

1. Your Lordship, and all other Persons who have Occasion to speak to this Court, must address your Speech to the Lords in general, and not to any Lord in particular.

2. Your Lordship's Council may be present at the Bar, in order to be heard to any Point or Matter of Law, if such shall arise on either of the Articles for High Treason, and that you may make your full Defence by Council, if you think fit, on the Articles for High Crimes and Misdemeanors, as well on Matters of Fact as of Law.

3. That your Witnesses are to be examined on Oath as well to the Articles for High Treason, as those for High Crimes and Misdemeanors.

L. H. Steward. My Lords, the Distance between this Place and the Bar is so great, that I hope your Lordships will excuse me, if I go to the Table for the better hearing of what shall be said during this Trial.

Lords. Ay, ay.

Then the Lord High Steward went down, and seated himself by the Table.

Serj. at Arms. O yes, &c. (as before.)

L. H. Steward. Gentlemen of the House of Commons, you will be pleased now to proceed.

Mr. Stanhope. My Lords, the Distance of the Lord High Steward from this Place, may have been the Occasion, that we have mistaken something that fell from thence; we do therefore desire to avoid all Mistakes (and I believe we might be mistaken) for we understood my Lord High Steward, that Council should be allowed the Prisoner at the Bar, as well to the Defence of the High Treason, as to the High Crimes and Misdemeanors; it is possible we misapprehended his Lordship, but we hope his Lordship will be pleased to explain it to us.

L. H. Steward. To prevent Mistakes, I repeat what I said, and it is this. That Council for the Lord (the Prisoner at the Bar) may be present at the Bar, in order to be heard to any Matter or Point of Law (if any such shall arise) relating to the High Treason, and likewise to make that Lord's full Defence on the Articles of Impeachment of High Crimes and Misdemeanors, as well in Matters of Fact, as Matters of Law.

Mr. Hampden. MY Lords, the Commons of *Great Britain* in Parliament assembled, out of indispensable Duty to their Country, and Zeal for the Preservation of the *common Liberties of Europe*, have brought to your Lordships Bar *Robert Earl of Oxford* and *Earl Mortimer*, late High Treasurer and a Privy Counsellor of this Kingdom, charged with the highest Crimes and Misdemeanors, by him committed and done against the Person, Crown and Dignity of his Sovereign, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him.

The Commons in their Charge set forth, the many solemn Treaties and Alliances which had been entered into between the *Crown of England*, and other *Princes and Potentates of Europe*, for their mutual Safety, from the Considerations of the common Danger which then threatened all Christendom from the *immoderate Growth* of the *Power of France*.

They likewise take Notice to your Lordships of the prosperous and flourishing Condition which the *Liberties of Europe* were in when, under these Treaties and Alliances, it pleased Almighty God

to bless the Confederate Arms under the Command of their *Great and Victorious General* the *Duke of Marlborough*, with such a Series of Successes, as far exceeded their own Expectations, and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of *Great Britain* in particular, was rais'd to a higher Pitch than in any former Age.

That in this prosperous Condition of Affairs, the Prisoner at the Bar, with other evil-minded Persons, Enemies to the true Interest of their Country, as well as to the common Liberties and Welfare of *Europe*, did by many wicked Arts and Insinuations obtain Access to her late Majesty *Queen Anne*, got into her Councils and into Places of the highest Trust, to make way for his and their pernicious Enterprizes, form'd a treacherous Correspondence with the *Emissaries of France*, and gave false and destructive Councils to her Majesty.

The particular Articles exhibited by the Commons, to which proper Evidence will be apply'd, contain a Charge.

That this Great Person at the Bar, having no Regard to the Honour or Safety of his Sovereign or these Kingdoms, wherewith he was entrusted, or to the many solemn Engagements with the old and faithful Allies of this Nation, but being devoted to the Interest and Service of the *common Enemy*, did, by private and secret Negotiations in Breach of all *public Faith*, maliciously and wickedly cultivate and improve the Demands of the Enemies of his Country, more to their Advantage than they themselves could have ever hoped for.

That by clandestine and secret Negotiations with the Enemies of *England*, he gave up the particular Interest of his own Country: That he assumed to himself *Regal Power*, and in a time of *open War* took upon himself to meet and treat with the Enemy, without any Authority or Power from his Sovereign, and did what in him lay to subvert the *ancient and established Constitution* of this Kingdom.

That he conceal'd the Advice and pernicious Influence whereby he had engaged his Sovereign and prostituted her Honour, which had been raised to the highest Pitch of Glory abroad, and been justly held in Veneration with her Allies; and the Royal Hand was by the wicked Arts of the Prisoner at the Bar, made the Instrument to advance the Interest of the common Enemy.

That by deceitfully amusing the Allies of the Crown of *Great Britain*, and by private, separate and unjustifiable Negotiations, entered into, and carry'd on by the Prisoner at the Bar, a lasting Reproach was brought upon this Nation, and the public Faith of many Treaties, wherein *England* was engaged in the most sacred and solemn Manner, was notoriously Violated, and the faithful Allies of the Crown Amus'd and Deceiv'd.

That the Prisoner at the Bar did in the most fatal Manner Impose upon and Delude his Sovereign in accepting a pretended Expedient from the Enemy, which the Enemy at the same time declar'd to be Null and Void. That the most unjustifiable and destructive Measures were taken by him to dissolve the whole Confederacy, without any Regard to *Religion, Liberty, or the Faith of Treaties*; and in Consideration of his wicked Advice, great Numbers of the Confederate Troops, who had on many Occasions signaliz'd themselves in the Defence of the Cause of *Europe*, were given up as a Sacrifice

Sacrifice to the Fury and Revenge of the Enemy.

My Lords, The Commons in their Charge set forth the particular Measures concerted and taken by the Prisoner at the Bar, to complete the Destruction of the Common Cause of Europe, and the Protestant Succession to the Crown of these Realms. And they Charge

That the Prisoner now before your Lordships did traiterously Aid, Assist, and Adhere to the Enemies of his Queen and Country, and advis'd and promoted the giving up to those Enemies the important Town and Fortresses of Tournay, together with Spain and the West-Indies.

That he Sacrificed the Trade and Commerce of Great Britain to its common Enemy without the least Shadow of Advantage procur'd to these Kingdoms, and Betray'd the National Faith and Honour of the Crown, employing against his Imperial Majesty (the Great and Faithful Ally of this Kingdom) the Naval Power of the Crown, and the Supplies granted by Parliament, in direct Violation of the Grand Alliance, and contrary to her Majesty's repeated Declarations from the Throne, and her plain and full Instructions to her Plenipotentiaries at Utrecht.

That he took upon himself to Exercise the most arbitrary and unwarrantable Authority; assuming to himself the chief Direction and Influence in her late Majesty's Councils, and most wickedly prostituted the Honour of the Crown, and the Dignity of Parliaments, totally depriving her Majesty of the wholesome and necessary Advice of her Parliament, and Misrepresenting the most Essential Parts of the Negotiations of Peace, to obtain the Sanction of Parliament to his wicked and pernicious Proceedings, thereby fatally Deceiving her Majesty, her Allies, her Parliament, and her People, by several false Speeches and Declarations, concerted and advis'd by him, to be made by her Majesty from the Throne to her Parliament on the Subject of the said Negotiations of Peace; and by such wicked and unexampled evil Council, he did most ungratefully abuse the Favour of his Royal Mistress, and by means of her Authority misled her Parliament into Groundless and Prejudicial Resolutions; and thereby not only prevented the just Advice of the Parliament to her Majesty in that CRITICAL JUNCTURE, but obtained the Approbation of Parliament to his MYSTERIOUS and DANGEROUS PRACTICES; and did not only Deprive her Majesty of the Confidence and Affection of her Allies, but Expose her Majesty and her People to the Contempt of the Enemy.

That he has us'd his utmost Endeavours to Subvert the Ancient Constitution of Parliaments, the Great and only Security of the Prerogative of the Crown, and of the Rights, Liberties, and Properties of the People, and most wickedly attempted to destroy the Freedom and Independency of this Noble House, the great Ornament and nearest Support of the Crown; disguising his mischievous Intentions, under pretence of Superior Zeal for the Prerogative of the Crown, but by his false Advice her Majesty was depriv'd of the seasonable and wholesome Councils of her Parliament, and the Prerogative perverted to the Dishonour of the Crown, and the irreparable Mischief to the Constitution of Parliaments.

My Lords, The Commons have further charg'd the Noble Lord with Corruptions, in illegally misapplying Monies appropriated by Parliament, and

with preventing any Parliamentary Enquiry into the same, to the Reproach and Scandal of Parliaments in Breach of his Trust, the highest Abuse of the Goodness of his Sovereign, and the greatest Injustice and Oppression of her Subjects, and that he defrauded her late Majesty of the Public Money with which he was entrusted for the Support of the Honour and Dignity of the Crown.

That this Great Person did assume to himself the Supreme Direction in her late Majesty's Councils, and did introduce to her Majesty for a pretended public Minister, a TRAYTOR in Disguise named in the Articles; and gave such Traytor several considerable Sums out of her Majesty's Treasure, in a Fictitious and Scandalous manner; such Person being sent into this Kingdom under false Pretences, secretly to promote the Interest of the PRETENDER, whereby the Prisoner at the Bar did ungratefully expose the Person of her Majesty, and notoriously encourage the Adherents of the Pretender, to the apparent Danger of the Protestant Succession to the Imperial Crown of these Realms. And,

Lastly, That this Great Person at the Bar did, by the most false and wicked Councils and Practices, Betray and give up as a Sacrifice to the implacable Resentments of their enrag'd and powerful Enemy, a Free and Generous People, the faithful and useful Allies of this Kingdom, the brave CATALANS: who by the Evil Measures concerted and taken by the Prisoner at the Bar, were Betray'd into irrecoverable Slavery, and the Honour of the British Nation, always Renown'd for the Love of Liberty, and for giving Protection to the Distressed Asserters of it, therein most basely prostituted by the pernicious and detestable Council of the Prisoner at the Bar.

Thus your Lordships have a View of the Guilt in which the Treasons and other Crimes committed by the Prisoner at the Bar have involv'd him: And it is with Astonishment the Commons observe, that his Defence is an Attempt to asperse the Memory of his Royal Mistress with the Blame of what was transacted during his Administration, which by imposing upon her he had effected against her Honour, and the Good of his Country; thereby attempting to reflect upon the Justice of the House of Commons, and to cast an Odium upon their Proceedings against him. But we doubt not your Lordships Vindication of the Honour of her late Majesty, and the Proceedings of the Commons in this Prosecution.

The Commons think it their Duty to express their utmost Abhorrence of the traiterous and wicked Proceedings of the Prisoner at the Bar, and to shew their Resentment against him, as the Author and Promoter of them.

They have found him Abusing and Betraying the Honour of his Royal Mistress, into whose Favour he had insinuated himself for the most destructive and wicked Purposes. They have found him insidiously dividing and weakening Us and our Allies: Betraying our Councils; traiterously giving up our strong Holds, Fortresses and Defences of Europe, and her most Wealthy and Flourishing Countries to the Common Enemy in time of OPEN WAR: And contriving and effecting the Dissolution of the greatest and most noble Confederacy that ever formed and united in Defence of the Protestant Interest, and the glorious Liberties of Europe.

They have found him attempting to deprive these Kingdoms of the only Blessing left to their Hopes, and

and which, by the Providence of God only, they now enjoy the most auspicious Government of his present Majesty, the *Greatest* and *Best* of Princes, whose Magnanimity, Wisdom, Piety, and other princely Virtues have fill'd the *Imperial* Throne of *Great Britain* with a Lustre unknown in any former Age. In this Attempt the *Noble Lord* at the Bar wickedly endeavour'd to Defeat us of our happy Prospect of lasting Felicities, in a long Succession of *Protestant Princes* in the *Royal Line* of his most *Excellent Majesty*, the most *Illustrious Prince* and *Princess* of *Wales*, and their *Issue*, eminently endow'd with all Graces and Accomplishments for making a generous and free People happy: On the Continuance of which Succession, next under God, all that is Dear and Valuable to us entirely depends.

My Lords, The Commons justly Resent and Detest the Reproach brought upon the Faith and Honour of their Country, by the great Evil Minister at the Bar: But they promise themselves your Lordships will ever be a *Terror* to all *Evil Ministers*, how *Great* soever; and that your *Lordships* can never fail to do Justice to your injur'd Country, upon all *Perfidious Counsellors*, who lie in wait to destroy our *Religion*, *Laws* and *Liber-ties*.

Sir *Joseph Jekyll*. My Lords, by the Commands of the House of Commons, I appear to make good that Part of the Charge against the Noble Lord at the Bar, which is contain'd in the first Article.

Here the Lord *Harcourt* moved to adjourn to the House of Lords.

L. H. Steward. Is it your Lordships Pleasure to adjourn to the Chamber of Parliament?

Lords. Ay, ay.

L. H. Steward. This House is adjourn'd to the Chamber of Parliament.

And being adjourned accordingly, the Lords and others return'd in the same Order they went down.

And the House being Resum'd, this Question was moved and stated,

That the Commons be not admitted to proceed in order to make good the Articles against *Robert Earl of Oxford* and *Earl Mortimer* for High Crimes and Misdemeanors, till Judgment be first given on the Articles for High-Treason:

And a Debate ensuing thereupon,

The previous Question was put, whether that Question shall be now put?

It was Resolved in the Affirmative.

And the main Question being accordingly put, *viz.*

That the Commons be not admitted to proceed, in order to make good the Articles against *Robert Earl of Oxford* and *Earl Mortimer* for High Crimes and Misdemeanors, till Judgment be first given on the Articles for High-Treason?

It was Resolved in the Affirmative.

Ordered, That the said Resolution be communicated to the Commons by the Lord High Steward.

A Message was sent to the House of Commons by Mr. *Browning* and Mr. *Orlebar*, two Masters of the Court of Chancery, to acquaint them, that the Lords are now about going down into *Westminster-Hall*.

The Messengers return'd, and acquainted the House, that they had delivered their Message, and that the Commons were preparing to go immediately into *Westminster-Hall*.

Then the House was again adjourn'd into *Westminster-Hall*; and the Lords being there seated, and the House resumed, the Lord High Steward acquainted the Managers for the Commons, that their Lordships had come to a Resolution, that the Commons be not admitted to proceed in order to make good the Articles against *Robert Earl of Oxford* and *Earl Mortimer* for High Crimes and Misdemeanors, 'till Judgment be first given on the Articles for High-Treason.

Sir *William Thomson*. My Lords, the Managers for the Commons conceive it to be the undoubted Right of the Commons to proceed in their own Method in Maintenance of the Articles exhibited by them; and do apprehend that this Resolution of your Lordships may be of such fatal Consequence to the Rights and Privileges of all the Commons of *Great Britain*, that they cannot take upon them to proceed any further, without resorting to the House of Commons for their Direction herein.

L. H. Steward. Is it your Lordships pleasure to Adjourn to the Chamber of Parliament?

Lords. Ay, ay.

Then the House adjourned to the Chamber of Parliament. And being Resumed,

The Earl of *Oxford* was Order'd to be Remanded to the *Tower*, and to be brought again to the Bar in *Westminster-Hall* to-Morrow at Eleven o'Clock in the Forenoon, in order to proceed further on the Trial of the said Earl.

Die Martis 25 Junii, 1717.

THE House of Lords being met as usual in the Chamber of Parliament, it was there Ordered, that a Message be sent to the House of Commons to acquaint them that the Lords have Ordered *Robert Earl of Oxford* and *Earl Mortimer* to be brought to the Bar of their House in *Westminster-Hall* this Day at Eleven o'Clock in the Forenoon, in order to proceed further on the Trial of the said Earl.

And a Message was sent accordingly by Mr. *Holford* and Mr. *Loxibond*, two of the Masters of the Court of Chancery.

A Message was sent from the House of Commons by Mr. *Carter* and others, that the Commons having taken into their Consideration their Lordships Resolution communicated to their Managers relating to the Proceedings on the Trial of *Robert Earl of Oxford* and *Earl Mortimer*, and being desirous to preserve a good Correspondence between the two Houses, have appointed a Committee to search Precedents upon a matter of this great Importance, and desire that their Lordships will not proceed at the time appointed.

Ordered, That the Messengers of the House of Commons be called in and acquainted, that the Lords having taken the Message of the Commons into their Consideration, their Lordships will not proceed on the Trial of the Earl of *Oxford* and *Earl Mortimer* at the time appointed, but will proceed further on the said Trial on *Thursday* next at Eleven o'Clock in the Forenoon.

Accordingly the Messengers were called in and acquainted therewith.

Ordered, That the Lieutenant of the *Tower* do take back the Earl of *Oxford* and *Earl Mortimer* to the *Tower*, and do bring the said Earl to the Bar of this House in *Westminster-Hall* on *Thursday* next at Eleven o'Clock in the Forenoon, in order

order to proceed further on the Trial of the said Earl.

Die Jovis 27 Junii, 1717.

THE House of Lords being met as usual, a Message was sent from the House of Commons by the Lord *Morpeth* and others, to desire a Conference with the House of Lords, in relation to Proceedings in the Prosecutions of Impeachments. To which the House agreed.

And the Commons were called in and told, that the Lords do agree to a Conference as is desired, and appoint it presently in the *Painted Chamber*.

Then several Lords were named Managers of the Conference.

The House being informed, that the Commons were ready for the Conference, in the *Painted Chamber*.

The House was adjourned during Pleasure, and the Lords named as Managers went to the Conference: Which being ended,

The House was resumed.

And the Lord Privy Seal reported, that they had been at the Conference, and met Mr. *Carter* and other Managers, for the Commons, who delivered to their Lordships a Paper as follows.

The Commons having taken into their Consideration your Lordships Resolution, communicated to their Managers, relating to the Proceedings on the Trial of *Robert Earl of Oxford* and *Earl Mortimer*, and being desirous as far as in them lies to maintain a good Correspondence with your Lordships; have desired this Conference, and have commanded us to acquaint your Lordships, that they conceive it to be the undoubted Right of the Commons to impeach a Peer, either for High-Treason, or for High-Crimes and Misdemeanours, or, if they see Occasion, to mix both the one and the other in the same Accusation.

The Impeachment prefer'd against *Robert Earl of Oxford* and *Earl Mortimer* is one continued Accusation, consisting of High-Crimes and Misdemeanours and also of Charges of High-Treason. The Facts on which the Articles preceding those of High-Treason are grounded are laid together in Order of Time, and follow one another successively, in the manner they were committed.

As the Commons thought this the most natural Method for exhibiting the several Articles against the said Earl, they were all of Opinion that they should proceed in the Proof of these several Facts after the same Method, since it is manifest, that in laying open the Course of such a wicked Administration, the preceding Parts of it give Light to those which follow; and that the Proof of several Articles of the High-Crimes and Misdemeanours would naturally lead to the Proof of those of High-Treason.

Your Lordships received these several Articles of Impeachment without making any Exception against the Form in which they were exhibited. The said Earl made his Answer to them in the same Order, and has no where insisted to be tried in any other Method; so that the Commons are surprized to find a Stop put to their Prosecution, by an Objection which has never been started by the said Earl, and which your Lordships had given them so little Reason to expect.

To this must be added, that as the Commons

only are Masters of the Evidence, and as upon that Account they are best able to determine, in what Method to proceed for the Advantage of the Prosecution, in the Event of which all the Commons of *Great Britain* are so highly concerned.

To which they further add, that they see no Reason, but that your Lordships may as well invert the whole Order of the Articles, as prescribe to the Commons those particular Articles on which they are first to proceed; which will necessarily produce such a Confusion, both in the Facts, and Evidence, as is by no means consistent with that Clearness and Perspicuity in which the Commons think this Affair ought to appear.

The Commons upon examining Precedents, do find divers Precedents of Impeachments for High-Treason and other High-Crimes and Misdemeanours, in the same Accusation; and do not find that the Lords ever objected to such Proceeding, or ever gave Judgment upon any particular Article of an Impeachment before the Commons had gone through, and concluded their Evidence upon all the Articles, or so many of them as they thought fit; and the Commons are at a Loss to conceive what Arguments or Precedents can be brought to support the Resolution of your Lordships, to give Judgment upon one Part of the same Accusation, reserving the other Part for a subsequent Trial, as they are to know what your Lordships mean by admitting the Commons to proceed upon the Articles for High-Crimes and Misdemeanours, after the Judgment is given upon the Articles for High-Treason, supposing the Judgment proper for High-Treason should be given against the said Earl.

For these Reasons the Commons assert it as their undoubted Right to proceed on the Trial of *Robert Earl of Oxford* and *Earl Mortimer*, after the Method in which their Managers were proceeding, when interrupted by your Lordships Resolution.

The Reasons delivered by the Commons at the Conference were read by the Clerk.

And after Debate, and Reading the Resolution of this House communicated to the Commons on *Monday* last, *viz.*

That the Commons be not admitted to proceed in Order to make good the Articles against *Robert Earl of Oxford* and *Earl Mortimer*, for High-Crimes and Misdemeanours, 'till Judgment be first given on the Articles for High-Treason:

The Question was put, Whether to insist on the said Resolution?

It was resolv'd in the Affirmative.

Then it being propos'd that a Committee be appointed to prepare what is to be offer'd to the Commons at a Conference in communicating to them the Resolution for insisting:

And a Question being stated thereupon,

It was mov'd to add these Words to the said Question, *viz.* [And also to prepare such Reasons as shall be thought proper to be then used in Maintenance thereof.]

And after Debate, the Question was put, Whether those Words shall be added to the said Question?

It was resolv'd in the Affirmative.

Resolv'd upon the Question, and order'd, that a Committee be appointed to prepare what is to be offer'd to the Commons at a Conference in communicating

municating to them the Resolution of this House for insisting on their Lordships Resolution above-mentioned, and also to prepare such Reasons as shall be thought proper to be then used in Maintenance thereof.

Ordered, That all the Lords present be the said Committee.

Then it being proposed, that the Committee meet immediately. And the same being objected to;

The Question was put, Whether the Committee shall withdraw and sit immediately?

