bill of Indictment to be exhibited at the suit of the King, to the Grand Jury, against Seth Huskins of the said County, mariner, to having feloniously beaten, wounded and evil treated Edmund Colbert, late of Liverpool, Labourer, on the 17th day of this present month of September, whereby the said Edmund Colbert is supposed to have come by his Death. And in case the said Bill be found a true Bill, then ~~if~~ the said Richd. King shall then and there give Evidence to the Jurors that shall pass on the trial of the said Seth Huskins, upon the said Bill of Indictment, and not depart thence without leave of the Court, then this Recognisance to be void. Otherwise of force.

Acknowledged before me
Joshua Newton J.P.

(signed) Joshua Newton J.P.

Recognisance - William Johnstone - 24th Oct. 1816 (written on outer fold)

(The contents of this document worded exactly as that for Richard King.)

(Presable as above)

Inholder, on Tuesday Evening the 17th inst. at about ten of the Clock at Night, and Edmund Colbert was brought to his House by Chas. Wier and another person whose name he does not know - That Colbert appeared to be in great pain, and on being asked what was the matter with him he said it was his Heart - On being asked how he got his hurt, he said he had been seeing Old Mr. Chadsay home, and on his return, that young Huskins had laid hold of him, that he threw Huskins down and

Deposition of James Ratchford DeWolf (Written on outer fold)
20th Sepr. 1816

Queens County - The Information of James Ratchford DeWolf of Liverpool, in said County, Merchant, taken upon Oath before me Joshua Newton Esquire, one of His Majesty's Justices of the Peace for said County, this twentieth day of September 1816, and in the 56th year of His Majesty's Reign. Who, being Sworn upon The Holy Evangelists of Almighty God, deposeth and says - That Edmund Colbert was a hired servant at his House for about four months past - That on Tuesday night last, the 17th inst., about twelve of the Clock, after he had gone to bed, he was awakened by a Noise at the door by William Johnstone and Charles Wier, who were leading Edmund Colbert, who appeared to be hurt and was making a great noise - And on asking what was the matter he said that Seth Huskins had killed him - And on asking him again how it happened, he said that he was returning home from Mr. More's Tavern, after going with Old Mr. Chadsey, who was in liquor - And, between the Street and Mr. DeWolf's new house, Seth Huskins jumped on him, and he threw him down upon his back, and that he fell upon Huskins knees, and it had killed him. That upon asking him whether he thought that Huskins intended to kill him, he said he believed he had a bad mind to him -- He said he knew it was the third son of Mr. Huskins that was at home and he knew him by the name of Seth - That he did not see any other person in company -- That the informant sent for Dr. Robinson, who came to his assistance and administered some medicine and bled him without effect. That it was the opinion of the Doctor that the injury he had received was mortal, and the informant observed to Edmund Colbert, the next day, that as his declaration might affect the Life of another if he should die, which there was every appearance that he would, he wished him to be cautious what he said.

Colbert replied that Seth Huskins was the Person who injured him, that he jumped upon him, and he threw Huskins down, and his knees killed him. Upon asking him again, if he thought that Huskins intended to murder him, he replied that he did not know, but he had a bad mind towards him - That in the course of the First Night the informant said he should have Huskins taken up in the morning and examined, but that Colbert then said Oh no! it was only a scuffle. But the next day when he was pronounced in great danger, he repeated what has been before related, and persisted that Seth Huskins was the person who injured him, and that he had a bad mind towards him. The Informant further says that Edmund Colbert lingered at his House in great pain, and died on Thursday morning about four of the Clock. That several persons, Countrymen of the Deceased, were with him the night before he died, and Robert Billary, a Stone Mason, was with him the night before.

Taken before me - (signed) James R. DeWolf
Joshua Newton J.P.