It was resolv'd in the Negative.

Ordered, That the said Committee, or any Seven of them, meet to-morrow at Ten o' the Clock in the Forenoon in the Prince's Lodgings near the House of Peers, and to adjourn as they please.

Ordered, That the Lieutenant of the *Tower* do take back the Earl of *Oxford* and Earl *Mortimer*, and bring the said Earl to the Bar of this House in *Westminster-Hall*, on *Saturday* next at Eleven o' the Clock, in order to proceed further on the Trial of the said Earl.

Die Veneris 28 Junii, 1717.

THE Lords being assembled in their House as usual, a Message was sent to the House of Commons by Mr. *Fellows* and Mr. *Meller*, two of the Masters of the Court of *Chancery*, to acquaint them that the Lords do desire they will continue sitting for some Time.

The Lord *Trevor* reported from the Committee appointed to prepare what is to be offer'd to the Commons at a Conference in communicating to them the Resolution of this House, for insisting on their Lordships Resolution communicated to the Commons on *Monday* last, and also to prepare such Reasons as shall be thought proper to be then used in Maintenance thereof, that the Committee have prepared Reasons accordingly, as follow, *viz.*

Their Lordships, in order to preserve a good Correspondence with the House of Commons (which they shall always endeavour to do as far as lies in their Power) have desired this Conference upon the Subject-Matter of the last Conference, and have directed us to acquaint you, that their Lordships judge it a Right inherent in every Court of Justice, to order and direct such Methods of Proceedings as such Courts shall think fit to be observed in all Causes depending before them, which can have no Influence to the Prejudice of Justice; and where such Methods of Proceedings are not otherwise settled by any positive Rule. The Power of Judicature on all Impeachments being a Right unquestionably inherent in their Lordships, and it not being determined by any positive Rule, whether the House of Commons may proceed to make good the several Articles exhibited for Misdemeanors, in such Order as they shall think fit, before they proceed to make good the Articles exhibited for High-Treason; and there being no Precedent where the Commons upon Trial of any such Impeachments attempted to proceed in the first Place to make good any of the Articles contained in such Impeachment for High-Crimes and Misdemeanours; their Lordships considering the Nature of the Impeachment now depending before them, and the Method wherein the Managers for

the House of Commons were beginning to proceed upon the Trial to make good the first Article thereof, which is a Charge for High-Crimes and Misdemeanours only; and also considering the very different Methods of Proceedings on an Impeachment of a Peer for High-Treason, as well before, as upon the Trial thereof, and the Circumstances attending such a Trial, from the Proceedings on an Impeachment of a Peer for High-Crimes and Misdemeanours, and the known Circumstances attending such a Trial, thought themselves obliged to come to the Resolution communicated to the Commons on the Twenty-fourth Instant, as well for the doing Justice in the Case depending before them, as for the preventing a new Precedent to be made on this Trial, in Consequence whereof a new and unjustifiable Form of Proceeding against a Peer upon an Impeachment for High-Treason and High-Crimes, might be introduced at his Trial upon those Articles in which he is charged for High-Crimes and Misdemeanours only, to the Prejudice of the Peerage of *Great Britain* in all Time to come, *viz.* the Trying a Peer on Articles for High-Crimes and Misdemeanours without the Bar, the detaining in Custody a Peer so accused, and repeated Commitments of him to the *Tower*, during the Time of such Trial, and subjecting a Peer to as ignominious Circumstances on his Trial, on Articles for Misdemeanours, as if he were then on his Trial on Articles for High-Treason: Whereas a Peer on his Trial on Articles for Misdemeanours only, ought not to be deprived of his Liberty, nor sequester'd from Parliament, and is entitled to the Privilege of sitting within the Bar during the whole Time of his Trial: In all which Particulars the known Rule of Proceedings in such Cases may be evaded, should a Peer be brought to his Trial on several Articles exhibited against him on High-Crimes and Misdemeanours and for High-Treason mixed together, and the Commons be admitted to proceed in order to make good the Articles for High-Crimes and Misdemeanours before Judgment be given upon the Articles for High-Treason. Their Lordships have fully considered the Matters offered to them by the House of Commons at the last Conference relating to the Proceedings against *Robert Earl of Oxford* and *Earl Mortimer*; and their Lordships are fully satisfied, that the Resolution they have taken and communicated to the Commons on the Twenty-fourth Instant is just and reasonable; and that the House of Commons are not put under any real Inconvenience thereby in carrying on their present Prosecution. Their Lordships have commanded us to let you know that they do insist on their said Resolution, *viz.* That the Commons be not admitted to proceed in order to make good the Articles against *Robert Earl of Oxford* and *Earl Mortimer* for High-Crimes and Misdemeanours 'till Judgment be first given upon the Articles for High-Treason.

Which Report being read by the Clerk was agreed to by the House.

Then a Message was sent to the House of Commons by Mr. *Fellows* and Mr. *Meller*, to acquaint them, that the Lords do desire a present Conference in the *Painted Chamber*, upon the Subject-Matter of the last Conference.

Ordered, That the Managers of the last Conference be the Managers of this Conference.

The Messengers sent to the House of Commons return Answer, That the Commons will give a present Conference as desired.

The House being inform'd, that the Commons were ready in the *Painted Chamber* for the Conference the Names of the Managers were read : And,

The House was adjourned during Pleasure, and the Lords named as Managers went to the Conference ; which being ended, the House was resumed : And

The Lord Chamberlain reported, that the Managers had been at the Conference, and delivered to the Commons what they were directed.

A Message was sent to the House of Commons by Mr. *Fellows* and Mr. *Meller*, to acquaint them, That the Lords have ordered the Earl of *Oxford* to be brought to the Bar of this House in *Westminster-Hall* to-morrow at Eleven o'Clock in the Forenoon, in order to proceed further on the Trial of the said Earl.

A Message was brought from the House of Commons by Mr. *Yonge* and others, to desire that this House will continue sitting for some Time ; to which the House agreed.

And the Commons were called in and told, That the Lords will continue sitting for some Time, as is desired.

Ordered, That the Lieutenant of the *Tower* do bring the Earl of *Oxford* to the Bar of this House in *Westminster-Hall*, on *Monday* next at Eleven o' Clock, in order to proceed further on the Trial of the said Earl.

Die Sabbati 29 Junii, 1717.

THE House of Lords being assembled as usual in the Chamber of Parliament, a Message was brought from the House of Commons by Mr. *Pelham* and others, to desire a free Conference with this House upon the Subject-Matter of the last Conference.

Ordered, That this House will send an Answer by Messengers of their own. And

The Messengers were called in, and acquainted therewith.

The House proceeded to take the said Message into Consideration. And after Debate, and reading out of the Journal the Proceedings at the several Conferences in the Case of the Lord Viscount *Mordaunt* upon his Impeachment in the Year One Thousand Six Hundred and Sixty-six.

The Question was put, Whether to give a free Conference with the House of Commons, as is desired, upon the Subject-Matter of the last Conference ?

It was resolv'd in the Negative.

Ordered, That a Message be sent to the House of Commons, to acquaint them, that the Subject-Matter of the last Conference concerning a Point of Judicature determined by this House after the Trial began, their Lordships do not think fit to give a free Conference on the Subject-Matter of the last Conference, as is desired by the House of Commons.

And also, that another Message be sent to the House of Commons, to acquaint them, That their Lordships have ordered *Robert* Earl of *Oxford* and Earl *Mortimer* to be brought to the Bar of this House in *Westminster-Hall* on *Monday* next at Eleven o' Clock in the Forenoon, in order to proceed further on the Trial of the said Earl ;

and Mr. *Holford* and Mr. *Dormer*, two of the Masters of the Court of Chancery, were sent accordingly with the said Messages.

Die Luna 1 Julii, 1717.

THE Lords being assembled in their House as usual, and this Day being appointed to proceed further on the Trial of *Robert* Earl of *Oxford* and Earl *Mortimer* in *Westminster-Hall*, the House (according to Order) was called over by the Clerk ; and the Names of the absent Lords being set down (pursuant to the same Order) they were again called over, and excused.

A Message was brought from the House of Commons by Mr. *Gibbon* and others, to desire their Lordships to defer going down into *Westminster-Hall* for some Time.

Ordered, That the Messengers of the House of Commons be called in and told, That the Lords have considered their Message, and that their Lordships will defer going down into *Westminster-Hall* for some Time, as is desired.

And the Messengers were called and acquainted accordingly.

A Message was brought from the House of Commons by Mr. *Craggs* and others, to desire a Conference with this House upon the Subject-Matter of their Lordships Message relating to the free Conference desired by the Commons.

To which the House agreed.

And the Messengers of the House of Commons were called in and told, That the Lords do agree to a Conference as desired, and appoint it presently in the *Painted Chamber*.

Ordered, That the Managers of the last Conference be the Managers of this Conference.

The House being informed, That the Commons were ready in the *Painted Chamber*.

The Managers Names were read, and the House was adjourned during Pleasure, and the Lords named as Managers went to the Conference ; which being ended, the House was resumed, and the Lord Privy-Seal reported the Effect of the Conference, which was, that the Managers for the Commons had delivered to their Lordships a Paper, containing as follows, *viz.*

The Commons having taken into Consideration your Lordships Message, *viz.*

That your Lordships did not think fit to give a free Conference on the Subject-Matter of the last Conference, as was desired by the Commons, and they being still desirous, to the utmost of their Power, to preserve a good Correspondence with your Lordships, have ask'd this Conference ; and have commanded us to acquaint your Lordships, that they are very much surprized to find your Lordships deny a free Conference, after your Lordships had already agreed to a Conference desir'd by the Commons on the said Subject-Matter, and after your Lordships have on your Parts also desired a Conference upon the same Subject.

That free Conferences are the most antient and establish'd Methods for adjusting the Differences that have at any Time arisen between the Two Houses, and, as the Commons conceive, is the only Method to preserve a good Correspondence between them on such Occasions, which at this Time is of the highest Importance, because a Misunderstanding on this Account would tend to defeat the Trial of the Impeachment of the Commons.

That the Commons conceive clearly, that the Subject-Matter of the last Conference is not a Point of Judicature, but a Point relating only to the Prosecution of the Commons, it having arisen before any Matter of Judgment had come before your Lordships upon the Trial.

For which Reasons the Commons conceive, that your Lordships ought not to have denied them a free Conference upon the Subject-Matter of the last Conference.

Which being read by the Clerk ;

A Message was sent to the House of Commons by Mr. *Orlebar* and Mr. *Browning*, two of the Masters of Chancery, to desire they would continue sitting for some time.

Then the House proceeded to take into Consideration the Matter delivered by the Commons at the last Conference.

And it being proposed to insist on denying a free Conference with the Commons ;

And Debate thereupon ;

The Question was put, Whether to insist on denying a free Conference upon the Subject-Matter concerning which a free Conference was desired by the Commons ?

It was resolv'd in the Affirmative.

Ordered, That a present Conference be desired with the Commons in the *Painted Chamber* on the Subject-Matter of the last Conference, and that the Commons be there acquainted, that the Lords having taken into Consideration the Subject-Matter of the last Conference, their Lordships do insist on denying a free Conference upon the Subject-Matter concerning which a free Conference was desired by the House of Commons.

Accordingly a Message was sent to the House of Commons by Mr. *Orlebar* and Mr. *Browning*, to desire a present Conference in the *Painted Chamber* on the Subject Matter of the last Conference.

The Messengers returned, and acquainted the House, that the Commons do agree to a Conference, as desired.

Ordered, That the Managers of the last Conference be the Managers of this Conference.

Then the House being informed, that the Commons were ready in the *Painted Chamber*, the Managers Names were read. And

The House was adjourn'd during Pleasure, and the Lords appointed Managers went to the Conference ; which being ended, the House was resum'd, and the Lord Privy-Seal reported, that they had been at the Conference, and acquainted the Commons as above directed.

A Message was sent to the House of Commons by the former Messengers, to desire they will continue sitting for some time.

The Messengers being return'd, acquainted the House, that the Commons will continue sitting for some time, as desired.

Then it being mov'd, that a Message be sent to the House of Commons, that this House intends presently to proceed further on the Trial of the Earl of *Oxford* in *Westminster-Hall*.

And it being also mov'd, that the House do now adjourn during Pleasure ;

The Question was put, Whether now to adjourn during Pleasure ?

It was resolv'd in the Affirmative.

The House was accordingly adjourned during Pleasure.

The House was resum'd.

A Message was sent to the House of Commons by Mr. *Orlebar* and Mr. *Browning*, to acquaint them, that this House intends presently to proceed further on the Trial of *Robert Earl of Oxford* and *Earl Mortimer* in *Westminster-Hall*.

Then it being proposed provisionally to consider the Form of a Proclamation proper to be made in *Westminster-Hall* for the Appearance of the Prosecutors, if they should not be there present to proceed, in order to make good their Impeachment against the said Earl of *Oxford* and *Earl Mortimer* ;

And thereupon the Proclamation made the Seventeenth of *June*, One Thousand Seven Hundred and One, at the Trial of the Lord *Somers* being read ;

It was agreed by the House, that when the Lords are gone down into *Westminster-Hall*, immediately after the Lords House shall be resumed in *Westminster-Hall*, and Proclamation for Silence made, and Proclamation for bringing the Prisoner to the Bar, if the Managers of the House of Commons shall not be there, Proclamation be likewise made in these Words, *viz.*

Whereas Robert Earl of Oxford and Earl Mortimer stands impeached of High-Treason, and other High-Crimes and Misdemeanours, by the House of Commons, in the Names of Themselves and of all the Commons of Great Britain, all Persons concern'd are to take notice, that he now stands on his Trial, and they may now come forth in order to make good their said Charge.

Then the House was adjourned into *Westminster-Hall*, and the Lords being come down into *Westminster-Hall*, and seated in the usual Manner about Five in the Evening ;

L. H. Steward. My Lords, the House is resumed—Make Proclamation for Silence.

Serj. at Arms. O Yes, &c. (as before.)

L. H. Steward. Make Proclamation for the Lieutenant of the *Tower of London* to bring the Prisoner to the Bar.

Serj. at Arms. O Yes, &c. Lieutenant of the *Tower of London* bring forth your Prisoner to the Bar, according to the Order of the House of Lords to you directed.

The Earl of *Oxford* and *Earl Mortimer* being brought to the Bar accordingly, and the Commons not being present.

L. H. Steward. Make Proclamation according to the Order of the House of Lords.

Then the Serjeant at Arms made the following Proclamation according to the said Order of the House of Lords, the Clerk of the House of Lords reading it to him as followeth :

Serj. at Arms. Whereas *Robert Earl of Oxford* and *Earl Mortimer* stands impeached of High-Treason, and other High-Crimes and Misdemeanours, by the House of Commons, in the Name of Themselves and all the Commons of *Great Britain*, all Persons concern'd are to take Notice, that he now stands upon his Trial, and they may now come forth in order to make good their said Charge.

After about twenty Minutes Silence, the Lord *Guilford* mov'd for an Adjournment to the House above.

L. H. Steward. Do your Lordships hear what is mov'd, is that your Lordship's Pleasure ?

Lords. Ay, ay.

L. H. Steward. This House is adjourn'd to the Chamber of Parliament.

And

And being returned in the same order they went down,

The House was resumed.

Then it was proposed, that *Robert Earl of Oxford* and *Earl Mortimer* be acquitted of the Articles of Impeachment exhibited against him by the House of Commons for High-Treason, and other High Crimes and Misdemeanors, and of all things therein contained, and that the said Impeachment be dismissed.

And a Question being stated thereupon, it was moved to leave out these Words (*viz.* and other High Crimes and Misdemeanors;) and thereupon the Question being put,

Whether those Words shall stand part of the Question;

It was Resolved in the Affirmative.

Then the last Question being again stated,

Ordered, That the Question now stated be the Question to be put in *Westminster-Hall*.

Then the Lord High Steward desiring that further Directions might be given concerning the further Proceedings in the Trial of the said Earl in *Westminster-Hall*, it was agreed by the House and Ordered, that in *Westminster-Hall* the Lord High Steward shall read the Question as already stated; and then call to the lowest Baron first, and to every other Lord then present, and ask him his Opinion whether Content or not Content; and that every Lord shall stand up when called to, and give his Vote Content or not Content; and that the Lord High Steward having taken the Votes, shall declare the Majority; and if the Majority answer in the Affirmative, the Lord High Steward is to declare the same, and particularly to the Earl of *Oxford* as soon as he shall be brought to the Bar, and shall immediately pronounce the Judgment of this House in the Form following, (*viz.*) It is considered, ordered and adjudged by the Lords Spiritual and Temporal in Parliament assembled, that *Robert Earl of Oxford* and *Earl Mortimer* shall be, and is hereby acquitted of the Articles of Impeachment exhibited against him by the House of Commons for High-Treason, and other High Crimes and Misdemeanors, and of all things therein contained; and that the said Impeachment shall be, and is hereby dismissed. And shall immediately direct the Lieutenant of the *Tower* then to Discharge his Prisoner.

And after that to Dissolve the Commission.

The House was then again adjourned into *Westminster-Hall*, and being there resumed.

L. H. Steward. Make Proclamation for Silence.

Serj. at Arms. O yes, &c. (as before.)

O yes, &c. Lieutenant of the *Tower of London*, bring forth your Prisoner to the Bar.

L. H. Steward. My Lords, the Clerk acquaints me, that for want of Light in the Passage he could not take an exact List of your Lordships, I therefore desire that he may now take a List of the Lords present.

Then the Clerk took a List of the Lords present.

L. H. Steward. If your Lordships think fit, your Lordships Names shall now be called over.

Lords. Ay, ay.

Then their Names were called over.

Lords. The Earl of *Oxford* is not yet gone from the Bar.

Then the Earl was ordered to withdraw from the Bar. And being withdrawn,

L. H. Steward. My Lords, I shall now state

the Question, upon which your Lordships are to give your Votes; it is this, That *Robert Earl of Oxford* and *Earl Mortimer* be acquitted of the Articles of Impeachment exhibited against him by the House of Commons for High-Treason, and other High Crimes and Misdemeanors, and of all things therein contained, and that the said Impeachment be dismissed.

L. H. Steward. The Clerk should attend near the Lords with Candles, as they give their Votes.

Then the Lord High Steward put the Question to their Lordships, beginning at the youngest Baron, in manner following.

L. H. Steward. My Lord, your Lordship has heard the Question stated, what says your Lordship, is your Lordship Content, or not Content?

The Names of the Lords present, who were all Content, are as follows.

BARONS.

Newburgh
Parker
Cobham
Carleton
Bingley
Bathurst
Foley
Masbam
Lansdowne
Trevor
Middleton
Mansel
Montjoy
Hay
Boyle
Harcourt
Belhaven
Gower
Havergham
Herbert
Ashburnham
Guilford
Stawell
Carteret
Lumley
Osborne
Cornwallis
Berkeley of Stratton
Leigh
Bruce
Teynbam
Compton
St. John
Hundson
North and Grey
Willoughby of Brooke
Fitzwalter
Delawar
Willoughby of Ersby
Abergavenny.

BISHOPS.

St. Asaph
Chester
Bristol
Rochester
St. Davids
Hereford

Landaff
Barb and Wells
Carlisle
Litchfield and Coventry
Winchester
London.

VISCOUNTS.

Castleton
Tadcaster
Lonsdale
Longueville
Townshend
Say and Seal
Hereford.

EARLS.

Halifax
Bristol
Carnarvon
Uxbridge
Dartmouth
Stafford
Ferrars
Ilay
Delorain
Orkney
Loudoun
Buchan
Cholmondeley
Poulet
Greenwich
Rochford
Plimouth
Abingdon
Rochester
Litchfield
Burlington
Carlisle
Anglesea
Cardigan
Clarendon
Scarsdale
Manchester
Northampton
Salisbury
Dorset
Pembroke
Derby.

DUKES.

DUKES.	<i>Cleveland and Southamp- ton</i>
<i>Portland</i>	<i>Somerset</i>
<i>Ancaſter</i>	<i>Kent</i>
<i>Rutland</i>	<i>Kingſton.</i>
<i>Buckingham</i>	
<i>Devonſhire</i>	ARCHBISHOPS.
<i>Shrewſbury</i>	
<i>St. Albans</i>	<i>York</i>
<i>Grafton</i>	<i>Canterbury.</i>

It is conſidered, ordered and adjudged by the Lords Spiritual and Temporal in Parliament aſſembled, that *Robert Earl of Oxford* and *Earl Mortimer* ſhall be, and is hereby acquitted of the Articles of Impeachment exhibited againſt him by the Houſe of Commons for High-Treaſon and other High Crimes and Miſdemeanors, and of all things therein contain'd, and that the ſaid Impeachment ſhall be and is hereby diſmiſſed.

L. H. Steward. Lieutenant of the *Tower of London*, you are now to diſcharge your Priſoner.

L. H. Steward. My Lords, this is all that remains to be done by Vertue of his Maſteſty's Commiſſion, I do therefore declare the ſame to be diſſolved.

Then the Lord High Steward broke his Staff.

L. Chancellor. Is it your Lordſhips Pleaſure to adjourn to the Chamber of Parliament?

Lords. Ay, ay.

L. Chancellor. This Houſe is adjourn'd to the Chamber of Parliament.

The Earl was immediately diſcharg'd at the Bar, and paying his Reſpects to the Lords, and having receiv'd the Compliments of his Friends, went away directly to his own Houſe.

But the Houſe of Commons reſented this Proceeding ſo far as to Addreſs the King, that the Earl of *Oxford* might be excepted out of the then intended Act of Grace, which was done accordingly.

L. H. Steward. My Lords, upon the Queſtion Stated, I am Content.

L. H. Steward. My Lords, *Robert Earl of Oxford* and *Earl Mortimer* is acquitted of the High-Treaſon and other High Crimes and Miſdemeanors wherewith he ſtands charged, by the Unanimous Vote of all your Lordſhips here preſent.

L. H. Steward. Call the Earl to the Bar.

Scrj. at Arms. O yes, &c. Lieutenant of the *Tower of London*, bring the Earl of *Oxford* and *Earl Mortimer* to the Bar of this Houſe.

L. H. Steward. *Robert Earl of Oxford* and *Earl Mortimer*, I am to acquaint your Lordſhip, that your Lordſhip is acquitted of the Articles of Impeachment Exhibited againſt you for High-Treaſon, and other High Crimes and Miſdemeanors, by the Houſe of Commons, and all things therein contained; and thereupon I am to pronounce this Judgment, which I pronounce accordingly:



CLXXXIX. *The Trials of Major Stede Bonnet and Thirty Three others, at the Court of Vice-Admiralty at Charles-Town in South-Carolina, for Piracy, Oct. 30, &c. 1718. 5 GEO. I.*

Tuesday, October the 28th, 1718. the Court met according to Appointment.

P R E S E N T

Nicholas Trott, Esq; Judge of the Vice-Admiralty, and Chief-Justice of the ſaid Province of *South-Carolina.*

Assistant Judges,

George Logan, Esq;
Alexander Parris, Esq;
Philip Dawes, Esq;
George Chicken, Esq;
Benjamin de la Conſeillere, Esq;

Samuel Dean, Esq;
Edward Brailsford, Gent.
John Croft, Gent.
Capt. Arthur Loan.
Capt. John Watkinſon.

THE King's Commiſſion to *Nicholas Trott, Esq;* Judge of the Court of Vice-Admiralty, and the Commiſſion in the name of the Lord Palatine, and the reſt of the Lords Proprietors, and Teſtified by the Honourable *Robert Johnſon, Esq;* Governor, and the reſt of the Lords Deputies, for holding the Court of Admiralty ſeſſions, was openly read.

Then the Grand-Jury was called, and twenty three of them were ſworn; the Names of which are as followeth:

*Michael Brewton, Fore-
man.*
Robert Tradd.
Andrew Allen.
Peter Manigault.
John Beauchamp.
John Bullock.
Thomas Barton.
Anthony Matthews.
Alexander Kinlock.
Henry Perrineau
Paul Douxfaint.

John Breton.
John Bee.
Daniel Gale.
Thomas Loyde.
Laurence Dennis.
Elias Foſſin.
John Shepherd.
John Simmons.
George Peterſon.
Solomon Legare.
Abraham Leſuir.
John Caywood.

Then

Then the Judge of the Vice-Admiralty proceeded to give his Charge to the Grand Jury, as followeth.

GENTLEMEN,

WE are here assembled to hold this Court of Admiralty-Sessions; and the Duty of my Office requires me to give in Charge to you the things that you are to Enquire of and to Present.

In a former Admiralty-Charge, by way of Preface or Introduction to the particular Crime of Piracy, which will again now be brought before you;

I then shewed you, First, That the Sea was given by God for the use of Men, and is subject to Dominion and Property, as well as the Land.

And then I particularly remarked to you, the Sovereignty of the Kings of England over the British Seas.

I then proceeded, Secondly, to shew you, That as Commerce and Navigation could not be managed without Laws; so there have been always particular Laws for the better ordering and regulating Marine Affairs; with an Historical Account of those Laws, and their Origin.

Of all those Matters I then spake largely and fully; and shall not now trouble you with any farther Repetition of them.

But I shall now proceed, in the Third place, to shew you, That there have been particular Courts and Judges appointed, to whose Jurisdiction Maritime Causes do belong; and that in Matters both Civil and Criminal.

And then I shall in particular shew you the Constitution and Jurisdiction of this Court of Admiralty Sessions.

And shall mention the Crimes cognizable therein; and shall particularly enlarge upon the Crime of Piracy, that will now be brought before you.

Time will not permit me to speak of the several sorts of Magistrates, to whose Jurisdiction Maritime Affairs do belong, in the Transmarine or Foreign Parts of the World: Therefore I shall confine my self under this Head, only to speak of the Laws of England; by which the general Jurisdiction in Marine Affairs, is by the King as Supreme, as well by Sea as Land, committed to the Lord High Admiral; who, besides his Power over the Navy, and the Government over the Seamen, hath a Jurisdiction^a Civil and Criminal in Marine Affairs, which are decided by his Maritime Judges in the Court of Admiralty, the chief of which is known by the Stile of *Supreme Curie Admiralitatis Angliæ Judex*: within those Cognizance, in Right of the Jurisdiction of the Admiralty by the Sea Laws, and the Laws and Customs of the Admiralty of England, are comprized all Matters properly Maritime, and pertaining to Navigation.

As to the Antiquity of the Office of Lord Admiral, and the Court of the^b Admiralty, it is sufficient to remark, that the thing itself that signified that Office, now known to us by the Stile of Lord High Admiral, and the Jurisdiction thereof, hath been in the Kingdom of England time out of mind.

The learned Antiquary Sir Henry Spelman, in

his^c *Glossarium*, and out of him^d Dr. Godolphin gives us the Catalogues of the Admirals from the Reign of King Henry III. Not but that the Office of Admiral is far more ancient: For the same learned Antiquary saith, that he hath not in that Catalogue inserted *Marthusius*, that *Princeps Nautarum*, in King Edgar's Time; nor those *Tetrarchs* of his Navy; nor of those other Commanders in Chief in Sea Affairs, constituted by his Successors Kings of England; but of such only as in the ordinary way have been dignified with the said Office.

The Lord^e Coke in the first part of his *Institutes*, in honour of the Admiralty of England, saith, "That the Jurisdiction of the Lord Admiral is very ancient, and long before the Reign of Edward III. as some have supposed, as may appear by the Laws of Oleron, (so called, for that they were made by King Richard I. when he was there) that there had been an Admiral time out of mind, and by many other ancient Records in the Reigns of Henry III. Edward I. and Edward II. is most manifest."

But the learned Selden^f in his Notes upon *Fortescue*, tells us, That in an ancient Manuscript De l'Office de l'Admiralty, translated into Latin by one Tho. Rowghton, calling it *De Officio Admiralitatis*, there are Constitutions often mentioned touching the Admiralty of Henry I. Richard I. King John, and Edward I. which shews the great Antiquity of that Court.

And as to the Jurisdiction of the Court of Admiralty, not to enter upon the Disputes between the Civilians and the common Lawyers concerning the same; I shall now only observe to you, that it is allowed even by those Statutes that were made purposely to restrain the Jurisdiction of the Court of Admiralty, that that Court ought to have Cognizance of all things done upon the main Sea^g, or Coasts of the Sea. And of the Death^h of a Man, and of Maibem done in great Ships, being and hovering in the main Stream of great Rivers, only beneath the Bridge of the same Rivers nigh the Sea.

And by the Preamble to the Statute of the 28 H. VIII. it is declared, ⁱ that Traitors, Pirates, Thieves, Robbers, Murderers, and Confederates upon the Sea, were tried before the Admiral, or his Lieutenant or Commissary, after the Course of the Civil Law.

But as appears further by the said Preamble that it was found inconvenient to try those Offenders before the Admiral;

Therefore by the said Statute this Court of Admiralty Sessions was appointed, whereby such Offenders were to be tried according to the Course of the Common Law, as if their Offences were committed on Land.

And now I shall proceed to speak of the Crimes cognizable in this Court. And particularly I shall enlarge upon the Crime of Piracy that will come before you.

The Crimes cognizable in this Court, and within the Jurisdiction of the same, by the express Words of the Statute^k are all Treasons, Felonies, Robberies, Murders, and Confederacies, committed in or upon the Sea, or in any other Haven, River, Creek, or Place where the Admiral or Admirals

^a See Godolph. *Admir. Jurisd.* c. 4. p. 41. usque ad p. 17.

^b Godolph. p. 24.

^c Spelmanni *Glossarium in voce Admiral.* p. 14.

^d P. 215. to p. 230, And Justice his Laws of the Sea, p. 284. to p. 289.

^e Coke on Littl. l. 3.

c. 7. Sect. 439. f. 260. b.

^f Selden's Notes on Fortescue, p. 35, 36.

^g 13 R. 2. c. 5. p. 173.

^h See the Stat.

15 R. 2. c. 3. p. 180. 2 H. 4. c. 11. p. 193.

2 H. 5. c. 6. Sect. 2. p. 214.

And see 13 Car. 2. c. 9. Art. 36. p. 1174.

ⁱ 23 H. 8. c. 15. p. 486.

^k No 3.

have or pretend to have Power, Authority, or Jurisdiction.

There being only one of those Crimes, viz. Robbery or Piracy, that will come before you, I shall omit the rest, and only speak to that: wherein I shall shew you the Nature of the Offence, and the Heinousness thereof.

Now, as this is an Offence that is destructive of all Trade and Commerce between Nation and Nation; so it is the Interest of all Sovereign Princes to punish and suppress the same.

And the King of England¹ hath not only an Empire and Sovereignty over the British Sea, but also an undoubted Jurisdiction and Power, in concurrency with other Princes and States, for the Punishment of all Piracies and Robberies at Sea, in the most remote Parts of the World.

Now as to the Nature of the Offence: Piracy is a Robbery committed upon the Sea, and a Pirate is a Sea Thief.

Indeed, the Word *Pirata* as it derived from *περιεῖν*, *transire*, à *transendo mare*, was anciently taken in a good and honourable^m Sense, and signified a Maritime Knight, and an Admiral or Commander at Sea; as appears by the several Testimonies and Records cited to that purpose, by that learned Antiquary Sir Henry Spelman in his *Glossarium*. And out of him the same Sense of the Word is remarked by Dr. Cowel, in hisⁿ *Interpreter*; and by Blount in his^o *Law Dictionary*. But afterwards the Word was taken in an ill Sense, and signified a Sea-Rover or Robber; either from the^r Greek Word *πείρα*, *Deceptio*, *Dolus*, *Deceit*; or from the Word *περιεῖν*, *transire*, of their wandering up and down, and resting in no place, but coasting hither and thither to do Mischief: And from this Sense, *οἱ κατὰ θάλασσαν κλέπται*, Sea-Malefactors were called *πειράται*, *Pirates*.

Therefore a Pirate is thus defined by my Lord Coke^q; *This Word Pirate*, saith he, *in Latin Pirata, is derived from the Greek Word περιεῖν, which again is fetched from περιεῖν, à transendo Mare, of Roving upon the Sea: and therefore in English a Pirate is called, a Rover and Robber upon the Sea.*

Thus the Nature of the Offence is sufficiently set forth in the Definition of it.

As to the Heinousness or Wickedness of the Offence, it needs no Aggravation, it being evident to the Reason of all Men. Therefore a Pirate is called^r *Hostis Humani Generis*, with whom neither Faith nor Oath is to be kept. And in our Law they are termed^s *Brutes*, and^t *Beasts of Prey*: and that it is lawful for any one that takes them, if they cannot with Safety to themselves bring them under some Government to be tried, to put them to Death.

And by the Civil Law any one may take from them their Ships or Vessels: so that excellent Civilian^u Dr. Zouch, in his Book *De Jure Nautico*, saith, *In Detestation of Piracy, besides other Punishments, it is enacted, that it may be lawful for any one to take their Ships.*

And yet by the same Civil Laws, Goods taken by Piracy gain not any Property against the Owners. Thus in the Roman Digests or Pandects of Justinian^w, it is said, *Persons taken by Pirates or Thieves, are nevertheless to be esteemed as free.*

And then it follows, *He that is taken by Thieves, is not therefore a Servant of the Thieves, neither is Postliminy necessary for him.*

And the learned Grotius, in his Book *De Jure Belli ac Pacis*,^y saith, *Those things which Pirates and Thieves have taken from us, have no need of Postliminy, because the Law of Nations never granted to them a Power to change the Right of Property: therefore things taken by them, wheresoever they are found, may be claimed.*

And agreeable to the Civil Law are the Laws of^z England, which will not allow that a taking Goods by Piracy doth divest the Owners of their Property, tho' sold at Land, unless sold in Market overt.

Before the Statute of the^a 25 E. III. Piracy was holden to be *Petit Treason*, and the Offence said to be done *contra Ligeantie sue debitum*, for which the Offenders were to be drawn and hanged: but since that Statute the Offenders received Judgment as *Felons*.

And by the said Statute of 28 H. VIII.^b the Offenders are ousted of the Clergy.

But still it remains a Felony by the^c Civil Law; and therefore tho' the aforesaid Statute of 28 H. VIII. gives a Trial by the Course of the Common Law, yet it alters not the Nature of the Offence;

¹ See Sir Charles Hedges his Charge at the Trial of *Darvson*, &c.

^m *Pirata, pro milite maritimo à πῆρ τοῦ περιεῖν, i. e. transire vel pervagari. Affer. Menecenus. Epist. in vit. Ælfredi — Rex Ælfredus jussit cymbas & galeas, i. e. longas navas, fabricari per Regnum, ut navali prælio hostibus adventantibus obviaret. Impositisque Piratis in illis, vias maris custodiendas commisit. Hoc sensu Archipiratam dici censeo pro nautarum præfecto, vel quem hodie Admirallum nuncupamus. In quadam enim Charta Regis Edgari Cænsbio Glasstoniensi confectæ, An. Dom. 971. testium unus, Martini Archipiratam se nominat. Anqal. Gishburnenses, in Will. Ruse, cap. 1. Robertus vero Comes (Normanice) attemptavit venire in Angliam cum magno exercitu; sed à Piratis Regis, qui curam Maris à Rege (Willielmo) susceperat, repulsus est. Spelman Glossar. in voce Pirata, p. 460. Vid. etiam Selden. Mare claus. l. 2. c. 10. p. 257. Engl. & Gotolph. Admir. Jurisd. c. 3. p. 25.*

ⁿ In the word *Pirata*.

^o In the Word *Pirate*.

^p See Ridley's View of the Civil Law, p. 2. c. 1. Sect. 3. p. 127.

^q 3 Inst. c. 49. p. 113. And on Littleton, f. 391. a. And see Bridal his Jus Criminis, p. 70, 71. ^r Coke, 3 Inst. c. 49. p. 113. ^s Molloy de Jure Marit. l. 1. c. 4. Sect. 1. p. 51.

^t Molloy, ib. Sect. 12. p. 57. ^u See Laws of Oleron, c. 47. in Gotolph. in p. 211.

^w In odium Piratarum, præter alias pœnas, statutum est. ut eorum navigia cuius diripere liceat. Zouch de Jure Nautico, p. 1. Sect. 10. p. 400.

^x *A Piratis aut Latronibus capti liberi permanent.* D. l. 49. t. 15. 19. Sect. 2. p. 757.

^y *Qui a Latronibus captus est, servus Latronem non est: nec Postliminium illi necessarium est.* Ib. N^o 24.

^z *Et quæ Piratæ aut Latrones nobis eripuerunt non opus habent Postliminio, quia jus gentium illis non concessit ut jus Domini mutare possint. Itaque res ab illis captæ ubicunque reperiantur vindicari possunt.* Grot. de Jur. Bel. ac Pac. l. 3. c. 9. Sect. 16. p. 561.

^a See 27 E. 3. c. 13. p. 128. 1 Croke, p. 685. Anonym. Hobart, p. 78, 79. Sir R. Bingley's Case; and Edman and Smith's Case, 29 C. 2. 3 Keble, p. 744. pl. 11. Bridal's Jus. Grim. p. 71. Molloy, B. 1. c. 4. Sect. 22, 23. p. 61, 62.

^b Coke 3 Inst. c. 49. p. 113: Hale, P. C. p. 77. Bridall, p. 71. Molloy, p. 56. W. I. his Law of England concerning Offences against the Crown, p. 288. Hawkins his P. C. l. 1. c. 37. Sect. 2. p. 98.

^c 28 H. 8. c. 15. Sect. 3. p. 487.

^d Coke, p. 112. Hale, p. 77. Bridal, p. 72. Molloy, B. 1. c. 4. Sect. 25, 26. p. 62.

and the *Indictment* must mention the same to be done *super altum mare*, upon the *High Sea*^d, and must have both the Words *Felonice* and *Piraticè*; and therefore a *Pardon* of all Felonies doth not extend to this Offence, but the same ought to be specially named.

Thus having explained to you the *Nature* of the Offence, and the *Wickedness* thereof, as being destructive of Trade and Commerce; I suppose I need not use any Arguments to you, to persuade you to a faithful Discharge of your Duty, in the bringing such Offenders to Punishment.

And indeed, the *Inhabitants* of this *Province* have of late to their great *Cost* and *Damages*, felt the Evil of *Piracy*, and the *Mischiefs* and *Insults* done by *Pirates*; when lately an *infamous Pirate* had so much Assurance as to lie at our *Bar*, in sight of our *Town*, and to seize and rifle several of our *Ships* bound inward and outward.

And then had the Confidence to send in his insolent *Demands* for what he wanted, with Threats of *murdering* our People he had on board him, if they were not complied with. Which was putting the *Province* under *Contribution*.

And the Success he had in going off from our Coast with Impunity, encouraged another of those *Beasts of Prey* to come upon our Coast, and take our *Vessels*.

And this very *Company*, which will now be charged before you with the Crime of *Piracy*, their *Ringleader*, with many, if not all of the *Company*, were belonging to that *Crew*, which first insulted us. And presuming upon their former Success and Impunity, had the Confidence to lie upon our *Coast* to fit their *Vessel*, and to go on *Shore* at their Will and Pleasure; designing, as we had had just Reason to suppose, that when all Things were fitted for their mischievous Designs, to come again to cruize before our *Bar*, and take our *Vessels*.

And therefore upon the receiving these Accounts, it was high Time for the *Government* to fit out a *Force* against the *Pirates*; and to endeavour to suppress them, in order to support our *Trade* and *Commerce*, which otherwise must have been inevitably ruin'd.

And being under such a Necessity of having Forces raised for that purpose, we cannot sufficiently commend and honour the *Zeal* and *Bravery* of those Persons, who so willingly and readily undertook that *Expedition* against the *Pirates*; and so gallantly acted their Parts when they engaged them.

But it will not be fit for me to say any more upon that *Subject*, by reason of the near Relation I stand in to the *Commander* in Chief in that Expedition; and who is known to you all to have so well acted his Part therein, that as it is not proper, so he needs not my Commendations.

But then I must not omit mentioning to you, that in this *Attack* made upon those *Enemies of Mankind*, many of our People lost their Lives in the Discharge of their Duty to their King and Country, and who fell by the Hands of those inhuman and murdering *Criminals* which will now be brought before you. And the Blood of those murdered Persons, will cry for Vengeance and Justice against these Offenders.

And therefore I hope the Consideration of doing Justice to those Persons who were kill'd in

the Service of their Country, will make you to use your Diligence in bringing the Criminals to Punishment, without which the Blood of those Persons will in a great measure be required at our Hands.

I need not expatiate to you upon the Heinousness of the Sin of *Murder*; a Crime which carries its own natural Horror and Guilt along with it; so that it is altogether needless for me to aggravate it; and the manifest Injustice and Evil of which is evident to all Persons, even by the Light of Nature: So that there is no Nation so barbarous, but by their universal Practice do consent to the Equity and Justice of that antient Law of God, that, *Whoso sheddeth Man's Blood, by Man shall his Blood be shed*, Gen. ix. 6.

Indeed, I freely grant, that the Greatness of the Crimes the Persons are charged with, should make you the more careful in your *Enquiry*, and to avoid any Error or Mistake on both Extremes; that as you would not condemn the *Innocent*, so likewise that you do not acquit the *Guilty*, always remembering what the Wise Man saith, that *He that justifieth the Wicked, as well as he that condemneth the Just, even both are an Abomination to the Lord*, Prov. xvii. 15. See Ch. xxiv. v. 24.

I have only this to add, that you being a *Grand Jury*, your Business is not to try the Prisoners, but to consider whether or no by the Evidence, there is that probable Proof of the Persons being guilty of the Fact charged upon them, as that they ought to be put upon their *Trial* for the same.

An *Indictment* found by you being virtually but a legal Accusation, there being another Jury to pass upon them.

But on the other Side, tho' your finding the Bill of *Indictment* is not conclusive to the Prisoners, but that they will have a *Trial*, and be heard in their own Defence before another Jury; which properly are said to try the Prisoners, and pass between the King and them upon their Lives or Deaths; nevertheless, you ought to be cautious and diligent in your *Enquiry*, and not rashly and carelessly find a Bill of *Indictment* against Persons, and put them upon the Hazard of a *Trial* for a capital Crime.

But as to those *Indictments* that will now be brought before you, I am very well assured the *Proofs* will be so clear and full, that you'll have no Reason to doubt the Truth of the Facts charged therein; and then I shall not question your faithful Discharge of that great Duty and Trust the Law hath reposed in you, in bringing such Criminals to Justice.

Thus having sufficiently explained to you what is likely to come before you, I shall now dismiss you to your Business.

Then the Court adjourned till the Afternoon.

The Court met according to Adjournment.

And the *Grand Jury* being called over, a Bill of *Indictment* was given to them against *Stede Bonnet*, *Robert Tucker*, *Edward Robinson*, *Neal Paterson*, *William Scot*, and *Job Bayley*, for feloniously and piratically taking the Sloop *Francis* with her Goods, Capt. *Peter Manwareing*, Commander.

^d *Hawkins*, It. Sec. 10. p. 100.

^e *Vans.*

Then the Court adjourn'd till *Wednesday Morning*.

Wednesday, October the 29th, 1718.

The Court met according to Adjournment.

THE Grand Jury being called over, a Bill of Indictment was delivered to them against *David Harriot, John William Smith, Thomas Carman, John Thomas, William Morrison, William Livers aliàs Evis, Samuel Booth, William Hewet, and John Levit*, for feloniously and piratically taking the said Sloop *Francis*, with her Goods, Capt. *Peter Manwareing*, Commander.

And another Bill of Indictment against *William Eddy aliàs Wedy, Alexander Ammand, George Ross, George Dunkin, Thomas Nichols, John Ridge, Matthew King, Daniel Perry, and Henry Virgin*, for the same Fact, in taking Capt. *Manwareing*.

And another against *James Robbins aliàs Rattle, James Mullet aliàs Millet, Thomas Price, John Lopez, Zachariab Long, and James Wilson*, for the same Fact.