Deposition of Wm. Johnstone
20th. Sep. 1816 (written on outer fold)

(Preamble as above)

..... deposeth and says that he was at the House of Mr. John More, Innholder, on Tuesday Evening the 17th inst. at about ten of the Clock at Night, and Edmund Colbert was brought to his House by Chas. Wier and another person whose name he does not know - That Colbert appeared to be in great pain, and on being asked what was the matter with him he said it was his Heart - On being asked how he got his hurt, he said he had been seeing Old Mr. Chadsey home, and on his return, that young Huskins had Laid hold of him, that he threw Huskins down and

Note by J.R.R. The house of James R. De Wolf, a wealthy merchant, was on the site of "Willard Apartments", corner of Main & Beek Streets, Liverpool.

fell upon his knees, that in the fall he received his hurt, and it had killed him -- That he was then put into bed at Mr. More's House, and that he was uneasy and wished to be carried home to Mr. DeWolf, and the informant attended him in company with Chas. Wier --

Taken before me - (signed) William Johnstone
Joshua Newton J.P.

Deposition of Richard King
21st. Sepr. 1816 (written on outer fold)

Queens County The deposition of Richard King of Liverpool in said County, taken before us, Joshua Newton, Joseph Freeman, John Thomas, Elisha Calkin, His Maj. Justices of the Peace for said County, who being duly sworn upon the Holy Evangelists of Almighty God, deposeth and says:

That he came to Mr. Dewolf's House on Wednesday the 18th day of Sepr. when he heard that Edmund Colbert was hurt -- That when he went into the room he was alone-- That he asked him if he wanted anything, he answered no. He asked him how he got his hurt, he said that Huskins' Son had killed him, that he was a gone Man, and added in the Irish language, The Lord have Mercy upon me.

Richard X King
Mark

Deposition of Job Huskins
21st Sepr. 1816 (written on outer fold)

Queens County The Deposition of Job Huskins of Liverpool in said County, Shipwright, taken before us, Joshua Newton, Joseph Freeman, John Thomas, Elisha Calkin, Esquires, His Maj. Justices of the Peace for said County, this 21st day of Sepr. 1816 and in the 56th year of His Maj. reign.

Who, on his examination, says that Seth Huskins is his son, and that he lived at Home with him, that he is not yet Twenty one years of age -- That he was acquainted with Edmund Colbert, that he was often at his House. That he was there on Tuesday the 17th of this present month at about twelve of the Clock, and smoked his pipe. That his son Seth was at home at the same time. That they appeared good Friends, and he never knew the contrary. That he never heard of any quarrel between them, and knew of no grudge or any reason whatever why they should have quarreled or why his son should do any injury to Edmund Colbert. That he was at home the Evening his son returned from Mr. More's, but he did not see him. He thinks he did not go out of the House again after that, and he thought it was between nine and ten of the Clock.

Job X Huskins
mark

Doctor Henry Robinson was a native of Somersetshire, England. He had served as surgeon to the 7th Fusiliers, the Duke of Kent's regiment, which was stationed at Halifax for years, and then fought under Wellington in Spain. Possibly he had

Deposition of Dr. Hy. Robinson
20th Sept 1816

(written on outer fold)

Queens County

The Information of Dr. Henry Robinson, Surgeon & Physician, of Liverpool in Queens County. Taken before me, Joshua Newton Esqr. and others, His Majesty's Justices of the Peace for said County, on oath, this 20th day of Sep. 1816, and in the 56th year of His Maj. Reign.

Who being duly sworn upon the Holy Evangelists of Almighty God, deposeth and says that he was called to the House of Mr. James R. Dewolf on the night of the 17th, to attend a Man by the name of Edmund Colbert, who appeared to be in great distress, and he was informed by ~~second of the house of Huskins~~ Mr. Dewolf that he had been injured by a man by the name of Huskins. That he could not understand himself what the Deceased said the first Evening. as he spoke very unintelligibly, and in broken English. That his hurt appeared to be an inflammation as he complained of great pain in his Belly. That the next morning he saw him again, and then understood from him that he recd his hurt from a young man by the name of Huskins. He did not mention the Christian name, but said it was the Third Boy. He saw him frequently on Wednesday the 18th inst. and administered to him without being able to afford him any relief, and he understood he Died on Thursday morning at four of Clock.

(signed) Henry Robinson

Note by T.H.R.