Then the Grand Jury returned, finding *Billa vera* on the Bill of Indictment against *Stede Bonnet aliàs Edwards, aliàs Thomas, Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, and Job Bayley*, for feloniously and piratically taking the said Sloop *Francis*, with her Goods, *Peter Manwareing* Commander.

On the Bill of Indictment against *David Harriot, John William Smith, Thomas Carman, John Thomas, William Morrison, William Livers aliàs Evis, Samuel Booth, William Hewet, and John Levit*, for the same Fact, in taking Capt. *Manwareing*.

On the Bill of Indictment against *William Eddy aliàs Wedy, Alexander Ammand, George Ross, George Dunkin, Thomas Nichols, John Ridge, Matthew King, Daniel Perry and Henry Virgin*.

As also a Bill of Indictment against *James Robbins aliàs Rattle, James Mullet aliàs Millet, Thomas Price, John Lopez, Zachariab Long, and James Wilson*, both for the same Fact.

Then the Court proceeded to arraign *Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, and Job Bayley*, upon the Indictment, for feloniously and piratically taking the Sloop *Francis*, *Peter Manwareing*, Commander.

Who all pleaded Not Guilty.

The Court then delivered another Bill of Indictment to the Grand Jury against *Stede Bonnet aliàs Edwards aliàs Thomas, David Harriot, Edward Robinson, Robert Tucker, William Scot, Job Bayley, Neal Paterfon, John William Smith, Thomas Carman, and John Thomas*, for feloniously and piratically taking the Sloop *Fortune*, with her Goods, Capt. *Thomas Read* Commander.

Another Bill of Indictment against *John Ridge, Matthew King, Daniel Perry, Henry Virgin, James Robbins aliàs Rattle, James Mullet aliàs Millet, Thomas Price, James Wilson, John Lopez, and Zachariab Long*, for the same Fact, in taking Capt. *Read*.

And another against *William Morrison, William Livers aliàs Evis, Samuel Booth, William Hewet, John Levit, William Eddy aliàs Wedy, Alexander Ammand, George Ross, George Dunkin, and Thomas Nichols*, for the same Fact.

Then the Court proceeded to arraign *John William Smith, Thomas Carman, John Thomas,*

William Morrison, William Livers aliàs Evis, Samuel Booth, William Hewet, and John Levit, for feloniously and piratically taking the Sloop *Francis*, with her Goods, Capt. *Peter Manwareing*, Commander.

Who all pleaded Not Guilty.

Then the Court adjourned till *Thursday Morning*.

Thursday, October the 30th, 1718.

The Court met according to Adjournment.

THEN the Grand Jury returned, finding *Billa Vera* on the Bill of Indictment against *Stede Bonnet aliàs Edwards aliàs Thomas, David Harriot, Edward Robinson, Robert Tucker, William Scot, Job Bayley, Neal Paterfon, John William Smith, Thomas Carman, and John Thomas*, for taking the said Sloop *Fortune*, with her Goods, Capt. *Thomas Read* Commander.

On the Bill of Indictment against *John Ridge, Matthew King, Daniel Perry, Henry Virgin, James Robbins aliàs Rattle, James Mullet aliàs Millet, Thomas Price, James Wilson, John Lopez, and Zachariab Long*, for the same Fact, in taking Capt. *Read*.

And on the Bill of Indictment against *William Morrison, William Livers aliàs Evis, Samuel Booth, William Hewet, John Levit, William Eddy aliàs Wedy, Alexander Ammand, George Ross, George Dunkin, and Thomas Nichols*, for the same Fact.

Then the Court proceeded to the Trial of *Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, and Job Bayley*.

Clerk. Set *Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, and Job Bayley* to the Bar.

Then the *Petit Jury* were called over.

Clerk. You the Prisoners at the Bar: These good Men that were called last, and have here appeared, are those that shall pass between our Sovereign Lord the King and you, upon your Lives and your Deaths; therefore if you or any of you will challenge them or any of them as they come to the Book to be sworn, and before they be sworn, you may, and you shall be heard.

Then the *Petit Jury* were sworn, whose Names were as followeth.

<i>Timothy Bellamy</i> , Foreman.	<i>Thomas Chambers.</i>
<i>George Ducket.</i>	<i>Daniel Townsend.</i>
<i>John Rivers.</i>	<i>John Lec.</i>
<i>William Sherisse.</i>	<i>Thomas Bez.</i>
<i>Benjamin Dennis.</i>	<i>John Barton.</i>
<i>Hugh Dursley.</i>	<i>Richard Fairchild.</i>

Cryer. O Yes, If any Man can inform the Judge of this Vice-Admiralty for the Vice Admiralty Jurisdiction of this Province, and the rest of the Commissioners of this Admiralty-Sessions, or the Attorney-General of this Inquest to be taken between our Sovereign Lord the King, and the Prisoners at the Bar, or any of them, of any Treason, Piracy, Murder, or other Felony committed or done by the Prisoners at the Bar, or any of them, let them come forth, and they shall be heard; the Prisoners now stand at the Bar upon their Deliverance.

Then the Prisoners were severally bid to hold up their Hands (which they did.)

Then

Then the *Clerk* charged the Jury with them thus:

Clerk. You Gentlemen of the Jury that are sworn, look upon the Prisoners, and hearken to their Charge.

Then the Indictment was read, as followeth.

“ **T**HE Jurors for our Sovereign Lord the King do upon their Oath present, That *Stede Bonnet* aliàs *Edwards*, aliàs *Thomas*, late of *Barbadoes*, Mariner; *Robert Tucker*, late of the Island of *Jamaica*, Mariner; *Edward Robinson*, late of *New-Castle upon Tyne*, Mariner; *Neal Paterfon*, late of *Aberdeen*, Mariner; *Job Bailey* aliàs *Beely*, late of *London*, Mariner; *William Scot*, late of *Aberdeen*, Mariner; the Second Day of *August* in the Fifth Year of the Reign of our Sovereign Lord *George*, by the Grace of God of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. by Force, &c. upon the High Sea, in a certain Place called *Cape James* aliàs *Cape Inlopen*, about two Miles distant from the Shore, in the Latitude of Thirty-nine, or thereabouts, and within the Jurisdiction of the Court of *Vice-Admiralty* of *South Carolina*, did piratically and feloniously set upon, break, board, and enter a certain Merchant-Sloop, called the *Francis*, *Peter Manwareing*, Commander, then being a Sloop of certain Persons (to the Jurors aforesaid unknown) and then and there piratically and feloniously did make an Assault, in and upon the said *Peter Manwareing*, and other his Mariners, (whose Names to the Jurors aforesaid are unknown.) In the same Sloop, against the Peace of God, and of our said now Sovereign Lord the King, then and there being, piratically and feloniously did put the aforesaid *Peter Manwareing*, and others his Mariners of the same Sloop, in the Sloop aforesaid, then being in corporal Fear of their Lives, then and there in the Sloop aforesaid, upon the *High Sea*, in the Place aforesaid, called *Cape James* aliàs *Cape Inlopen*, about two Miles distant from the Shore, in the Latitude of Thirty-nine, or thereabouts, as aforesaid; and within the Jurisdiction aforesaid, *piratically* and *feloniously* did steal, take and carry away the said Merchant-Sloop, called the *Francis*, and also twenty-six Hogsheads, three Tierces, and three Barrels of Rum, of the Value of two hundred and sixty three Pounds six Shillings and eight Pence, current Money of the Island of *Barbadoes*; twenty five Hogsheads of Molasses, of the Value of one hundred thirty eight Pounds thirteen Shillings and eight Pence, current Money of the Island of *Antegoa*; three Barrels and three Tierces of Sugar, of the Value of thirty three Pounds, like current Money of *Antegoa*; two Pockets of Cotten, of the Value of fifty Shillings, like current Money of *Antegoa*; and about sixty Weight of Indigo, of the Value of nine Pounds, like current Money of *Antegoa* aforesaid; one new Cable, of the Value of fifty Pounds, Sterling Money of *Great Britain*; nineteen *French* or *Spanish* Pistoles; two half Moidores of Gold; fourteen *French* Crowns; one Pair of Silver Buckles, value ten Shillings, Sterling Money of *Great Britain*; and one Silver Watch, of the Value of seven Pounds, Sterling Money of *Great*

“ *Britain* aforesaid; the Goods and Chattels of certain Persons, (to the Jurors aforesaid unknown) then and there, upon the *High Sea* aforesaid, in the aforesaid Place, called *Cape James* aliàs *Cape Inlopen*, about two Miles distant from the Shore, in the Latitude of thirty-nine, or thereabouts, as aforesaid, and within the Jurisdiction aforesaid; being found in the aforesaid Sloop, in the Custody and Possession of the said *Peter Manwareing*, and others his Mariners of the said Sloop, and from their Custody and Possession then and there, upon the *High Sea* aforesaid, in the Place aforesaid, called *Cape James* aliàs *Cape Inlopen*, as aforesaid, and within the Jurisdiction aforesaid, against the Peace of our now Sovereign Lord the King, his Crown, and Dignity.

Clerk. Upon this Indictment they have been arraign'd: Upon their Arraignment they have pleaded *Not Guilty*; and for their Trial have put themselves upon God and their Country, which Country you are. Your Charge is to enquire whether they, or any of them, are guilty of the Felony and Piracy of which they stand indicted, in Manner and Form as they stand indicted, or not guilty. If you find them, or any of them, guilty, you shall then enquire what Goods or Chattels, Lands or Tenements, they, or any of them, had at the Time of the Felony of Piracy committed, or at any time since. But if you find them not guilty, &c. And hear your Evidence.

Then *Richard Allen*, Esq; Attorney-General, spake as followeth:

May it please your Honours, and you Gentlemen of the Jury.

THE Nature of the Crime, *Piracy*, for which the Prisoners at the Bar are now to be tried, and the Statute of the Twenty-eight of *Henry* the Eighth, intituled, *For Pirates*, has been fully and learnedly laid open and explain'd by the Judge in his Charge to the Grand Jury, (at which I am sensible most, if not all of you, were present.) Therefore I shall say but little more on that Head, and only remark, that it is a Crime so odious and horrid in all its Circumstances, that those who have treated on that Subject have been at a loss for Words and Terms to stamp a sufficient Ignominy upon it: Some calling them Sea-Wolves; others Beasts of Prey, and Enemies of Mankind, with whom neither Faith nor Treaty is to be kept. And all this is but a faint Description of these Miscreants: For Beasts of Prey, tho' fierce and cruel in their Natures, yet, as has been observ'd of them, they only do it to satisfy their Hunger, and are never found to prey upon Creatures of the same Species with themselves. Add hereto, that those wild Beasts have neither rational Souls, Understanding, nor Reason to guide their Actions, or to distinguish between, Good or Evil. But Pirates prey upon all Mankind, their own Species and Fellow-Creatures, without Distinction of Nations or Religions; *English*, *French*, *Spaniards* and *Portuguese*, and *Moor*s and *Turks* are all alike to them: For Pirates are not content with taking from the Merchants what Things they stand in need of, but throw their Goods over-board, burn their Ships, and sometimes bereave them of their Lives for Pastime and Diversion, as we have had frequent Instances of late, and prove destructive to all

Trade and Commerce in general. And if a Stop be not put to those Depredations, and our Trade no better protected, not only *Carolina*, but all the *English Plantations* in *America* will be totally ruin'd in a very short Time.

The Pirates are become very numerous and formidable in these Parts: The Trade of *America* is no small Advantage to the Crown of *Great Britain*. *Jamaica*, by relation, is ruin'd by those Pirates already; and other Parts of *America* have suffered most grievously, and are like to share in the same Fate. I know not what is done at home, therefore I can't say no Care at all has been taken of us: But this I do say, no effectual Care has been taken to suppress those Pirates. And if a true Representation of these Matters were laid before his Majesty, we could not but hope for some Redress.

'Tis not my Business to call in question the Conduct of the *Spaniards*, in breaking up the *Bay of Campeachy*. They could not but think the turning away such a Number of profligate Wretches, as were got together, must put them on a worse Course of Life: They have done them more Harm since than cutting their Log-Wood; for nine Parts in ten of them turned Pirates, and have lived upon robbing and plundering them and us ever since that Time. That and the great Expectations which so many had from the *Bahama Wrecks*, where not one in ten proved successful, gave Birth and Increase to all the Pirates in those Parts, *English*, *French*, and *Spaniards*.

I just now instanced *Jamaica* as a Place that is almost ruin'd by the Pirates: But what Occasion have we to look abroad? What a grievous Dilemma were we ourselves reduced to in the Month of *May* last? When *Thatch* the Pirate came and lay off this Harbour with a Ship of forty Guns mounted, and one hundred and forty Men, and as well fitted with warlike Stores of all Sorts, as any Fifth-Rate Ship in the Navy, with three or four Pirate-Sloops under his Command. And after having taken Mr. *Samuel Wragg*, one of the Council of this Province, bound out from this Place to *London*, as also one Mr. *Marks*, and several other Vessels going out and coming into this Harbour, they plundered those Vessels going home to *England* from hence of about fifteen hundred Pounds Sterling, in Gold and Pieces of Eight. And after that, they had the most unheard of Impudence to send up one *Richards*, and two or three more of the Pirates with the said Mr. *Marks*, with a Message to the Government, to demand a Chest of Medicines of the Value of three or four hundred Pounds, and to send them back with the Medicines, without offering any Violence to them, or otherwise they would send in the Heads of Mr. *Wragg* and all those Prisoners they had on board; and *Richards*, and two or three more of the Pirates, walked upon the Bay, and in our public Streets, to and fro in the Face of all the People, waiting for the Governor's Answer. And the Government, for the Preservation of the Lives of the Gentlemen they had taken, were forced to yield to their Demands. And some of those very Prisoners now at the Bar were Part of that *Thatch's* and *Bonnet's* Crew. Afterwards one *Vaughan*, another noted Pirate, came and lay off our Bar, and sent in another insolent Message. This roused our Spirits; and tho' reduced to a very low Ebb by Reason of the Calamities of the *Indian War*, and long and

heavy Taxes, we could not bear those Insults, but sent out a Force to suppress them. However, we must own, that that honourable Gentleman, Colonel *William Rbett*, was the chief, if not the first Promoter of fitting out two Sloops to take some of those Pirates. The Government readily fell in with the Measures proposed: Colonel *Rbett* went in Person, accompanied by many Gentlemen of the Town, animated with the same Principle of Zeal and Honour for our public Safety, and the Preservation of our Trade.

'Tis probable *Vaughan* the Pirate, before Things could be got in readiness, might have some Intimation of our Design, and made his way off the Coasts, though all possible Care was taken to prevent it. However, Col. *William Rbett* and the rest of the Gentlemen were resolv'd not to return without doing some Service to their Country, and therefore went in quest of a Pirate they had heard lay at *Cape Fear*. About the latter End of *September* they came up with, and engaged them: The Fight lasted above six Hours, and the Pirates were forced to surrender, tho' the Colonel's Vessel running a-ground, lay under all the Disadvantages in the World, as you are all sensible.

The Piratical Crew at the Bar, and now to be tried, in the Engagement, killed ten or eleven of our Men on the Spot, and wounded about eighteen, several of which died since they came on shore here.

This Pirate-Sloop was commanded by that noted Pirate Major *Stede Bonnet*, and formerly called the *Revenge*, now the *Royal James*, and was one of those very Sloops that lay off the Harbour of *Charles-Town* about *May* last, when they took Mr. *Wragg* Prisoner, and sent up their insolent Demands to the Governour, as I have mentioned before.

We must all own, that the Undertaking and Design of fitting out those Sloops after these Pirates, was bold and noble, and carried on with Prudence and Courage, and crown'd with Victory and Success; and I hope Col. *Rbett*, and the rest of the Gentlemen that were with him, will meet with both Thanks and Rewards suitable to their great Merit, and the Credit and Reputation they have brought to this Province by this gallant Action.

But see how Justice follows those wicked Offenders! They are now brought to suffer in that Country which they so lately insulted. 'Tis true, *Bonnet* had not the sole Command of his Sloop when he lay off the Bar, but was turned out some time before by *Thatch*, but that was not *Bonnet's* Fault.

Bonnet's Escape out of Prison is no small Misfortune to us: First, because some will be reproached with conniving at his Escape that had no hand in it, and though they be never so innocent: Secondly, by reason of the ill Consequence that may happen to many Merchants in Case *Bonnet* makes a Head again, and particularly to the Merchants of this Province.

I hope the great Reward of seven hundred Pounds offer'd by the Government for taking *Bonnet* and his *Master*, will make the People vigilant in apprehending them. I'm sure the Government gave frequent and strict Charges to the Marshal for securing him, and ordering Centinels to be placed early in the Evening; and immediately on his Escape,

Escape, set up all Night sending *Hue and Cries* and *Expreses* by *Land* and by *Water* throughout the whole Province; so that it is to be hop'd he will be retaken before this Service be over. I am sensible *Bonnet* has had some Assistance in making his Escape; and if we can discover the Offenders, we shall not fail to bring them to exemplary Punishment.

And now, Gentlemen of the Jury, I must remind you of your Duty on this Occasion. You are bound by your Oaths, and are oblig'd to act according to the Dictates of your Consciences, to go according to the Evidence that shall be produced against the Prisoners, without Favour or Affection, Pity or Partiality to any one of them, if they appear to be guilty of those Crimes they are charg'd with. And you are not allow'd a Latitude of giving in your Verdict according to Will and Humour.

I am sorry to hear some Expressions drop from private Persons, (I hope there is none of them upon the Jury) in favour of the Pirates, and particularly of *Bonnet*; that he is a Gentleman, a Man of Honour, a Man of Fortune, and one that has had a liberal Education. Alas, Gentlemen, all these Qualifications are but several Aggravations of his Crimes. How can a Man be said to be a Man of Honour, that has lost all Sense of Honour and Humanity, that is become an Enemy of Mankind, and given himself up to plunder and destroy his Fellow-Creatures, a common Robber, and a Pirate?

Nay, he was the *Archipirata*, as it is now taken in the worst Sense, or the chief Pirate, and one of the first of those that began to commit those Depredations upon the Seas since the last Peace.

I have an Account in my Hand of above twenty eight Vessels taken by him, in Company with *Thatch*, in the *West-Indies*, since the fifth Day of *April* last; and how many before, no Body can tell.

His Estate is still a greater Aggravation of his Offence, because he was under no Temptation of taking up that wicked Course of Life.

His Learning and Education is still a far greater; because that generally softens Mens Manners, and keeps them from becoming savage and brutish; but when these Qualifications are perverted to wicked Purposes, and contrary to those Ends for which God bestows them upon Mankind, they become the worst of Men, as we see the present Instance, and more dangerous to the Commonwealth.

Gentlemen, most of the said *Bonnet's* Crew, and particularly the Prisoners at the Bar, to wit, *Edward Robinson*, *Robert Tucker*, *William Scot*, *Job Bayley*, and *Neal Paterfon*, are old Offenders, and were with *Thatch* and *Bonnet* at the taking of all, or most of these Vessels I have mentioned, and were either with *Bonnet* or *Thatch* when they lay off our Bar in *May* last, and sent up that insulting Message, and were in the Engagement against *Col. Rbett*, so that there is hardly any room left for the least Pity or Compassion: Who can think of it, when you see your Fellow-Townsmen, some dead, and others daily bleeding and dying before your Eyes?

But the particular Fact or Act of Piracy for which the Prisoners at the Bar are now to be tried, is set forth in the Indictment, for that they the said *Edward Robinson*, *Robert Tucker*, *William Scot*, *Job Bayley*, and *Neal Paterfon*, the second Day of

August, in the fifth Year of his Majesty's Reign, by Force and Arms, upon the high Sea, in a certain Place called *Cape James* alias *Cape Inlopen*, in the Latitude of *thirty nine*, did *piratically* and *feloniously* set upon, board, break and enter a certain Merchant Sloop called the *Francis*, *Peter Manwareing* Commander, putting the said *Manwareing* and others in corporal Fear of their Lives; and then and there *piratically* and *feloniously* did take and carry from the said *Manwareing* out of the said Sloop, twenty six Hogsheads and three Tierces, and three Barrels of Rum of the Value of two hundred sixty three Pounds six Shillings and eight Pence, and other the Goods mentioned in the Indictment, of the Value of Five hundred Pounds.

We shall call the Evidence, and prove the Fact fully and clearly upon them:

Take Notice, Gentlemen, that the boarding, breaking, and entry of one, if the rest were present and consenting, is the boarding, breaking, and entry of all the rest.

We shall prove, that all the Prisoners at the Bar were at the taking of *Manwareing's* Sloop, that they all bore Arms, and that they all shared a few Days before they came to *Cape Fear*: and if so, we doubt not but you'll find them *Guilty*, and discharge that Duty the Country expects from you.

Mr. Thomas Hepworth. May it please your Honours, and you Gentlemen of the Jury, the Crime the Prisoners now stand charged with, is *Piracy*, which is the worst sort of Robbery, both in its Nature and its Effects, since it disturbs the Commerce and Friendship betwixt different Nations, and if left unpunished, involves them in War and Blood. What Calamities and Ruin they carry along with them, no Person can be a Stranger to; so that those that bring not such Criminals to Judgment, when it lies in their Power, and is their Duty to do so, are answerable in a great Measure, before God and Man, for all the fatal Consequences of such Acquittals, which bring a Scandal on the public Justice, and are often attended with public Calamities.

It is not therefore, Gentlemen, to be supposed that wise or honest Men, (and there is none who would willingly be thought otherwise) who love their Country, and wish its Peace and Prosperity, would be guilty in that kind.

What has been said by the King's Attorney, or my self upon this unexpected Occasion, I hope will not be looked upon as intended to influence any of the Jury. I am sure it is far from being so designed; Religion, Conscience, Honour, common Honesty, Humanity, and all Laws forbid such Methods. There is no doubt but the Judges as well as the Jurymen best discharge their Duty when they proceed without Favour or Affection, Hatred or Ill-will, or any partial Respect whatsoever: Malice and Favour (too great Enemies to Justice) are to be excluded all Courts of Judicature, as too partial.