The evidence in this case shows that a number of Irishmen were in Liverpool in 1816. Another case at this same sessions of the Supreme Court (see the King vs. Daniel Hurley) convicted a transient Irishman to death for theft. The long wars against Napoleon, and the war against the United States, had ended in 1815. Numbers of Irish soldiers from disbanded British regiments settled in Nova Scotia at this time; but these would have been able to speak English well. Edmund Colbert spoke "broken English", and the witness Richard King stated that Colbert uttered a phrase in "the Irish language". It seems to me that these men were recent immigrants, part of the stream of poor English, Irish and Scots moving to America in the hard times following the long wars.

James Ratchford DeWolf was born at Wolfville N.S., Sep.14, 1787. When he was 23 he came to Liverpool, and in a short time (April 29, 1810) he married Elizabeth, only daughter of Colonel Joseph Freeman. For a number of years Freeman and DeWolf conducted a shipping and merchandizing business in partnership. Then DeWolf founded a business of his own. He and Elizabeth had five children. J.R.DeWolf lived in Liverpool until he died, a prosperous merchant, in 1855. He built a mansion (evidently the "new House" mentioned in the evidence above) on the rising ground above the east corner of Main Street and School Street. After Dewolf's death the mansion gradually fell into decay. It was operated as a small hotel, called the Grove Mansion House, by a Captain Hill in the 1880's and 1890's. Finally it was torn down by John Seldon (father of Lawrence Seldon, the present - 1960 - Liverpool druggist) who built a large new residence on the site. In 1929 this was purchased and remodeled by Colonel C.H.L.Jones, who called it Hillcrest.

Doctor Henry Robinson was a native of Somersetshire, England. He had served as surgeon to the 7th Fusiliers, the Duke of Kent's regiment, which was stationed at Halifax for years, and then fought under Wellington in Spain. Possibly he had

married a Nova Scotian wife, for ~~his~~ after the war's end he began a private practice in Nova Scotia. He moved to Liverpool with his family in March 1816, and after little more than a year he died there, on March 22, 1817, at the age of 41. His death notice in the Nova Scotia Gazette states that -- " he sustained the character of the Christian, the Gentleman, and the skilful Physician. He left a widow and three children to lament his premature death, occasioned by a faithful and zealous attention to his profession." Thus he did not live to see the trial of Seth Huskins for manslaughter in July 1817.

of

Benjamin Knaut, Justice of the Peace, was a son/~~x~~ Philip Augustus Knaut, one of the pioneer settlers of Lunenburg. Benjamin removed to Liverpool. In 1799 he served as lieutenant of marines aboard the Liverpool privateer "Charles Mary Wentworth" on a cruise to the West Indies and the Spanish Main. For many years he was a J.P. and Sheriff of Queens County.

Joshua Newton came to Halifax from England ^{approximately} about 1790 with his family. His father was Henry Newton, collector of customs at Halifax. About 1796 Joshua removed to Liverpool, having obtained the post of collector there. He married a daughter of Simeon Perkins and built a mansion ^{opposite} next door to the Perkins house. The mansion was called Elmwood. In the 1920's it was a small hotel. It was torn down after the 1939-45 war to make way for buildings of the Liverpool (militia) artillery battery. Joshua held the offices of J.P., Custos Rotulorum, Judge of the Inferior Court of Common Pleas, Judge of Probate, and Collector of Customs. He died in Liverpool March 27, 1849.

Henry Godfrey was a sea captain. In 1800 he was "powder monkey" of the Liverpool privateer Rover, with his uncle Alexander Godfrey as captain. He was then 13 years old. As a shipmaster he had many adventures. In one of these his ship was boarded at night by pirates, operating in boats, in a small West Indian bay. When he sprang on deck the pirates attempted to throw him overboard. With his body hanging over the side he clung desperately to the rail. The pirates hammered his hands with clubs but he succeeded in getting aboard ~~again~~ again, rallying his men, and saving his ship. For the rest of his life he had ~~exposed~~ misshapen hands and fingers.