Every Man ought to be extremely tender of such a Person as he has Reason to believe is innocent; but it should be consider'd likewise, on the other side, that he who brings a notorious Pirate or common Malefactor to Justice, contributes to the Safety and Preservation of the Lives of many, both bad and good; of the good, by means of the Assurance of Protection; and of the bad too, by the Terror of Justice. It was upon this Consideration that the *Roman* Emperors, in their Edicts, made

made this piece of Service for the public Good as meritorious as any Act of Piety or religious Worship.

Our own Laws demonstrate how much our Legislators, and particularly how highly that great Prince King *Henry V.* and his Parliament, thought *England* concerned in providing for the Security of Traders, and scouring the Seas of Rovers and Free-booters. Certainly, there never was any Age wherein our Ancestors were not extraordinary zealous in that Affair; looking upon it, as it is and ever will be, the chief Support of Navigation, Trade, Wealth, Strength, Reputation and Glory of the *English* Nation.

Gentlemen, our Concern, as our Trade is, ought in reason to be rather greater than that of our Fore-fathers: We want no manner of Inducements, no Motives to stir us up, whether we consider our Interest or Honour. We have not only the sacred Word, but also the glorious Acts of the best of Kings, which sufficiently manifest to us, that the Good and Safety of the *English* Nation is the greatest Care of his Life. Let every Man therefore who pretends to any thing of a true *English* Spirit, readily and cheerfully follow so good, so great, so excellent an Example, by assisting and contributing to the utmost of his Power and Capacity at all times towards the carrying on his noble and generous Designs for the common Good; and particularly at this Time, by doing all he can, to the end that by the Administration of equal Justice, the Discipline of the Seas, on which the Good and Safety of the *English* Nation, and these Parts of *America* more especially, entirely depends, may be supported and maintained.

The Civil Law terms the Pirates *Beasts of Prey*, with whom no Communication ought to be kept; neither are Oaths or Promises made to them binding. And by the Law-Marine the Captors may execute such *Beasts of Prey* immediately, without any Solemnity of Condemnation, they not deserving any Benefit of the Law.

I believe, Gentlemen, that no greater Motives can be urged to spur you on in your Duty, than to desire you to reflect and consider how long our Coasts have been infested with Pirates (for the Name of Men they do not deserve) and how many Vessels they have taken and pillag'd belonging to this Place, as well as Multitudes of others belonging to divers Parts of his Majesty's Dominions; and how many poor Men in whose Blood they have imbrud their Hands with the greatest Inhumanity imaginable, and how many poor Widows and Orphans they have made, and how many Families they have ruin'd, and how long they have gone on in their abominable Wickedness: Nay, do but consider how those very Pirates lately insulted this Government, when they sent for Medicines, threatening to destroy our Vessels and Men in case of refusal; nay, since these have accepted of Certificates from the Government of *North Carolina*, like Dogs to their Vomits they have returned to their old detestable way of living, and since taken off these Coasts thirteen Vessels belonging to *British* Subjects.

I believe you can't forget how long this Town has laboured under the Fatigue of watching them, and what Disturbances were lately made with a design to release them, and what Arts and Practices have been lately made use of and effected for the Escape of *Bonnet* their Ringleader; the Consideration of which shews how necessary it is that the

Law be speedily executed on them to the Terror of others, and for the Security of our own Lives, which we were apparently in danger of losing in the late Disturbance, when under a Notion of the Honour of *Carolina*, they threaten'd to set the Town on fire about our Ears.

We shall now call our Witnesses, who will relate to you what enormous and horrid Crimes the Prisoners at the Bar have committed in the Prosecution of the Fact laid in the Indictment.

Clerk. Call *Ignatius Pell* the Boatswain, who appeared and was sworn.

Mr. Hepworth. Do you know the Prisoners at the Bar?

Ign. Pell. I know them all very well.

Mr. Hepworth. Please to give the Court an Account what Vessels were taken after you came from *North Carolina*:

Ign. Pell. I shall begin before that Time. We came from the Bay of *Honduras*, and from thence to *Providence*, after which we took several Vessels, and then we came and lay off this Bar, where we took five Vessels.

Judge Trott. Did all the Prisoners come from the Bay of *Honduras*?

Ign. Pell. All except *Robert Tucker*, he came out of a Sloop belonging to *Bermuda*; after that we took a *Brigantine*, out of which we took fourteen Negroes. After we had discharged the *Brigantine*, we set sail and went to *Topfail-Inlet* at *North Carolina*, where the Ship was run ashore and lost, which *Thatch* caused to be done. After we had been there some time, *Capt. Thatch* came aboard, and demanded all our Arms, and took our best Hands and all our Provision, and all that we had, and left us.

Att. Gen. Were all these Men sent aboard of *Major Bonnet* immediately, or no?

Ign. Pell. No, Sir, they were put ashore upon an Island.

J. Trott. How came they on board the *Revenge*?

Ign. Pell. The Boat was sent off to fetch them aboard.

Pris. Major Bonnet came with the Boat, and told us, as we were on a *Marroon* Island, that he was going to *St. Thomas's* to get a Commission from the Emperor to go against the *Spaniards* a Privateering, and we might go with him or continue there: so we having nothing left, was willing to go with him.

Att. Gen. You say all were on shore, and all might have gone up into the Country; pray what Constraints were any of you under?

Ign. Pell. Sir, none; when we left *Topfail-Inlet*, it was with a Design to go *St. Thomas's* for the Emperor's Commission to go against the *Spaniards*; but the first Vessel we saw we gave Chace to, and came up with her.

Mr. Hepworth. What did you take out of that Vessel?

Ign. Pell. We took some Provisions out of her. After we had discharged her, we saw another, which we chased and took.

Att. Gen. Were all these Men aboard and in Arms at the same time?

Ign. Pell. Yes, Sir, all were in Arms: So after we had taken some Provisions out of her, then we discharged her. Next Day we saw two Sloops bound to *Bermuda* which we took. The next Day we gave Chace to another, and about Seven or Eight of the Clock we came up with them.

J. Trott. I suppose you were always ready for an Engagement; so that they had their Arms always in Order.

Ig. Pell. I know nothing to the contrary.

J. Trott. Was Tucker there in particular.

Ig. Pell. He was, to be sure.

J. Trott. Go on.

Ig. Pell. Then we gave Chace to a Ship bound and we came up with her, in which were some Negroes. We left three Negroes on board, and two White Men, and sent three Hands from the *Revenge*: But we seeing two Sloops more we stood after them, and the other turn'd Tail and we never saw them more: So we came up with the Sloop, out of which we took thirty Barrels of Beef, some Butter, and other Provision.

Mr. Hepworth. What did you return in the room of these Goods?

Ig. Pell. Some *Molosses* that we had on board Major *Bonnet's* Sloop, after we had discharged these Sloops. Next Day we took a Ship and a Scooner, which Major *Bonnet* took with him.

Mr. Hepworth. Did you take no plunder out of those?

Ig. Pell. The chief was Provisions. Then we failed in company; and the next Day we came to the Capes of *Virginia*, where we met with two Vessels bound for *Glasgow* in *Scotland*, out of which we took Provisions and some *Tobacco*. And after we had discharged them we failed for *Cape James*; and after we had been at Anchor some time, we saw a Sloop which was Capt. *Manwareing*: We let down our Dory and sent some Hands on board; and in a little time after they came on board the *Revenge* with Captain *Manwareing*.

Attorn. Gen. Were all the Prisoners on board *Manwareing's* Sloop; or had they all their Arms ready when *Manwareing* was taken?

Ig. Pell. I cannot say that they were all on board; but they had all their Arms ready.

J. Trott. Did they all appear forward and active? Did none of them show themselves dissatisfied or unwilling to act at that time?

Ig. Pell. No, I don't know but one was as forward and as willing to act as the other; all of them had their Arms ready.

J. Trott. Well, how did you proceed after Captain *Manwareing* was taken?

Ig. Pell. Next Day we haled the Scooner a long-side of Captain *Manwareing's* Sloop, and hoisted out several Hogsheads of *Molosses*, and put on board the Scooner.

Mr. Hepworth. What became of the Scooner afterwards?

Ig. Pell. After we put *Reeves's* Wife on board, and Captain *Read's* Son, we sent them on shore.

Attorn. Gen. How long was Captain *Manwareing* a Prisoner?

Ig. Pell. About ten Weeks.

Attorn. Gen. Was not there more Goods taken out of *Manwareing's* Sloop? What became of them? Did you not share them?

Ig. Pell. Yes, we shared a little before we came to *Cape Fear*.

Attorn. Gen. Did all the Prisoners at the Bar receive their Shares?

Ig. Pell. Yes, Sir; I know nothing to the contrary.

J. Trott. They did not refuse their Shares none of them did they?

Ig. Pell. No.

Clerk. Have any of you any Questions to ask the King's Evidence? *Robert Tucker* have you any?

Prisoner. No, Sir.

Clerk. *Edward Robinson*, have you?

Prisoner. No, Sir.

Mr. Hepworth. May it please your Honours, we will proceed to call another Evidence.

Clerk. Call Capt. *Thomas Read*; who appeared and was sworn.

Mr. Hepworth. Capt. *Read*, please to look upon the Prisoners at the Bar, if you know them.

Capt. *Read*. I know them all very well.

Mr. Hepworth. Please to give an Account to the Court how you was taken, and also of the taking of Capt. *Manwareing*.

Capt. *Read*. The Sloop *Revenge* was at an Anchor, and the Scooner lay a long-side of her. I was then a Prisoner on board the Sloop *Revenge*. In the Evening we saw a Sloop coming into the Bay, and Major *Bonnet* sent off five Hands with the Dory; and about an Hour after they came on board the *Revenge* and brought Capt. *Manwareing*. After they brought him on board, Major *Bonnet* demanded his Papers, and he gave them to him. He asked him from whence he came? He answered from *Antegoa*, and bound for *Boston*. He ask'd him what he had on board? He told him: But it being Night, he said but little more to him: Next Morning they brought the Sloop and haled along-side the Scooner; and I saw them hoist out several Hogsheads out of the Sloop and put on board the Scooner. And I heard Major *Bonnet* say the next Day, that there were twenty one Hogsheads; and that he had ordered Pitch and Tar to be put on board the Sloop, and in the Evening they took the Fore-sail and Main-sail of the Scooner, and Sailed for *Cape Fear*:

J. Trott. You look upon all those Men as belonging to Major *Bonnet*, and they were all active in the taking of *Manwareing*?

Capt. *Read*. I did not see but one acted as the other did.

J. Trott. You did not look upon them to be Prisoners, like you and your Men?

Capt. *Read*. No, Sir.

J. Trott. Do you know any thing of their *shairing*? Did they all take their Shares?

Capt. *Read*. I know nothing of that? for we were all in the Round-House, and were not admitted among them at that time.

Mr. Dean. Did you see them have their Shares each of them?

Capt. *Read*. I will not say I saw them have every Man his particular Share; but they were all together when they did share.

Clerk. Would any of you ask the King's Evidence any Question?

Prisoners. We desire nothing but that he would speak the Truth.

Mr. Hepworth. May it please your Honours, we shall proceed to call another Evidence, which is Capt. *Peter Manwareing*.

Clerk. Call Capt. *Peter Manwareing*. Who appeared and was sworn.

Mr. Hepworth. Captain *Manwareing*, do you know the Prisoners at the Bar?

Capt. *Manwareing*. I know them very well.

Mr. Hepworth. Please to give the Court an Account of your being taken by them.

Capt. *Manwareing*. When they came on board us we were at an Anchor. About Eight or Nine of

of the Clock in the Evening we saw the Canoo coming: I ordered my Man to hale them. He asked from whence they came, and what Sloops they were? They answered, Capt. *Thomas Richards* from *St. Thomas's*, and Capt. *Read* from *Philadelphia*. So we were glad to hear it; so hoped all was well. But as soon as they came up the Shrowds they clapp'd all Hands to their Cutlasses. Then I saw we were taken: And I said, Gentlemen, I hope as you are *Englishmen*, you'll be merciful, for you see we have nothing to defend our selves. They told us they would if we were Civil. So I was ordered on board the *Revenge* with two of their Men. So when I came on board, Major *Bonnet* desired me to come under the Auning. He demanded my Papers. I gave them to him. So he told me I must lie as well as I could. Next Day Morning *Robert Tucker* came to me, and asked me what I had on board? and told me if I did not tell the Truth, it should be the worse for me. I told him I had some Molosses, Sugar, and Rum. Then he asked me concerning my Passengers, what Money they had. I told him I never examined Passengers what Money they had. So then Major *Bonnet* ordered them to come and lie along-side the Scooner; but what was done till then on board my Sloop I cannot tell. But then they took out the Molosses and the Rum and put on board the Scooner.

Attorn. Gen. How did they behave themselves with respect to your self afterwards?

Capt. Manwaring. They were civil to me, very civil: But they were all very brisk and merry, and had all Things plentiful, and were a making Punch and drinking.

Clerk. Would any of you the Prisoners ask the King's Evidence any Questions?

They ask no Questions.

Mr. Hepworth. Please your Honours, we will proceed to call another Evidence.

Clerk. Call *James Killing*, Capt. *Manwaring's* Mate. Who appeared, and was sworn.

Mr. Hepworth. Do you know the Prisoners at the Bar?

James Killing. Yes, Sir, I know them all very well.

Mr. Hepworth. Please to give the Court an Account of the taking Captain *Manwaring's* Sloop.

James Killing. The thirty first of July between Nine and Ten of the Clock, there running a strong Tide at Ebb, we came to an Anchor about fourteen fathom of Water near Cape *James*. In about half an Hour's time I perceived something like a Canoo: So they came nearer. I said here's a Canoo a coming; I wish they be Friends. I haled them; and ask'd from whence they came? They said Capt. *Thomas Richards* from *St. Thomas's*, and Capt. *Thomas Read* from *Pensylvania*. They ask'd me from whence we came? I told them from *Antegoa*. They said we were welcome. I said they were welcome, as far as I new. So I ordered the Men to hand down a Rope to them. So soon as they came on board they clapp'd their Hands to their Cutlasses; and I said we are taken. So they curs'd and swore for a Light. I ordered our People to get a Light as soon as possible. So they ordered our Captain immediately to go on board the *Revenge*; and accordingly was sent with two of their own Hands; and I saw him no more that Night. So when they came into the Cabin, the first thing they begun with was the Pine-Apples, which they cut down with their Cutlasses.

They ask'd me if I would not come and eat along with them? I told them I had but little Stomach to eat. They ask'd me why I looked so melancholy? I told them I looked as well as I could. They asked me what Liquor I had on board? I told them some Rum and Sugar. So they made Bowls of Punch, and went to drinking of the *Pretender's* Health, and hoped to see him King of the *English* Nation: Then sung a Song or two. Next Morning they ordered more Hands on board the Sloop, and so came and lay long-side the Scooner; after that they hoisted out several Hogsheads of Molosses, and several Hogsheads of Rum, and put on board the Scooner, and took several Barrels of Pitch and Tar and put on board the Sloop; and I happened to go down into the Cabin, and *Robert Tucker* came to me, and told me I had no business there, but was better go forward and work among the rest of the Men. So I went forward, and asked who that was? They told me that was their Father. In the after-part of the Day two of *Bonner's* Men were order'd to the Mast to be whipt, and I was threaten'd if I did not confess all I knew. Then *Robert Tucker* came to me and told me I must go along with them. I told him I was not fit for their Turn, neither were my Inclinations that way. After that Major *Bonnet* himself came to me, and told me I must either go on a Mar-roon Shore, or go along with them, for he design'd to take the Sloop along with him. That Evening between Eight and Nine we were ordered to set sail, but whither I knew not. So we sailed out that Night, and I being weary with the Fatigue, went to sleep; and whether it was with a Design or not I cannot tell, but we fell to Leeward of the *Revenge*; and in the Morning Major *Bonnet* took the Speaking Trumpet, and told us if we did not keep closer he would fire in upon us and sink us. So then we proceeded on our Voyage till we came to Cape *Fear*.

J. Trott. Have you done with your Evidence?

J. Killing. Yes.

Clerk. Would any of you Prisoners ask the King's Evidence any Questions?

No Questions asked by the Prisoners.

J. Trott. You the Prisoners at the Bar stand charged with *Felony* and *Piracy* committed on a certain Sloop belonging to Capt. *Peter Manwaring*. The Evidences have proved it home upon you; the Boatswain tells what old Offenders you were, and that you were with *Thatch* off this Bar, and that you were at the taking several Vessels after you left *Topfail-Inlet*; and all the Evidences prove the same; so that it appears all of you took up with this wicked Course of Life out of Choice: Now what Evidences have you to come in on your behalf? or what have you to say in your Defence? Now is your time to speak what you have to say.

Clerk. *Robert Tucker*, what have you to say?

Robert Tucker. After Capt. *Thatch* had taken what we had and left us, Major *Bonnet* came and told us that he was going to *St. Thomas's* for the Emperor's Commission, if there was any to be had.

J. Trott. Pray, if you were bound to *St. Thomas's*, what did you do at the Cape of *Virginia*? What business had you there?

Robert Tucker. We had but little Provision on board.

J. Trott. So you went and met with some by the way.

Clerk.

Clerk. Edward Robinson, what have you to say?
Edward Robinson. When Capt. Thatch left us it was on a Marroon Island, and Major Bonnet came and told me he was going to St. Thomas's, and we might go with him.

J. Trott. Was not you one of them that was off this Bar with Thatch?

Edw. Robinson. Yes.

J. Trott. Why did you not come on shore then?

Edw. Robinson. I would have come on shore but Capt. Thatch would not give me leave. I was with Mr. Wragg, and told him I would go on shore if I had Liberty.

J. Trott. Was you one of the five that came up to Town?

Edw. Robinson. No.

Clerk. Neal Paterfon, what have you to say in Defence of yourself?

N. Paterfon. Thatch came on board and carried away fourteen of our best Hands, and marrooned twenty five of us on an Island; and Major Bonnet came and told us he was minded to go to St. Thomas's, and if there were any Commissions from the Emperor, to get one, and go a privateering against the Spaniards; so I was willing to go with him, and when I was on board, he forced me to do what he pleas'd, for it was against my Will.

J. Trott. Did not Thatch carry away your Money and what you had besides of Goods?

N. Paterfon. Yes.

Att. Gen. Was you not all ashore when you receiv'd the Act of Grace?

N. Paterfon. Yes, Sir.

Attorn. Gen. Why had you not continued ashore? Why did you join with Bonnet? Or who forc'd you to it?

N. Paterfon. But, Sir, it was in a strange Land, and I had no Money, nor nothing left, and I was willing to do something to live; but it was against my Will to go a pirating.

Judge Trott. If you were forc'd and took only Provisions, pray how did you come to share so much Money and Goods afterwards? You say Thatch carried away what you had before.

N. Paterfon. I could not hinder the rest from doing what they pleas'd; but it was contrary to my Inclination.

Cl. William Scot, what have you to say?

W. Scot. When we left *Topsail-Inlet*, it was to go to *St. Thomas's*; and I asked whether there was Provisions on board? They told me there was enough, which was not above ten or eleven Barrels.

Judge Trott. So you took it where you could find it, because you had it not of your own: But pray what did you with so much Molosses, which was neither fit to eat or drink?

W. Scot. What I did, was to keep me from perishing; but it was not in my Power to hinder the rest.

Cl. Job Bayley, what have you to say?

Job Bayley. When Capt. Thomas or Major Bonnet was ready to sail, I went aboard, and I asked whether they had Provisions on board? They told me they had: But in a few Days it was all spent, and then I was forc'd to do as the rest did.

Judge Trott. But why did you not do as Capt. Manwareing and his Men did? You see they did not act as you did.

Job Bayley. Capt. Manwareing was not taken then.

Judge Trott. But how came you to join with them afterwards? And pray what made you fight against Col. Rbett, when he came out with lawful Authority to you?

Job Bayley. We thought it had been a Pirate.

Judge Trott. And so one Pirate might fight with another. But how could you think it was a Pirate, when he had King George's Colours?

Att. Gen. May it please your Honours, and you Gentlemen of the Jury, the Evidences have plainly prov'd, that all the Prisoners at the Bar were at the taking of Capt. Manwareing's Sloop, that they all consented to, and all were active in it, and all receiv'd their Shares; so that I think it hath been plainly prov'd home upon them.

Judge Trott. Gentlemen of the Jury, the Prisoners at the Bar all stand indicted for *Felony* and *Piracy* committed on a Sloop belonging to Capt. Peter Manwareing, as it is expressed in the *Indictment*. The *Boatswain* tells us what old Offenders they were before they went to *Topsail-Inlet*; that they were at the taking of no less than *thirteen* Vessels; and that in particular they were at the taking of Capt. Manwareing. Then comes Capt. Read, and he was taken before Capt. Manwareing, and was then a Prisoner on board the Pirate Sloop, and he tells you, they all appear'd in Arms, and that he did not look upon them as Prisoners, or under Constraint, but of the same Company; and he tells you he saw them take Capt. Manwareing, and that he saw them take out the Goods, as is mentioned in the *Indictment*, out of Manwareing's Sloop. Then comes Capt. Manwareing himself, and he says all the Goods mention'd in the *Indictment* were taken out, and that they shar'd these Goods among themselves. Then comes *Killing the Mate*, and he proves the same, and particularly *Tucker*, he was so forward, that he told them, if they did not tell the Truth, it should be the worse for them: And Paterfon was so active, that he was for having them brought to the Gun to make them confess; and that all the rest had their Arms ready, and all had their Shares: So that I think the Evidences have fully prov'd the *Indictment* upon them, and that it is very plain and home against them. They plead indeed, that they were forc'd and constrain'd to go, but give no Proof of it; and therefore what Constraint any of them appears to be under, I shall leave to your Considerations: Tho' I think the Evidence is very plain and clear, yet I shall not pretend to direct your Judgments. I shall only remark to you what the Wise Man saith, that *he that justifieth the Wicked, as well as he that condemneth the Just, even both are an Abomination to the Lord*.

Then an Officer was sworn to keep the Jury.

And about two Hours after the Jury return'd, and gave in their *Verdict*.