Colonel Joseph Freeman was born in 1765, in ~~Massachusetts~~ ^{Massachusetts} Liverpool, a son of parents who removed to Nova Scotia from Harwich, Massachusetts. He was a mariner, rose to the command of ships, and eventually made a fortune as a merchant in the fishery and West Indies trade. During the Napoleonic Wars, and the war with the United States 1812-1814, he commanded privateers in the West Indies and on the coast of the U.S., with great efficiency and success. He held ⁽⁴⁾ the rank of Colonel in the Queens County militia, and was Member of the N.S. Assembly for Liverpool and Queens County for 25 years. When in Halifax he made the acquaintance of Prince Edward, Duke of Kent, and was a guest at the Prince's lodge on Bedford Basin. In 1805 he commanded a Liverpool privateer named "Duke of Kent", cruising against French and Spanish shipping in the West Indies. He died May 5, 1839, aged 71.

There were two or three Samuel Freemans in Liverpool and vicinity in 1816. The one who served on the coroner's jury in the Colbert affair may have been Deacon Samuel Freeman, of "The Falls" (Milton) then aged 47; or his son Samuel, then aged 21. Deacon Samuel Freeman was a mariner, and later a lumber merchant at "The Falls". In 1799, ~~he~~ ^{he} the Liverpool privateer "Lord Spencer", he was wrecked on a reef off Cumana, Venezuela. He was First Lieutenant of the ship. ~~He~~ and his companions were rescued by another ~~ix~~ Nova Scotia privateer, the "Lord Nelson" of Shelburne, and they continued their adventures ~~in~~ a captured Spanish schooner. In the War of 1812 he was a prize-master in the Liverpool privateers "Sir John Sherbrooke" and "Rolla". In time of peace he made many trading voyages to the

married a Nova Scotian wife, for ~~he~~ after the war's end he began a private practice in Nova Scotia. He moved to Liverpool with his family in March 1816, and after little more than a year he died there, on March 22, 1817, at the age of 41. His death notice in the Nova Scotia Gazette states that -- " he sustained the character of the Christian, the Gentleman, and the skilful Physician. He left a widow and three children to lament his premature death, occasioned by a faithful and zealous attention to his profession." Thus he did not live to see the trial of Seth Huskins for manslaughter in July 1817.

of
Benjamin Knaut, Justice of the Peace, was a son/~~x~~ Philip Augustus Knaut, one of the pioneer settlers of Lunenburg. Benjamin removed to Liverpool. In 1799 he served as lieutenant of marines aboard the Liverpool privateer "Charles Mary Wentworth" on a cruise to the West Indies and the Spanish Main. For many years he was a J.P. and Sheriff of Queens County.

Joshua Newton came to Halifax from England, ^{arrived} about 1790 with his family. His father was Henry Newton, collector of customs at Halifax. About 1796 Joshua removed to Liverpool, having obtained the post of collector there. He married a daughter of Simeon Perkins and built a mansion ^{now} next door to the Perkins house. The mansion was called Elmwood. In the 1920's it was a small hotel. It was torn down after the 1939-45 war to make way for buildings of the Liverpool (militia) artillery battery. Joshua held the offices of J.P., Custos Rotulorum, Judge of the Inferior Court of Common Pleas, Judge of Probate, and Collector of Customs. He died in Liverpool March 27, 1849.

Henry Godfrey was a sea captain. In 1800 he was "powder monkey" of the Liverpool privateer Rover, with his uncle Alexander Godfrey as captain. He was then 13 years old. As a shipmaster he had many adventures. In one of these his ship was boarded at night by pirates, operating in boats, in a small West Indian bay. When he sprang on deck the pirates attempted to throw him overboard. With his body hanging over the side he clung desperately to the rail. The pirates hammered his hands with clubs but he succeeded in getting aboard ~~again~~ again, rallying his men, and saving his ship. For the rest of his life he had ~~rough~~ misshapen hands and fingers.

Colonel Joseph Freeman was born in 1765, in ~~Moscow Massachusetts~~ ^{Northampton} Liverpool, a son of parents who removed to Nova Scotia from Harwich, Massachusetts. He was a mariner, rose to the command of ships, and eventually made a fortune as a merchant in the fishery and West Indies trade. During the Napoleonic Wars, and the war with the United States 1812-1814, he commanded privateers in the West Indies and on the coast of the U.S., with great efficiency and success. He held the rank of Colonel in the Queens County militia, and was Member of the N.S. Assembly for Liverpool and Queens County for 25 years. When in Halifax he made the acquaintance of Prince Edward, Duke of Kent, and was a guest at the Prince's lodge on Bedford Basin. In 1805 he commanded a Liverpool privateer named "Duke of Kent", cruising against French and Spanish shipping in the West Indies. He died May 5, 1839, aged 71.

There were two or three Samuel Freemans in Liverpool and vicinity in 1816. The one who served on the coroner's jury in the Colbert affair may have been Deacon Samuel Freeman, of "The Falls" (Milton) then aged 47; or his son Samuel, then aged 21. Deacon Samuel Freeman was a mariner, and later a lumber merchant at "The Falls". In 1799, ~~at~~ ⁱⁿ the Liverpool privateer "Lord Spencer", he was wrecked on a reef off Cumana, Venezuela. He was First Lieutenant of the ship. ~~He~~ and his companions were rescued by another ~~in~~ Nova Scotia privateer, the "Lord Nelson" of Shelburne, and they continued their adventures in a captured Spanish schooner. In the War of 1812 he was a prize-master in the Liverpool privateers "Sir John Sherbrooke" and "Rolla". In time of peace he made many trading voyages to the

West Indies, in various ships, including the famous brig "Rover". He died at Milton in 1834.

Nelson Freeman, the Coroner in the Colbert case, established an inn at Potanoc (upper Milton) soon after the cross-country road to Nictaux was cut through the woods in the 1790's.

Joseph Barss Sr., one of the J.P.'s, was a successful sea captain and merchant. While on a trading voyage to the West Indies during the Napoleonic Wars he was captured, and spent two years there as a prisoner. His first house was a small one, on a knoll ~~in~~ in the marsh some distance ~~from~~ ^{from} the present (1960) government wharf. When he became prosperous he built the big square mansion which still stands on Bristol ~~Street~~ Avenue facing towards the town bridge. It was built about 1798. In recent years the interior has been much changed, and the ground floor converted into a furniture store, but the house preserves its outer appearance to a great extent, including some of the old-fashioned small-paned windows.

Joseph Barss Sr. was a J.P. and a representative for Liverpool in the N.S. Assembly 1799-1811. He died in Liverpool Aug. 13, 1826. His son, Joseph Barss Jr., was an energetic and successful sea captain, and during the War of 1812 he commanded the famous "Liverpool Packet", the outstanding Nova Scotia privateer in attacks on American commerce.

John More, the "innholder", was father of James F. More, the Queens County historian. John More in earlier years was a mariner and trader. In 1808, when provisions were scarce in Liverpool due to the American embargo, he sailed to Portland, Maine, in a small sloop named only by himself, a Portuguese named Antonio Silva, and a boy. With the connivance of friendly Portland merchants he obtained a cargo of flour and other provisions. On leaving Portland harbor he was pursued and overtaken by a U.S. government cutter, but he refused to heave-to. Instead he laid a pistol and a blunderbuss on the cabin house before him, dared the American captain to board him, and held the sloop on her course for Nova Scotia. The cutter thought discretion the better part of valor and sheered off. In 1810 John More built a tannery on the brook which flows into the Mersey River just above the present railway bridge. The tannery business was ruined and closed by the War of 1812, but in 1821 it was renewed by the firm of Cowie & More. In 1832 Mr. More retired from the tannery, selling out his interests to ~~Wm. Cowie & Sons~~ Cowie & Sons.

In his history of Queens County, James F. More relates that business was slow and many people out of work, in the slump after the wars ended in 1815. Merchants in the West Indies trade were obliged to sell their fish and other products at a low price, and accept in payment quantities of rum. He states, "Rum, of which there were 4,000 gallons at one time in Liverpool, (about the year 1820) was a complete drug in the market, worth not more than 1 shilling 3 pence per gallon."