Cl. Gentlemen, answer to your Names *Timothy Bellamy*.

Timothy Bellamy. Here, &c.

Cl. Are you all agreed of your *Verdict*?

Jury. Yes.

Cl. Who shall say for you?

Jury. The Foreman.

Cl. Robert Tucker, hold up thy Hand (which he did.) How say you? Is he guilty of the Piracy whereof he stands indicted, or not guilty?

Foreman. Guilty.

Cl. What Goods and Chattels, &c.

Foreman. None that we know of.

Cl.

Cl. Then hearken to your Verdict, as the Court hath recorded it. You say that *Robert Tucker* is guilty of the *Piracy* whereof he stands indicted, and that he had no Goods or Chattels, &c.

Jury. Yes.

And the Jury also found *Edward Robinson*, *Neal Paterfon*, *William Scot*, and *Job Bayley*, guilty.

Cl. Marshal, look to your Prisoners.

THEN the Court proceeded to the Trial of *John William Smith*, *Thomas Carman*, *John Thomas*, *William Morrison*, *William Livers* aliàs *Evis*, *Samuel Booth*, *William Hewet*, and *John Levit*, for the aforefaid Fact, in *piratically* taking the faid Sloop *Francis*, Capt. *Peter Manwareing*, Commander.

Cl. Set *John William Smith*, *Thomas Carman*, &c. to the Bar.

Then the Petit Jury were called over.

Clerk. You the Prisoners at the Bar: These good Men that were called last, and have here appeared, are those that shall pass between our Sovereign Lord the King and you, upon your Lives and your Deaths; therefore if you or any of you will challenge them or any of them as they come to the Book to be sworn, and before they be sworn, you may, and you shall be heard.

Then the Jury were sworn, whose Names are as followeth.

<i>Samuel Prioleau</i> , Foreman.	<i>Henry Gemmelack</i> .
<i>John Hodgson</i> .	<i>John Jeffers</i> .
<i>Gerrard Vanwilfen</i> .	<i>Charles Marche</i> .
<i>Robert Harvey</i> .	<i>John Grimal</i> .
<i>Joshua Marriner</i> .	<i>Benjamin Griffin</i> .
<i>Thomas Fairchild</i> .	<i>Joseph Maffey</i> .

Then the usual Proclamation for Information was made. And the Prisoners being bid to hold up their Hands, the Clerk charged the Jury with them thus.

Cl. You Gentlemen of the Jury that are sworn, look upon the Prisoners, and hearken to their Charge.

Then the *Indictment* was read as followeth.

THE Jurors for our Sovereign Lord the King, do upon their Oaths present, That *Daniel Harriot*, late of *Jamaica*, *Mariner*; *John William Smith*, late of *Charles-Town*, *Mariner*; *Thomas Carman*, late of *Maidstone in Kent*, *Mariner*; *John Thomas*, late of *Jamaica*, *Mariner*; *William Morrison*, late of *Jamaica*, *Mariner*; *William Livers* aliàs *Evis*, late of *Dublin*, *Mariner*; *Samuel Booth*, late of *Charles-Town*, *Mariner*; *John Levit*, late of *North Carolina*, *Mariner*; and *William Hewet*, late of *Jamaica*, *Mariner*; the Second Day of August, &c. as before.

Cl. Upon this Indictment they have been arraigned, &c. as before.

The Witnesses against the Prisoners were *Ignatius Pell*, the Boatswain, Capt. *Thomas Read*, Capt. *Peter Manwareing*, and Mr. *James Killing* his Mate, who all gave the same Evidence against these as against the others that were tried before.

Cl. Will any of you Prisoners ask the King's Evidence any Questions?

No Questions asked by the Prisoners.

Judge *Trott*. You the Prisoners at the Bar, you have heard how fully the Witnesses have charged the Facts upon you: Now what you have to say in your Defence, I shall be ready to hear you.

Cl. *John William Smith*, if you have any thing to say, you have Liberty to speak.

John William Smith. When we left *Topfail-Inlet*, I knew nothing but that we were going to *St. Thomas's*; but after we were out, they hoisted the bloody Flag: But I did before believe we were going to *St. Thomas's*.

Att. Gen. Did you bear Arms on board of Major *Bonnet*?

Smith. Yes, Sir.

Att. Gen. Was you at the taking all those Vessels?

Smith. Yes, Sir; but it was against my Will.

Cl. *John Carman*, what have you to say?

Carman. As for what I did on board Captain *Thatch*, I was forced; but when I came to *North Carolina*, I would not have went on board, but Major *Bonnet* shew'd me the Act of Grace; and when I enter'd myself on board, it was to get my Bread, in hopes to have went where I might have had Business; for when we left *Topfail-Inlet*, I had not sign'd the Articles.

Ign. Pell. But you gave the Captain your Word that you would.

Carman. When I was left in the Sloop, I endeavour'd to make my Escape with the Sloop.

Judge *Trott*. So, I find you wanted a Vessel of your own.

Carman. No, but to have got one from them: But I could not.

Att. Gen. This confirms what the King's Evidence proves against them.

Cl. *John Thomas*, what have you to say?

Thomas. We had nothing left us, and we were on a Marroon Island, and Major *Bonnet* he came and told me I might go with him; but it was against my Will to bear Arms.

J. *Trott*. Was not you off this Bar?

Thomas. Yes, but I was forced to it.

Mr. *Hepworth*. And was you not at the taking of Capt. *Manwareing's* Sloop?

Thomas. Yes.

Mr. *Hepworth*. And had you not your Share?

Thomas. Yes, Sir.

J. *Trott*. And yet you say you was not willing to go a pirating.

Clerk. *William Morrison*, what have you to say?

Morrison. Capt. *Thatch* had run the Sloop ashore, and Major *Bonnet* went up to the Governor for the Act of Grace; and when he returned he told me I might go to *St. Thomas's*; and after that he said Provisions would fall short, and he should go on the Coast of *Virginia* to see for some.

J. *Trott*. But was that your Manner of going for a Commission, to take thirteen Vessels by the way? But was you not at the taking *Manwareing's* Sloop? And had you not your Share?

Cl. *William Livers* aliàs *Evis*, what have you to say?

Evis. After we came to *North Carolina*, and Capt. *Thatch* had lost the Ship, Major *Bonnet* told me he would give me my Passage to *St. Thomas's*, and he would endeavour to get a Ship there, and I might go with him a privateering: But when we came to Sea, I found how it was, and I would not consent for a long time; but at last they forced me to it.

J. *Trott*.

J. Trott. But you had your Share as well as the rest.

Evis. They forced me to do what I did.

Clerk. Samuel Booth, what have you to say?

Booth. As we came from *Topfail-Inlet* we met with the Sloop *Revenge*; they boarded us and took us, and I was a Prisoner three Weeks before I consented; and then they order'd me to the Gun before I would consent.

J. Trott. But you had your Share of Capt. *Manwareing's* Sloop.

Booth. But my Inclinations was not that way.

Clerk. William Hewet, what have you to say?

Hewet. I design'd to go to *St. Thomas's* with Major *Bonnet*, for he told me he was bound thither; so I was willing to go with him.

Clerk. John Levit, what have you to say?

He makes no Defence.

Attorn. Gen. May please your Honours, the Boatswain and all the Evidences prove the Indictment upon each of the Prisoners, that they were all at the taking of Capt. *Manwareing's* Sloop, and all had their Shares.

J. Trott. Gentlemen of the Jury, I think I need say but little on this matter: they all confess the Fact of which they stand indicted. Some of them were old Offenders, and all of them were proved to be at the taking of Capt. *Manwareing's* Sloop, and all took their Shares: so that I think the Fact is very fully and clearly proved upon them. But I shall leave that to your Considerations, and I pray God direct you to give a true Verdict.

Then an Officer, was sworn to keep the Jury.

Who after they had consider'd of their Verdict, return'd and found *John William Smith, Thomas Carman, John Thomas, William Morrison, William Liviers* alias *Evis, Samuel Booth, William Hewet,* and *John Levit,* guilty.

Then the Court adjourn'd to Friday Morning.

Friday, October the 31st, 1718.

THE Court proceeded to arraign *William Eddy* alias *Nedy, Alexander Ammand, George Ross, George Dunkin, Thomas Nichols, John Ridge, Matthew King, Daniel Perry,* and *Henry Virgin,* upon the following Indictment, for piratically taking Capt. *Manwareing*.

The Jurors for our Sovereign Lord the King do upon their Oaths present that *William Eddy* alias *Nedy, late of Aberdeen, Mariner; Alexander Ammand, late of Jamaica, Mariner; George Ross, late of Glasgow, Mariner; George Dunkin, late of Glasgow, Mariner; Thomas Nichols, late of London, Mariner; John Ridge, late of London, Mariner; Matthew King, late of Jamaica, Mariner; Daniel Perry, late of Guernsey, Mariner; and Henry Virgin, Mariner, late of Bristol; the second Day of August, in the fifth Year of the Reign of our Sovereign Lord King George, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. as before.*

Who all pleaded *Not Guilty*.

Then the Court proceeded on their Trial.

And the Jury were sworn, whose Names are as followeth.

Timothy Bellamy, Foreman, &c. as before.

The same Witnesses against these, viz.

Ignatius Pell, the Boatswain.

Capt. Thomas Read.

Capt. Peter Manwareing.

And Mr. *James Killing,* his Mate.

Who all gave the same Evidence against these Prisoners as against the others, excepting *Thomas Nichols*.

Capt. *John Stevenson,* one of the Captors, being sworn, declared, that *George Ross,* the Gunner of the Pirate's Sloop, was for blowing up the said Sloop, and that he acknowleg'd he was to have set fire to the Train, and that he would have done it.

As to *Thomas Nichols:*

Ignatius Pell declared, that *Nichols,* after he came to Sea, was very much discontented; but Major *Bonnet* said he would force him to go. However, he would not join with the rest of the Men, but always separated himself from the Company.

Capt. *Read* said, that *Nichols* behaved himself different from the rest, and did not join with them.

Capt. *Manwareing* said, that *Nichols* when he was aboard his Sloop said, *he did hope it would be over with him in a little time, for he hoped to get clear of them,* and looked very melancholy, and never joined with the rest in their Cabals when they were drinking: and when Major *Bonnet* sent for him he refused to go, and said, *he would die before he would fight.*

Clerk. Will any of you ask the King's Evidence any Questions?

Nichols. Mr. *Killing,* did you never hear me say I would leave that Course of Life?

J. Trott. Did you hear him say so?

Killing. When he came on board he told me, *he would give the whole World, if he had it, to be free from them:* and when he was on board and Major *Bonnet* sent for him, he refused to go on board the *Revenge,* till he sent to fetch him by force, and then he told me *he would not fight if he did lose his Life for it:* and he was not with them when they shared; and he told them *he hoped he should not be long with them;* and he never was at their Cabals as the rest were.

J. Trott. He seems to be under a Constraint indeed, and therefore must be taken into Consideration.

Clerk. Will any of you Prisoners ask any more Questions?

None asked.

J. Trott. If any of them have any thing to say, they now have their liberty to speak.

Clerk. *William Eddy* alias *Nedy,* what have you to say?

Nedy. I never was on board Capt. *Manwareing's* Sloop nor had no hand in it.

J. Trott. You was one of *Bonnet's* Crew.

Nedy. I never acted in it.

J. Trott. That is no Excuse; it is not such or such a one that goes on board only, but those that stand ready to assist them, have as great a hand in the Fact as the other; for Men would not be taken by two or three, if they had no more help; so that the whole Crew are equally concern'd at such a time.

Clerk. *Alexander Ammand,* what have you to say?

Ammand. When we were at *Topfail-Inlet,* Major *Bonnet* told me he would go and get a Clearance for the Sloop, for he design'd to go to *St. Thomas's* for a Commission, and I might go with him: so I suspected nothing till we were out at Sea, and then I could not help it.

J. Trott. But why did you not declare against it then, and so not join with them?

Amend. I was but one Man, and a Stranger, and I was afraid I should have lost my Life.

Clerk. *George Ross*, what have you to say?

Ross. I belonged to Sloop, and we met with Major *Bonnet* and was taken by him: next Day two of the Men told me I must go with them. I answer'd them, No; I did not design to leave the Sloop: but they told me I must; and they told me if I would but consent I should have any thing. And a little after Capt. *Manwaring* was taken.

J. Trott. And you had your Share of *Manwaring's* Goods?

Ross. Yes.

J. Trott. So, tho' you were unwilling at first, you was willing afterward, and also fought Col. *Rbett* when he came out against you.

Ross. They told me it was Capt. *Thatch*; for my part I did not know who *Thatch* was.

J. Trott. But pray what Authority had you to fight any body?

Clerk. *George Dunkin*, you may speak what you have to say.

Dunkin. After we were taken at the Capes of Major *Bonnet* came to me and told me I must go along with them. But I told him I could not leave the Vessel. He told me I must.

J. Trott. But why did you join with them afterwards in taking your Share of *Manwaring's* Goods? and why did you fight Col. *Rbett* and his Men? If you had not fought, you might have saved the Lives of 12 or 14 Men.

Dunkin. Major *Bonnet* declared, if any one refused to fight he would blow his Brains out.

Thomas Nichols made his Defence before.

Clerk. *John Ridge*, what have you to say?

Ridge. After we came to *Topsail-Inlet*, and the Ship was lost, Major *Bonnet* came and told me that he would go and accept the Act of Grace, and get a Clearing for the Sloop, and go to *St. Thomas's* for a Commission, and he expected we would go with him; so when he was gone up to the Country we rigged the Sloop; so the Quarter-Master, the Boatswain, and he agreed together; but for my part I knew nothing what their Design was; and so the first Vessel we saw they took: but it was my Resolution to go away by the first Opportunity.

Clerk. *Matthew King*, what have you to say?

King. When we were at *Topsail-Inlet*, Captain *Thatch* marooned us on an Island, and left us; and Major *Bonnet* told us he would go to *St. Thomas's*; but the first Prize we met with we took, having but little Provisions on board.

J. Trott. How could you think of going to *St. Thomas's* without Provisions?

Attor. Gen. But the Boatswain says there were Provisions on board; several Barrels of Flower, and several Barrels of Beef and Pork.

J. Trott. What need had you then to go a pirating.

King. I did not know it 'till we were out.

J. Trott. *Bonnet* had not above five Hands, and there were of you twenty-five; why would you be all commanded by them? You had no need to yield to them.

Clerk. *Daniel Perry*, what have you to say?

Perry. When Capt. *Thatch* left us it was on a Maroon Island, and Major *Bonnet* came and told us he had the Act of Grace, and so we might go with him.

J. Trott. Is that all you have to say? You knew *Thatch* and *Bonnet* were both *Pirates*, and why would you with go them again?

Clerk. *Henry Virgin*, what have you to say?

Virgin. Major *Bonnet* ordered about thirty Hands to be ready, and in a little time we were ordered on board; and when we were about an hundred Leagues from Land, he asked if there were any that would go a Marrooning; and I believe there were two or three that promised him they would, tho' I did not.

J. Trott. But had you no Opportunity to come from them?

Virgin. If we had known any thing of the Act of Grace when we were off this Bar, we had come ashore. I went to make my Escape, and leapt into the Water, and had like to have been drown'd.

J. Trott. How many Vessels have you been at the taking and burning of do you think?

Virgin. I believe about three.

Mr. Hepworth. He was with them at the Bay of *Honduras*, and all along.

Virgin. But I never gave my Consent, for Capt. *Thatch* never asked any of us.

J. Trott. Would any of the *Prisoners* say any more? if they will I am ready to hear them.

Attor. Gen. May it please your Honours, and you Gentlemen of the Jury, these three, *Nichols*, *Dunkin*, and *Ridge*, seem to make some Defence. As for *Nichols*, he was with them when *Manwaring* was taken; and the *Mate* tells us, that he separated himself from the rest of the Cabal; and when they shared, he told them they might do as they pleased with his Share, for he hoped he should not be with them long; so that it appears that he separated himself from the rest of the Company from the very first: these things therefore ought to be consider'd. And as for *Dunkin*, he looked upon himself as a Prisoner at first; but the Boatswain indeed says he had his Shares. And as for *Ridge* he said, that he resolved to make his escape. For all the rest they seem to be equally guilty.

J. Trott. Gentlemen of the Jury, the Prisoners at the Bar stand indicted for *Felony* and *Piracy* committed on a Sloop belonging to Capt. *Peter Manwaring* Commander, and not only did they break and board the said *Manwaring's* Sloop, which was an Act of *Piracy*, but it hath been proved upon them, that they were at the taking of thirteen Vessels after they left *Topsail-Inlet*. Indeed there are three that have something to say in their Defence, *Nichols*, *Ridge*, and *Dunkin*. As for *Dunkin*, *Pell* says he had his Share, as the rest had: Capt. *Read* looked upon him as a Prisoner, but Capt. *Manwaring* did not. As for *Ridge*, he was at *North Carolina*, and took up with *Bonnet* to go to *St. Thomas's*, and it is possible for a Man to be deceived, for *Pell* declares that they were bound to *St. Thomas's*, at first; and *Killing* the *Mate* declared, that he told him he would free himself from that Course of Life the first Opportunity: so I shall leave this to your Consideration. But for *Nichols*, I think its plain he was under Constraint and Force; for *Pell* himself declares that he would have nothing to do with their Shares, and he did hope that he should not be long with them. Capt. *Manwaring*, and Mr. *Killing* his *Mate*, all confirm the same. And when he was sent for to come on board *Bonnet*, to go out to fight Colonel *Rbett*, he refused to go; and when he was forced to go on board, he said he would die before he would fight; and accordingly went into

into the Hole, and did not fight Col. *Rbett*. So that by the whole Course of the Evidence, I think it is very clear that he was under Constraint and Fear. As to the rest, I think the Proof is full against them; but I shall leave them to your Consideration. You know that as the Innocent must not be condemned, so the Guilty ought not to be acquitted. Remember you have the Lives of these Persons in your Hands; and I pray God direct you to give a true Verdict.

Then an Officer was sworn to keep the *Fury*.

Who after they had considered of their Verdict, returned, and found *William Eddy* alias *Nedy*, *Alexander Ammand*, *George Ross*, *George Dunkin*, *John Ridge*, *Matthew King*, *Daniel Perry*, and *Henry Virgin*, Guilty; and *Thomas Nichols*, Not Guilty.

THEN the Court proceeded to arraign *James Robbins* alias *Rattle*, *James Mullet* alias *Millet*, *Thomas Price*, *James Wilson*, *John Lopez*, and *Zachariab Long*, upon the following Indictment, for piratically taking Capt. *Manwareing*.

“ The Jurors for our Sovereign Lord the King
“ do upon their Oath present, that *James Rob-*
“ *bins* alias *Rattle*, late of *London*, Mariner;
“ *James Mullet* alias *Millet*, late of *London*; Ma-
“ riner; *Thomas Price*, late of *Bristol*, Mariner;
“ *James Wilson*, late of *Dublin*, Mariner; *John*
“ *Lopez*, late of *Oporto*, Mariner; and *Zacha-*
“ *riab Long*, late of the Province of *Holland*,
“ Mariner; the Second Day of *August*, in the
“ Fifth Year of the Reign of our Sovereign Lord
“ *George*, by the Grace of God, of *Great Britain*,
“ *France*, and *Ireland*, King, Defender of the
“ Faith, &c.

To which Indictment *James Robbins* alias *Rattle*, *James Mullet* alias *Millet*, *Thomas Price*, *John Lopez*, and *Zachariab Long*, pleaded Not Guilty. *James Wilson* pleaded Guilty.

Then the Court proceeded upon the Trial of those that pleaded Not Guilty.

The Jurors were sworn, whose Names are as followeth:

<i>Samuel Prolean</i> , Foreman.	<i>Henry Genelac</i> .
<i>John Hodgson</i> .	<i>John Jeffers</i> .
<i>Garrat Vanvelsin</i> .	<i>Charles Marche</i> .
<i>Lucas Stoutenborough</i> .	<i>John Grimbball</i> .
<i>Joshua Mariner</i> .	<i>Benjamin Griffin</i> .
<i>Thomas Fairchild</i> .	<i>Joseph Massey</i> .

The Witnesses against the Prisoners were the above-named.

Ignatius Pell, the Boatswain.

Capt. *Thomas Read*.

Capt. *Peter Manwareing*.

And Mr. *James Killing* his Mate.

Who all gave the same Evidence against these Prisoners, as against the others that were tried before.

Clerk. You, the Prisoners at the Bar, have heard what the King's Evidence have sworn against you. Now is your time to make your Defence.

Clerk. *James Robbins*, what have you to say?

Robbins. I was on board the *Revenge*, and then I was sent on board of Capt. *Read*'s Sloop, and was there four Days; and then was sent on board the *Revenge* again: For I was about to run away, if I had an Opportunity.

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Clerk. *James Mullet*, what have you to say?

Mullet. When we left *Topfail-Inlet*, it was to go to *St. Thomas's*; so Major *Bonnet* told me: And I being on a Marroon Shore, I was willing to go with him.

Clerk. *Thomas Price*, what have you to say?

Price. Capt. *Thatch* left us on a Marroon Shore, and had nothing left; and Major *Bonnet* told me I might go with him to *St. Thomas's*; but I designed not to go a pirating.

J. *Trott*. Had you not your Share?

Price. I was forc'd to do as I did when I was on board.

Clerk. *John Lopez*, what have you to say?

Lopez. I was at the Bay of *Honduras*, and was taken by *Thatch* and carried to *Topfail-Inlet*, and there he marrooned me on an Island, and came with five Hands and carried all away that we had and left us. And Major *Bonnet* told me he would go to *St. Thomas's*, and I might go along with him. I told Capt. *Manwareing*, I would not go a pirating, for I did not like it.

J. *Trott*. Did you not share a little before you came to *Cape Fear*?

Lopez. Yes; but it was against my Will.

J. *Trott*. Capt. *Manwareing*, do you know any thing of this Man?

Capt. *Manwareing*. All as I know, he told me he had a Wife and Children; and that he did not like that Course of Life. This is all I can say of him.

Clerk. *Zachariab Long*, what have you to say?

Long. When we sailed, I knew nothing but that it was to go to *St. Thomas's*, till afterwards; and then I must do as the rest did.

Then the Judge summ'd up the Evidence.

And an Officer was sworn to keep the *Fury*.

Who after they had considered of their Verdict returned, and found the abovesaid *James Mullet* alias *Millet*, *Thomas Price*, *John Lopez*, and *Zachariab Long*, Guilty; and *James Robbins* alias *Rattle*, Not Guilty.

Then the Court adjourn'd till Saturday Morning.

Saturday, November the First, 1718. the Court met according to Adjournment.

THEN the Court proceeded to arraign *Edward Robinson*, *Robert Tucker*, *William Scot*, *Job Bayley*, *Neal Paterfon*, *John William Smith*, *Thomas Carman*, and *John Thomas*, upon the following Indictment.

“ The Jurors for our Sovereign Lord the King
“ do upon their Oath present, that *Stede Bonnet*
“ alias *Edwards*, alias *Thomas*, late of the Island
“ of *Barbadoes*, Mariner; *David Heriot*, late of
“ the Island of *Jamaica*, Mariner; *William Scot*,
“ late of *Aberdeen*, Mariner; *Job Bayley*, late
“ of *London*, Mariner; *Edward Robinson*, late of
“ *New-Castle* upon *Tyne*, Mariner; *Robert Tucker*,
“ late of the Island of *Jamaica*, Mariner; *Neal*
“ *Paterfon*, late of *Aberdeen*, Mariner; *John Wil-*
“ *liam Smith*, late of *Charles-town*, Mariner;
“ *Thomas Carman*, late of *Maidstone* in *Kent*,
“ Mariner; and *John Thomas*, late of the Island
“ of *Jamaica*, Mariner; the thirty first Day of
“ *August*, in the fifth Year of the Reign of our
“ Sovereign Lord *George*, by the Grace of God

“ of God of *Great Britain, France, and Ireland,*
 “ King, Defender of the Faith, &c. by Force,
 “ and Arms, &c. upon the High Sea, in a cer-
 “ tain Place called *Cape Fear*, in the Latitude of
 “ Thirty-four, or thereabouts, and within the
 “ Jurisdiction of the Court of *Vice-Admiralty* of
 “ the Province of *South Carolina*, did piratically
 “ and feloniously set upon, board, break, and
 “ enter a certain Merchant-Sloop, called the
 “ *Fortune*, *Thomas Read*, Commander, then be-
 “ ing a Sloop of certain Persons (to the Jurors
 “ aforesaid unknown) and then and there pira-
 “ tically and feloniously did make an Assault in
 “ and upon the said *Thomas Read*, and other
 “ his Mariners, (whose Names to the Jurors
 “ aforesaid are unknown.) In the same Sloop,
 “ against the Peace of God, and of our now
 “ Sovereign Lord the King, then and there be-
 “ ing, piratically and feloniously, did put the
 “ aforesaid *Thomas Read*, and others his Mari-
 “ ners of the same Sloop, in the Sloop aforesaid,
 “ then being in corporal Fear of their Lives,
 “ then and there in the Sloop aforesaid, upon
 “ the *High Sea*, in the Place aforesaid, called
 “ *Cape Fear*, in the Latitude of Thirty-four, or
 “ thereabouts, aforesaid, in the Sloop aforesaid,
 “ and within the Jurisdiction aforesaid, *piratically*
 “ and *feloniously* did steal, take, and carry away
 “ six Tierces of Bread, of the Value of thirteen
 “ Pounds, current Money of *Pensylvania*; four
 “ Barrels of Bread, of the Value of four Pounds,
 “ like current Money of *Pensylvania*; one Barrel
 “ of Linseed Oil, of the Value of seven Pounds,
 “ like current Money of *Pensylvania*; two Tierces
 “ of *Hams*, of the Value of twenty Pounds, like
 “ current Money of *Pensylvania*; and twenty Bar-
 “ rels of Flower, of the Value of twenty Pounds,
 “ like current Money of *Pensylvania*; six China-
 “ Plates, of the Value of three Pounds, like
 “ current Money of *Pensylvania*; seven Iron-
 “ bound Blocks, of the Value of forty Shillings,
 “ like current Money of *Pensylvania*; ninety
 “ Fathom of Rigging, of the Value of three
 “ Pounds, like Current Money of *Pensylvania*;
 “ the said Pump, with Boxes and Breaks, of the
 “ Value of twenty Shillings, like current Money
 “ of *Pensylvania*; the Goods and Chattels of
 “ certain Persons, (to the Jurors aforesaid un-
 “ known) then and there upon the *High Sea*
 “ aforesaid, in the aforesaid Place, called *Cape*
 “ *Fear*, in the Latitude of thirty-four, or there-
 “ abouts, aforesaid, in the Sloop aforesaid, and
 “ within the Jurisdiction aforesaid; being found
 “ in the aforesaid Sloop, in the Custody and
 “ Possession of the said *Thomas Read*, and others
 “ his Mariners in the same Sloop, from the said
 “ *Thomas Read*, and others his Mariners of the
 “ said Sloop, and from their Custody and Pos-
 “ session, then and there, upon the *High Sea*
 “ aforesaid, in the Place aforesaid, called *Cape*
 “ *Fear*, in the Latitude of thirty-four, or there-
 “ abouts, as aforesaid, in the Sloop aforesaid,
 “ and within the Jurisdiction aforesaid, and
 “ against the Peace of our said now Sovereign
 “ Lord the King, his Crown and Dignity, &c.

Who all pleaded *Not Guilty*.

Then the Court proceeded upon their *Trial*.

The Petit-Jury were sworn, whose Names are
 as followeth.

Timothy Bellamy, Foreman.
George Ducket.
John Rivers.
William Sheriff.
Benjamin Dennis.
Hugh Dursley.

Thomas Chambers.
Daniel Townshend.
John Lee.
Thomas Bee.
John Barton.
Richard Fairchild.

Then the usual Proclamation for Information
 was made. And the Prisoners being bid to hold
 up their Hands, the Clerk charged the Jury with
 them thus.

Clerk. You the Gentlemen of the Jury that are
 sworn, look upon the Prisoners, and hearken to
 their Charge.

Then the Indictment was read, *as before*.

Clerk. Upon this Indictment they have been
 arraigned, &c. *as before*.

Then the Witnesses against the Prisoners were
 called.

Clerk. Call *Ignatius Pell*, the Boatswain.

Who appeared, and was sworn.

Mr. *Hepworth*. Do you know the Prisoners at
 the Bar?

Ign. *Pell*. Yes, Sir.

Mr. *Hepworth*. Give the Court an Account of
 the taking Capt. *Thomas Read*, and plundering
 of his Sloop.

Ign. *Pell*. Capt. *Read* was in Company with
 two Vessels more, which we took, but did not
 share, till we came to *Cape Fear*.

Mr. *Hepworth*. Were the Goods mentioned in
 the Indictment taken out?

Ign. *Pell*. Yes, Sir.

Judge *Trott*. Did all the Prisoners at the Bar
 receive their Shares?

Ign. *Pell*. Yes.

Clerk. Will any of you ask the King's Evi-
 dence any Questions? *Edward Robinson*, will
 you ask any Questions?

Edw. Robinson. Boatswain, do you not remem-
 ber when we left *Topfail-Inlet*, it was with a Design
 to go to *St. Thomas's*?

Ign. *Pell*. I do believe you might think we
 were going to *St. Thomas's*; but the first Vessel
 we saw, we consented to take, and you had your
 Share as well as the rest.

Clerk. *Robert Tucker*, will you ask any Que-
 stions?

Tucker. No.

Mr. *Hepworth*. May it please your Honours,
 we will proceed to call another Evidence.

Capt. *Peter Manwareing* called and sworn.

Mr. *Hepworth*. Do you know the Prisoners at
 the Bar?

Capt. *Manwareing*. I know them all.

Mr. *Hepworth*. Please to give the Court an
 Account of the sharing of Capt. *Read's* Goods at
Cape Fear.

Capt. *Manwareing*. As for taking of Captain
Read, I can say nothing, because he was taken
 by them before I was taken; but when we came
 to *Cape Fear*, they shared what they had.

Judge *Trott*. And had all the Prisoners at the
 Bar their Shares?

Capt. *Manwareing*. I did not see any of them
 refuse; and they were amongst the rest when
 they did share.

Clerk. Will any of you ask the Evidence any
 Questions?

The Prisoners ask no Questions.

Mr. *Hep-*

Mr. *Hepworth*. We will proceed to call another Evidence. Capt. *Thomas Read*, do you know the Prisoners at the Bar?

Capt. *Read*. I know them all.

Mr. *Hepworth*. Please to give the Court an Account of your being taken and plundered by them.

Capt. *Read*. After we were taken, *Robert Tucker* with some others came on board; and then we sailed to Cape *Inlopen*, where Capt. *Manwareing* was taken, and after that to Cape *Fear*.

Mr. *Hepworth*. Were those Goods taken out as are mentioned in the Indictment?

Capt. *Read*. Yes, Sir.

Judge *Trott*. Did all the Prisoners receive their Shares?

Capt. *Read*. Yes, I did not see but what they did: They were all together when they shared.

Clerk. Will any of you ask the Evidence any Questions?

Edward Robinson. Capt. *Read*, when did you see me on board your Sloop?

Capt. *Read*. I cannot say I saw you on board; but you were with them when they shared.

Judge *Trott*. If you were not on board the Sloop, you was one of the Crew; and, as I told you before, it's not they only are Pirates that go on board of a Vessel, but they that stand ready to assist are as much Pirates as the other, and are as much concerned in the Fact.

Clerk. Will any of you ask any Questions?

Prisoners. No.

Mr. *Hepworth*. We will proceed to call another Evidence. *James Killing*, do you know the Prisoners at the Bar?

Killing. Yes, Sir.

Mr. *Hepworth*. Give the Court an Account of what you know of the taking of Capt. *Read*.

Killing. I can say but little to the Matter till we came to Cape *Fear*, and there they shared the Goods.

Judge *Trott*. Did you see the Goods taken out?

Killing. I cannot say I saw them all taken out; but I saw them a sharing of them together.

Mr. *Hepworth*. We will call another Evidence.

Francis Griffin, Capt. *Read*'s Mate; who was sworn.

Mr. *Hepworth*. Do you know the Prisoners at the Bar?

Griffin. Yes, Sir.

Mr. *Hepworth*. Please to give an Account of the taking the Sloop you belong'd to.

Griffin. After we were taken, *Tucker* and some more came on board, and *Tucker* fell to beating and cutting the People with his Cutlash, and cut one Man's Arm. So then we went to Cape *James* aliàs Cape *Inlopen*, where Captain *Manwareing* was taken, and thence we sailed for Cape *Fear*.

Mr. *Hepworth*. Were all these Goods mentioned in the Indictment taken out? (*That Part of the Indictment read.*)

Griffin. Yes, Sir.

Judge *Trott*. Did all the Prisoners take their Shares?

Griffin. I know nothing to the contrary.

Clerk. Will any of you ask the King's Evidence any Questions?

No Questions asked.

Judge *Trott*. You the Prisoners at the Bar, what have you to say in your Defences? I am

now ready to hear you.

Clerk. *Edward Robinson*, what have you to say.

Robinson. I have nothing to say, more than what I have said.

Clerk. *Robert Tucker*, what have you to say?

Tucker. I knew nothing but we were going to *St. Thomas's*, when I engaged with Major *Bonnet*.

Judge *Trott*. You was his Quarter-Master; and you was the Person that cut the Man with the Cutlash, and abused the People.

Clerk. *William Scot*, what have you to say?

Scot. I was never on board Capt. *Read*.

Judge *Trott*. You was never on board! What of that? You was one of the Crew, and consented to it, and had your Share.

Clerk. *Job Bayley* and *Neal Paterson*, what have you to say?

Prisoners. We have nothing more to say.

Clerk. *John William Smith*, what have you to say?

Smith. It was never my Design to go a pirating; and when I was at Sea, I could not help what others did.

Judge *Trott*. If it was not your Design at first, you afterwards consented to it.

Clerk. *Thomas Carman* and *John Thomas*, what have either of you to say?

Prisoners. We have no more to say, than what we have said.

Att. Gen. May it please your Honours, I think the Evidence have plainly proved the Prisoners at the Bar guilty of the Fact charged upon them in the Indictment; so that they were all equally guilty.

Judge *Trott*. Gentlemen of the Jury, the Prisoners at the Bar stand indicted for *Felony* and *Piracy*, committed on a Sloop belonging to Capt. *Thomas Read*: All the Evidences fully prove the Fact upon them, that they were all equally guilty, and all shared in the Goods and Plunder; but *Tucker* abused the People, and cut one Man with his Cutlash, so that he added Barbarity to his other Crimes. They all pretend they were under Force and Constraint; but it is but a Suggestion of their own, without the least Proof: But there is full Proof of their consenting. But I shall leave them to your Consideration. But the Case is so clear, that I believe you will not be long before you return with your Verdict.

Then an Officer was sworn to keep the Jury.

Who after they had considered of their Verdict, return'd, and found the abovesaid *Edward Robinson*, *Robert Tucker*, *William Scott*, *Job Bayley*, *Neal Paterson*, *John William Smith*, *Thomas Carman*, and *John Thomas*, Guilty.

THEN the Court proceeded to arraign *William Morrison*, *William Livers* aliàs *Evis*, *Samuel Booth*, *William Hewet*, *John Levit*, *William Eddy* aliàs *Nedy*, *Alexander Ammand*, *George Ross*, *George Dunkin*, and *Thomas Nichols*, upon the following Indictment, for taking Capt. *Read*.

“ The Jurors for our Sovereign Lord the King do upon their Oath present, That *William Morrison*, late of *Jamaica*, Mariner, &c. (as before.)

Who all pleaded *Not Guilty*, excepting *John Levit*, who pleaded *Guilty*.

Then

Then the Court proceeded upon the Trial of those that had pleaded *Not Guilty*.

And the Jury were sworn, whose Names are as followeth:

Timothy Bellmay, Foreman, &c. (as before.)

Ign. Pell, one of the Witnesses against the Prisoner, was called and sworn. He, and the rest of the Witnesses in general, gave the same Evidence against these Prisoners, as against the former, only they were more particularly examined as to *Thomas Nichols*, and *George Dunkin*.

Mr. Hepworth. *Ign. Pell*, do you know the Prisoners at the Bar?

Ign. Pell. Yes, Sir, I know them all very well.

Att. Gen. Please to give the Court an Account of the taking and plundering *Capt. Read*; and begin with *Nichols*.

Ign. Pell. *Thomas Nichols* was very much dissatisfied on board, and did not join with the rest of the Company, and would not take the Share, and said *he hoped he should not continue long with them*.

Foreman. Do you know any thing of *Dunkin*? How did he behave himself?

Ign. Pell. I did not see but he was as active as any of the rest, and took his Share as the rest did at *Cape Fear*.

Judge Trott. And had all the Prisoners their Shares?

Ign. Pell. Yes, excepting *Nichols*.

Judge Trott. Were the Goods mentioned in the Indictment taken out of *Read's* Sloop?

Ign. Pell. Yes.

Clerk. Will any of you ask the King's Evidence any Questions?

No Questions asked by the Prisoners.

Mr. Hepworth. We will proceed to call another Evidence. *Capt. Manwaring*, do you know the Prisoners at the Bar?

Capt. Manwaring. I know them all very well.

Mr. Hepworth. Please to give the Court an Account of their sharing *Capt. Read's* Goods at *Cape Fear*; and particularly how *Nichols* behaved himself.

Capt. Manwaring. When *Nichols* was on board my Sloop, he said several Times, *he would get clear of them the first Opportunity, and he hoped it would not be long first*; and when *Major Bonnet* sent for all Hands on board the *Revenge*, he refused to go, till he sent word, *if he would not come, he would make him*; and when he went, he said, *before he would fight, he would die*: And he always kept himself from the Company, and from their Cabals.

Judge Trott. Do you know any thing of *Dunkin*?

Capt. Manwaring. What I can say is, There was some brown Bread upon Deck, and he said, *it was fit for nothing but Negroes to eat*; and I told him, *I wished he might never want it*. So they went, and brought some whiter out of the Hole.

Mr. Hepworth. How did he behave himself?

Capt. Manwaring. I saw nothing but he was as the rest were.

Mr. Hepworth. Would any of you ask the King's Evidence any Questions?

No Questions asked by the Prisoners.

Mr. Hepworth. Please your Honours, we proceed to call another Evidence.

James Killing sworn.

Mr. Hepworth. Do you know the Prisoners at the Bar?

Killing. I know them all very well.

Mr. Hepworth. Please to give the Court an Account of what you know of their taking and plundering *Capt. Read*; and first begin with *Nichols*.

Killing. I remember when he was on board our Sloop, and *Major Bonnet* sent for him, when he went off, he said, *he hoped to get clear of them, and he would die before he would fight*.

Judge Trott. *Pell*, do you know whether he did fight *Col. Rbett*, or not?

Ign. Pell. He did not fight; and if one that *Major Bonnet* loved very well had not been shot-down by his Side, he had blowed his Brains out; for he had his Pistol ready.

Mr. Hepworth. How did *Dunkin* behave himself?

Ign. Pell. I can say nothing for any of the rest, but that they were all as one, and had all their Shares.

Clerk. Would any of you ask the King's Evidence any Questions?

No Questions asked by the Prisoners.

Mr. Hepworth. We will proceed to call another Evidence. *Capt. Thomas Read*, do you know the Prisoners at the Bar?

Capt. Read. I know them all very well.

Mr. Hepworth. Please to give the Court an Account of what Goods were taken from you, and how the Prisoners behaved themselves; and first of *Nichols*.

Capt. Read. The most of the Time he was on board *Capt. Manwaring's* Sloop, I heard him say, *he did not like that Course of Life*; and the last Words I heard *Major Bonnet* say to him, was, *that he would force no Man to go against his Will*.

Judge Trott. Can you say any thing of *Dunkin*?

Capt. Read. As for *Dunkin*, I did not see but he acted as the rest did.

Dunkin. *Capt. Read*, It was against my Will.

Mr. Hepworth. *Capt. Read*, were these Goods taken out of you, as are mentioned in the Indictment? (*That Part of the Indictment read.*) Were all these Goods taken out?

Capt. Read. Yes.

Clerk. Will any of you ask any Questions? *George Dunkin*, will you ask any Questions?

George Dunkin, *Capt. Read*, when did you see me as active as any of the rest?

Capt. Read. Before *Capt. Manwaring* was taken, I thought you had been a Prisoner; but afterwards I saw no difference.

Judge Trott. You was one of *Bonnet's* Crew, one of that Company.

Mr. Hepworth. We proceed to call another Evidence.

Francis Griffin. *Capt. Read's* Mate sworn.

Mr. Hepworth. Do you know the Prisoners at the Bar?

Griffin. I know them all.

Mr. Hepworth. Give an Account of what you know of *Nichols*, and the rest of the Prisoners.

Griffin. As for *Nichols*, he was a Man I know nothing of, he being on board of *Manwaring's* Sloop.

Mr. Hepworth. What do you know of *Dunkin*?

Griffin.

Griffin. I knew nothing of him till we were come to Cape Fear; and I saw no difference, but he shared among the rest.

Mr. Hepworth. Were those Goods taken out of the Sloop, the Goods mentioned in the Indictment?

Griffin. Yes, Sir.

J. Trott. Now you the Prisoners, what you have to say in your Defence I shall be ready to hear.

Clerk. *William Morrison*, what have you to say?

Morrison. I have no more to say than I have said already.

Clerk. *William Livers* aliàs *Evis*, what have you to say?

Evis. Nothing more.

Clerk. *Samuel Booth*.

Booth. When I went on board Major *Bonnet*, it was to go to *St. Thomas's* with him.

J. Trott. Why had you not continued at *North Carolina*, since you could not continue here?

Booth. I thought to have had better Business there.

Clerk. *John Levit*, *William Eddy* aliàs *Nedy*, *Alexander Armand*.

Prisoners. We were forced to go, and did not know what they would do.

Attor. Gen. But did you not know what you did when you shared? You knew that did not belong to you, did you not?

Clerk. *George Ross*, *George Dunkin*, *Thomas Nichols*, asked no Questions; only *Dunkin* deliver'd in a Paper, which was read in Court, and contained a Testimony of his former Behaviour when in *Scotland*.

Attor. Gen. Please your Honours and you Gentlemen of the Jury, I think it appears from the Evidence, that *Nichols* was under Constraint, and forced. As for *Dunkin*, and the rest, they all took their Shares at *Cape Fear*.

J. Trott. Gentlemen of the Jury, the Prisoners at the Bar stand indicted for *Felony* and *Piracy* committed on a Sloop belonging to *Capt. Thomas Read*. As for *Nichols*, *Pell* says that he was not joined to the Company, and said, *as for his Share they might do what they pleased, for he hoped he should not be with them long*: And when Major *Bonnet* sent for him on board, he refused to fight *Col. Rhett*; and if another had not been kill'd, Major *Bonnet* had blown his Brains out. *Capt. Manwareing* says, he refused his Share, and kept himself from the Company and from their Cabals; and he said when sent for on board, *that he would die before he would fight*. And *Capt. Read* says, that Major *Bonnet* said, *that he would put him ashore, for he would force no Man against his Will*. And *Killing* says that he told him, that *he would not fight Col. Rhett*, when Major *Bonnet* sent for him on board the *Revenge*. So that I think it plainly appears he was under Constraint. But for *Dunkin*, he says of himself indeed that he was a Prisoner, and under Constraint; but *Pell* says he was not, and that he took his Share, and was as the rest were. And *Capt. Manwareing* says, that he complained of the Bread, that it was fit for none but Negroes: so I shall leave you to consider that. As for the rest, they have but little to say in their Defence, and I think the Evidence have proved the Fact fully upon them. But I shall leave this to your Consideration; and remember you have the Lives of these Persons in your hands.