This flood of cheap rum undoubtedly led to a great deal of drunkenness in the class of labourers, sailors and fishermen in Liverpool. It should be taken into account in considering the Colbert murder. It seems to have been a sudden and senseless brawl between the illiterate young sailor Huskins and the Irish wanderer Colbert. The location of the More tavern is not certain. Apparently it was on Main Street, between School Street and Fort Point. The brawl took place on School Street (at that time a narrow lane leading towards Moose Harbor) -- "above Mr. Dewolf's new house, near the great Rock". This presumably was about the spot where Mr. Maurice Russell now lives (1960).

Nelson Parker, one of the J.P.'s, was born in Massachusetts in May, 1760, and came to the new settlement of Liverpool as a child. He was a successful mariner, merchant and shipbuilder, and was Member in the N.S. Assembly for Queens County from 1801 to 1826. During the Napoleonic Wars and the War of 1812 he was an

active shareholder in Liverpool privateers. He died in Liverpool in 1843. His house was on the site of the present home of Mrs. Charles Andrews (1960) on Main Street -- which may be the same house.

Sir Brenton Haliburton was a son of Doctor John Haliburton, of Halifax, N.S. As a young man he served for some years as an officer in the 7th Regiment, which was stationed at Halifax, and of which Prince Edward was Colonel. He left the army for the law, and eventually became Chief Justice of Nova Scotia.

Peleg Wiswall was born in Falmouth, Maine, in 1763. His father was a Church of England clergyman who fled to Nova Scotia with the Loyalists. Peleg became a lawyer, and represented Annapolis County in the N.S. Assembly 1811-1817. He became Associate Judge of the Supreme Court on March 30, 1816. He assisted Thomas Chandler Haliburton in collecting material for his History of N.S. His residence was chiefly at Digby, but he died in Annapolis in 1836.

John Thomas, one of the Liverpool J.P.'s, was born at Plymouth, Mass., in 1745. He was a shipmaster and trader, and engaged in much business with Liverpool merchants. His sympathies were Loyalist, and although he remained a resident of Plymouth throughout the War of the American Revolution, he removed to Liverpool in 1784. He was a graduate of Harvard. In Liverpool he was a J.P., a deputy sheriff, and for a time collector of impost and excise. In 1787 he opened a school in Liverpool. He died in Liverpool in 1823.

Documents in the case of the King vs. Seth Huskins

Liverpool, N.S. 1816-1817

(Copied from original documents in the possession of William Shephard, former Prothonotary of Queens County. They were copied for the Canadian Archives at Ottawa by Charles Hanson in 1918, according to pencil notes on each document. In 1960 Shephard turned the originals over to Jones & Kilford, lawyers, Liverpool.)

active shareholder in Liverpool privateers. He died in Liverpool in 1843. His house was on the site of the present home of Mrs. Charles Andrews (1900) on Main Street -- which may be the same house.

Sir Brenton Halliburton was a son of Doctor John Halliburton, of Halifax, N.S. A young man he served for some years as an officer in the 7th Regiment, which was stationed at Halifax, and of which Prince Edward was Colonel. He left the army for the law and eventually became Chief Justice of Nova Scotia.

John Wavell was born in Falmouth, Maine, in 1783. His father was a Church of England clergyman who fled to Nova Scotia with the loyalists. John became a lawyer, and represented Annapolis County in the N.S. Assembly 1811-1817. He became Associate Judge of the Supreme Court on March 30, 1818. He assisted Thomas Chandler Halliburton in collecting material for his History of N.S. His residence was chiefly at Digby, but he died in Annapolis in 1836.

John Thomas, one of the Liverpool L.L.'s, was born at Falmouth, Maine, in 1793. He was a shipmaster and trader, and engaged in much business with Liverpool. His sympathies were loyalist, and although he remained a resident hereabouts, his operations were in the West Indies. He was a graduate of Harvard. In Liverpool he was a deputy sheriff, and for a time collector of import and excise. In 1807 he opened a school in Liverpool. He died in Liverpool in 1833.