Then the Officer was sworn to keep the Jury:

Who after they had consider'd of their Verdict,

returned and found the abovesaid *William Morrison*, *William Livers* aliàs *Evis*, *Samuel Booth*, *William Hewit*, *William Eddy* aliàs *Nedy*, *Alexander Armand*, *George Ross*, and *George Dunkin*, Guilty; and *Thomas Nichols*, Not Guilty.

Then the Court adjourn'd till *Monday Morning*.

Monday, November the 3d, 1718. the Court met according to Adjournment.

THEN the Court proceeded to arraign *John Ridge*, *Matthew King*, *Daniel Perry*, *Henry Virgin*, *James Robbins* aliàs *Rattle*, *James Mullet* aliàs *Millet*, *Thomas Price*, *James Wilson*, *John Lopez*, and *Zachariah Long*, upon the following Indictment for taking *Capt. Read*.

The Jurors for our Sovereign Lord the King do, upon their Oaths, present, that *John Ridge*, late of *London*, *Mariner*, &c. as before.

To which Indictment *John Ridge*, *Matthew King*, *Henry Virgin*, *James Robbins* aliàs *Rattle*, *James Mullet* aliàs *Millet*, *Thomas Price*, *John Lopez*, and *Zachariah Long*, pleaded not Guilty: and *Daniel Perry* and *James Wilson* pleaded Guilty.

Then the Court proceeded upon the Trial of those that had pleaded *Not Guilty*.

And the Jury were sworn, whose Names are as followeth:

<i>Samuel Prioleau</i> , Foreman.	<i>Henry Guelac</i> .
<i>John Hodgson</i> .	<i>Benjamin Griffin</i> .
<i>Garrat Vanvelsin</i> .	<i>Charles Marche</i> .
<i>Lucas Stoutenburgh</i> .	<i>John Grimbail</i> .
<i>Joshua Mariner</i> .	<i>Nicholas Stephens</i> .
<i>Thomas Fairchild</i> .	<i>William Harvey</i> .

The Witnesses against the Prisoners were the above-named.

Ignatius Pell.

Capt. Peter Manwareing.

Capt. Thomas Read.

James Killing. And

Francis Griffin.

Who gave the same Evidence against these Prisoners as those tried before.

And fully prov'd upon them all the Fact of piratically taking *Capt. Read*.

Only the Witnesses were more particularly examin'd as to *James Robbins* aliàs *Rattle*, who upon a former Indictment for taking *Capt. Manwareing* was acquitted.

Attor. Gen. Ignatius Pell, give an Account of *James Robbins*.

Ign. Pell. He was as the rest were when we shared at *Cape Fear*.

J. Trott. How long was he with you before he joined himself to the Company, after he came on board?

Ign. Pell. As soon as we came to *Cape Fear*.

Attor. Gen. Did you see *Robbins* have his Share?

Ign. Pell. Yes, Sir, they had all their Shares.

Attor. Gen. Was *Robbins*, on board *Read's* Sloop?

Ign. Pell. I cannot tell whether he was on board or not.

J. Trott. You looked upon him as one of the Company?

Ign. Pell. Yes.

Capt. Manwareing sworn.

Mr. *Hepworth*. Please to begin with *Robbins*, how he behaved himself.

Capt. *Manwaring*. He was as the rest of the Men were: He was on board the *Revenge*, and I think they called him *James Rattle* sometimes.

J. *Trott*. Did he receive his Share?

Manwaring. He was among the Company when they did share.

James Killing called and sworn.

Mr. *Hepworth*. Give an Account of *Robbins*.

Killing. All I can say, he was as the rest were in sharing Capt. *Read's* Goods, and was amongst them when they did share.

Capt. *Read* sworn.

Mr. *Hepworth*. Give an Account of *Robbins*.

Capt. *Read*. I did not know him before we came to *Cape Fear*; but I did not see but he was as active there in taking out the Goods as any of the rest.

J. *Trott*. Did he share among the rest?

Capt. *Read*. Yes, I believe he did, for he was among them when they shared.

Robbins. I was forced to do what I did.

J. *Trott*. Did they force you to take your Share?

Francis Griffin called and sworn:

Mr. *Hepworth*. Give an Account of *Robbins*.

Griffin. I did not know him till we came to *Cape Fear*, and there I saw him on board the *Revenge*; and I did not see but that he did as the rest of the Company; and when they were sharing he was with them and received his Share.

Clerk. What have you to say, *Robbins*?

Robbins. I never was on board Capt. *Read*.

J. *Trott*. But you was one of the Company.

Robbins. I never consented to take out the Goods.

J. *Trott*. But you consented to take part of them; and they that shared the Goods were as much Pirates as those that took them out of the Vessel.

Then the Judge summ'd up the Evidence.

And an Officer was sworn to keep the Jury.

Who after they had considered of their Verdict, returned and found the said *John Ridge*, *Matthew King*, *Thomas Price*, *Henry Virgin*, *James Robbins*, aliàs *Rattle*, *James Mullet* aliàs *Millet*, *John Lopez*, and *Zachariah Long*, Guilty.

THE Court then delivered a Bill of Indictment to the Grand Jury, against *John Brierly*, aliàs *Timber-head*, *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, for feloniously and piratically entering the Sloop *Francis* belonging to Capt. *Peter Manwaring* the Commander, and taking certain Goods out of the same at *Cape Fear*.

And another Bill of Indictment against the same Persons for feloniously and piratically entering the Sloop *Fortune* belonging to Capt. *Thomas Read* Commander, and taking certain Goods out of the same at *Cape Fear*.

The Grand Jury returned upon the said Bills of Indictment *Billa vera*.

Then the Court proceeded to arraign the said *John Brierly* aliàs *Timber-head*, *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, upon the following Indictment.

“ The Jurors for our Sovereign Lord the King do, upon their Oath, present, that *John Brier-*

ly aliàs *Timber-head*, late of *Bath-Town* in *North Carolina*, Mariner; *Robert Boyd*, late of *Bath-Town* afore said, Mariner; *Rowland Sharp*, late of *Bath-Town*, Mariner; *Jonathan Clarke*, late of *Charles-Town*, in the Province of *South-Carolina*; and *Thomas Gerrard*, late of *Antegoa*, Mariner; the 27th Day of *September*, in the fifth Year of the Reign of our Sovereign Lord *George*, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King Defender of the Faith, &c. by Force and Arms, upon the High Sea, in a certain Place call'd *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of thirty four, or thereabouts, and within the Jurisdiction of the Court of Vice-Admiralty of this Province of *South-Carolina*, did piratically and feloniously set upon, board, break, and enter a certain Merchant Sloop call'd the *Francis*, Capt. *Peter Manwaring* Commander, then being a Sloop of certain Persons, (to the Jurors afore said are unknown) and then and there piratically and feloniously did make an Assault in and upon the said *Peter Manwaring*, and other his Mariners (whose Names to the Jurors afore said are unknown) in the same Sloop, in the Peace of God, and our Sovereign Lord the King, then and there being, particularly and feloniously did put the afore said *Peter Manwaring*, and others his Mariners of the same Sloop, in the Sloop afore said then being, in corporal fear of their Lives; then and there in the Sloop afore said, upon the high Sea, in the place afore said, call'd *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of thirty-four, and within the Jurisdiction afore said, piratically and feloniously did steal, take and carry away the said Sloop *Francis*, and also six Hogsheads of Rum of the Value of Eight Pounds current Money of the Island of *Barbadoes*, and one Tierce of Sugar of the Value of Seven Pounds current Money of the Island of *Antegoa*, the Goods and Chattels of certain Persons (to the Jurors afore said unknown) then and there upon the high Sea afore said, in the Place afore said call'd *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of thirty four, or thereabouts, as afore said, and within the Jurisdiction afore said, being found in the afore said Sloop in the Custody and Possession of the said *Peter Manwaring*, and others his Mariners of the Sloop afore said; and from their Custody and Possession, then and there upon the high Sea afore said, and in the Place afore said, called *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of thirty four, or thereabouts, as afore said, and within the Jurisdiction afore said, against the Peace of our said now Sovereign Lord the King, his Crown and Dignity. &c.

To which Indictment they all pleaded *Not Guilty*.

Then the Court proceeded upon their Trial.

The Jurors were sworn, whose Names were as followeth.

<i>Timothy Bellamy</i> , Foreman.	<i>Thomas Chambers</i> .
<i>George Duckett</i> .	<i>Daniel Townsbend</i> .
<i>John Rivers</i> .	<i>John Lee</i> .
<i>William Sheriffe</i> .	<i>Thomas Bee</i> .
<i>Benjamin Dennis</i> .	<i>John Barton</i> .
<i>Hugh Dursley</i> .	<i>Richard Fairchild</i> .

Then

Then the *Witnesses* were ordered to be called.
Clerk. Call *Ignatius Pell*, who was sworn.

Mr. Hepworth. *Pell*, do you know the Prisoners at the Bar?

Ig. Pell. I know them all very well.

Mr. Hepworth. Please to give an Account of what you know of them, and of their Behaviour at Cape Fear.

Ig. Pell. *John Brierly* and *Robert Boyd* came on board three or four Days after we came to Cape Fear.

J. Trott. You took them first, did you not?

Ig. Pell. Yes, we sent off our Dory, and took them.

J. Trott. From whence did they come?

Ig. Pell. From *North Carolina*.

Attorn. Gen. How long after they came on board did they join themselves to the Company?

Ig. Pell. *Brierly* did very soon, but *Boyd* did not so soon, tho' he did afterwards; and for *Sharp*, I do not know that ever he was joined to the Company.

J. Trott. And how did *Clarke* behave himself?

Ig. Pell. *Jonathan Clarke* and one came in from *South Carolina*: they went away from the Sloop; and then after some Days *Clarke* returned again, but it was with Hunger, tho' he said then it was not.

Attorn. Gen. Were there any Goods taken out of *Capt. Read's* Sloop after he had joined himself a second time?

Ig. Pell. I cannot say that certainly.

J. Trott. Nor you cannot say positively there were?

Ig. Pell. No.

Mr. Hepworth. What do you know of *Gerrard*?

Ig. Pell. I can say nothing to him.

Clerk. Will any of you ask the Evidence any Questions? *John Brierly*, will you ask any Questions?

Brierly. Pell, you know I often said I would not bear Arms, and that I desired no Share.

Ig. Pell. But *John*, you know you had your Arms ready as well as the rest, and that you had your Share.

Clerk. *Robert Boyd*, will you ask any Questions?

Boyd. No, Sir.

Clerk. *Rowland Sharp*, will you?

Sharp. No, Sir.

Clerk. *Jonathan Clarke*, will you ask any Questions?

Clarke. Pell, don't you remember that I was abaft, and one of the Negroes came and damned me, and asked me what I did there? why I did not go and work amongst the rest? and told me I should be used as a Negroe.

Ig. Pell. I do remember it was so.

Mr. Hepworth. We proceed to call another Evidence.

Capt. Thomas Read called and sworn.

Attorn. Gen. *Capt. Read*, please to begin with *Brierly*.

Capt. Read. *Brierly* came on board one Morning very early, and helped to take out several Goods.

Mr. Hepworth. Do you know what Goods?

Capt. Read. Some Rum and Sugar.

J. Trott. Do you know those Goods to be taken out?

Capt. Read. Yes,

J. Trott. How did he behave himself when Ma-

Major Bonnet sent for him on board to fight *Colonel Rbett*?

Capt. Read. I cannot tell.

Mr. Hepworth. How did *Boyd* behave himself?

Capt. Read. I took him to be a Prisoner like myself at first, till he was sent for on board the *Revenge* by *Major Bonnet* to fight *Colonel Rbett*.

Attorn. Gen. What made you think he was a Prisoner?

Capt. Read. Because he was not employ'd in any Business, as the rest were.

J. Trott. That Day they engaged *Colonel Rbett*, was he on board your Sloop?

Capt. Read. Yes, and *Major Bonnet* sent for all Hands on board the *Revenge*.

Attorn. Gen. What do you say of *Sharp*?

Capt. Read. I can say nothing of him.

Attorn. Gen. What have you to say of *Clarke*?

Capt. Read. He run away for a time, and then he return'd again after some Days.

Attorn. Gen. Was there any Goods taken out after he return'd?

Capt. Read. Yes, Sir.

J. Trott. Did *Clarke* himself take out those Goods?

Capt. Read. That I cannot tell; and as for *Gerrard*, he belong'd to *Capt. Manwareing*: and as the Captain and I was together, he came and told us how they us'd him; but he was sorry for what he had done, and was resolv'd to make his Escape the first Opportunity he had to get away.

Clerk. Have any of you any Questions to ask the King's Evidence?

The Prisoners ask no Questions.

Mr. Hepworth. We proceed to call another Evidence.

Francis Griffin sworn.

Mr. Hepworth. Look upon the Prisoners; do you know them?

Griffin. I know them all.

Mr. Hepworth. Begin with *John Brierly*.

Griffin. He was on board of us some time when we were at Cape Fear, and he was as the rest of the Company was; and he said he hoped when *Major Bonnet* should go to the Northward, to be revenged on some at the Hore-kills, for some Offence they had given him there.

J. Trott. You looked upon him as one of the Crew?

Griffin. Yes.

J. Trott. What do you know of *Boyd*?

Griffin. He was on board of us some time; and when *Major Bonnet* sent for all Hands on board the *Revenge*, he went with them: but as for *Sharp*, I can say nothing of him, nor of *Clarke*, only he run away, and in some Days he return'd again.

Mr. Hepworth. We shall call another Evidence.

Capt. Peter Manwareing sworn.

Mr. Hepworth. Captain *Manwareing*, do you know the Prisoners at the Bar?

Capt. Manwareing. I know them all very well.

Mr. Hepworth. Please to give the Court an Account of what you know of them; and begin with *Brierly*.

Manwareing. *Brierly*, the 12th Day of August he came on board; and a little after he was on board, I did not see but he acted as the rest did, and he hoped to come up with some at the Hore-kills: but as for *Boyd*, he was on board *Capt. Read's* Sloop.

J. Trott. What have you to say of *Sharp*?

Manwareing. Some time after he came to Cape Fear, and Major Bonnet sent for him on board the *Revenge*, he said he would go on shore if he had an Opportunity, and I never saw him among the rest of the Company.

Judge *Trott*. What have you to say of *Jonathan Clarke*?

Manwareing. After we had been at Cape Fear some Days, *Jonathan Clarke*, and one *Dolton*, came in, and Major Bonnet sent the Dory, and brought them on board; and after some Days, *Clarke* and _____ went away, and was gone some Days, and then returned again, and then he was ordered to work among the Negroes. As for my Man *Garrard*, he came and told me, he was not able to bear any longer, but was forced to comply with them, for they told him they would have no regard for the Colour, but wou'd make a Slave of him; but he did not receive any of their Goods; and when he was at home, he had the Character of an honest Man, and fought for his King and Country.

Mr. *Hepworth*. We will call another Evidence.

James Killing called and sworn.

Mr. *Hepworth*. Do you know the Prisoners at the Bar?

Killing. I know them all very well.

Mr. *Hepworth*. Give the Court an Account of what you know of their sharing at Cape Fear.

Killing. *Brierly* was put on board our Sloop there to work at his Trade, and would often say, he had a Quarrel against some at the *Hore-Kills*, he hoped to revenge himself upon them.

Judge *Trott*. Why what had they done to him?

Killing. He was in debt, and therefore he owed them a Grudge; but for the rest, I can say nothing.

Judge *Trott*. You the Prisoners, what you have to say in your Defence, I shall now be ready to hear.

Cl. *John Brierly*, what have you to say?

Brierly. Mr. *Boyd* and I was in a leaky Canoo, and we were afraid she would sink, and so we were obliged to keep along shore; and I stood up, and thought I saw a Vessel or two, and he bid me look again, and then I saw it was a Vessel. They sent off their Dory, and asked if we would consent to go with them? And we said, No: But they said they would break the Canoo, and we might go where we pleased. So they made me consent to go on board the *Revenge*, but I never joined myself while I was on board: And then I was order'd on board Captain *Manwareing*, and there I worked; but I never bore Arms, nor did fight Colonel *Rbett*.

Cl. *Rowland Sharp*, what have you to say?

Sharp. After I was taken, I went on shore, and travelled four Days in the Woods without eating or drinking, and could find the way to no Plantation, and so was forced to return again, and I refused to sign the Articles; and one of the Men came and told me I was to be shot, and I had the Liberty to chuse the four Men that should do it, and the Boatswain went about to get Hands to beg me off; but I was resolved to make my Escape the first Opportunity.

Cl. *Jonathan Clarke*, what have you to say?

Clarke. The 12th of *August* coming into Cape Fear with Mr. *Dolton*, he thought he saw the

Mast of a Vessel, and I desired him to take the Helm that I might see, for if there was any Vessel it was *Pirates*; but *Dolton* said it was nothing but an old Tree: But when we came farther in, we saw three Sloops, and they sent off their Dory and took us, and carried us aboard the *Revenge*; and Major *Bonnet* asked from whence we came? and I told him. He asked me where we were a going? we told him. The next Day he asked if I did not design to do as they did? I told him no. Then I went away with a Design to get clear of them, but with Hunger was forced to return again: And they asked me if I would sign the Articles then? and I refused; and one of the Negroes came and damned me, and asked me why I did not go to the Pump, and told me that was my Business: And Major *Bonnet* told me if I did not, he would make me Governor of the first Island he came to; for he would put me ashore, and leave me there.

Cl. *Thomas Gerrard*, what have you to say?

Gerrard. Some time after we were taken, one of the Men came and asked if I would join with them? I told him, No. He said, I was but * like a Negro, and they made Slaves of us all of that Colour, if they did not join. So I did it with a Design to get clear of them the first Opportunity; and I never shared any of the Goods.

Judge *Trott*. *Pell*, did he never share?

Pell. He never did share.

Judge *Trott*. And did they threaten to make a Slave of him, if he did not join?

Pell. Yes.

Att. Gen. May it please your Honours, and you the Gentlemen of the Jury, as for *Brierly* and *Boyd*, it appears from the Evidence that they came to Cape Fear three or four Days after *Bonnet*: *Brierly* he took up very soon, and *Boyd* some time after; and that there were several Goods taken out of Capt. *Manwareing*'s Sloop, and particularly Rum and Sugar. And as for *Sharp*, there is no Evidence proves any thing fully on him; and therefore I think he may be looked upon as under Constraint and Force. As for *Gerrard*, I think the same; for though he signed the Articles, yet no Evidence proves that he did share any of the Goods: Nay, the Boatswain says he did not share; and if they did not comply with them, they would make a Slave of him all the Days of his Life. And Capt. *Manwareing* says he had the Character of an honest Man at home; and that he fought for his King and Country.

Judge *Trott*. Gentlemen of the Jury, the Prisoners at the Bar stand charged with *Piracy*, committed on a Sloop belonging to Capt. *Manwareing*; and the Evidence have proved it fully upon *Brierly* and *Boyd*; and particularly, that there was Rum and Sugar taken out. *Brierly* took up very soon with them, and had his Share; and that he hoped to revenge himself on some at the *Hore-Kills*. *Boyd* did not take up so soon; but he did afterward. As for *Sharp*, he would have made his Escape, but could not; and Major *Bonnet* told him he should die, and bid him chuse four Men to shoot him; and tho' he signed the Articles, he never shared, as *Pell* proves. As for *Clarke*, he says he was forced to it; that he went away, and Hunger forced him to return again, and the Negroes insulted over him; and

* He was a Mullato.

Major *Bonnet* told him, he would make him Governor of an Island, and leave him there; and none of the Evidence proves that he shared any of the Goods. And as for *Gerrard*, he was threaten'd to be made a Slave of; tho' indeed he had been better made a Slave than go a pirating: But Capt. *Manwaring* says he had the Report of an honest Man in his Country; and that he was faithful to his King and Country: So I shall leave those to your Consideration. And if you think they were under Force and Constraint, as indeed it appears to me, by the whole Course of the Evidence, that they were, then you ought to acquit them.

Then an *Officer* was sworn to keep the *Jury*. Who after they had considered of their Verdict, returned, and found *John Brierly* aliàs *Timberhead*, and *Robert Boyd*, Guilty; *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, Not Guilty.

Then the Court adjourned till *Tuesday* Morning.

Tuesday, November the Fourth, 1718. the Court met according to Adjournment.

THEN the Court proceeded to arraign the said *John Brierly* aliàs *Timberhead*, *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, upon the following Indictment.

“ The Jurors for our Sovereign Lord the King do upon their Oath present, That *John Brierly* aliàs *Timberhead*, late of *Bath-Town* in *North Carolina*, Mariner; *Robert Boyd*, late of *Bath-Town* afore said, Mariner, *Rowland Sharp*, late of *Bath-Town* afore said, Mariner; *Jonathan Clarke*, late of *Charles-Town*, in the Province of *South Carolina*, Mariner; and *Thomas Gerrard*, late of *Antegoa*, Mariner; the twenty seventh Day of *September*, in the Fifth Year of the Reign of our Sovereign Lord *George*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. by Force and Arms, &c. upon the High Sea, in a certain Place called *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of Thirty-four, or thereabouts, and within the Jurisdiction of the Court of *Vice-Admiralty* of *South Carolina*, did piratically and feloniously set upon, board, break, and enter a certain Merchant-Sloop, called the *Fortune*, *Thomas Read*, Commander, then being a Sloop of certain Persons (to the Jurors afore said unknown) and then and there piratically and feloniously did make an Assault in and upon the said *Thomas Read*, and other his Mariners, (whose Names to the Jurors afore said are unknown.) In the same Sloop, against the Peace of God, and of our now Sovereign Lord the King, then and there being, piratically and feloniously, did put the afore said *Thomas Read*, and others his Mariners of the same Sloop, in the Sloop afore said, then being in corporal Fear of their Lives, then and there in the Sloop afore said, upon the High Sea, in the Place afore said, called *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of Thirty-four, or thereabouts, and within the Jurisdiction afore said, *piratically* and *feloniously* did steal, take,

“ and carry away the said Sloop *Fortune*, and
 “ also ten Barrels of Pork, of the Value of
 “ twenty Pounds, current Money of *Pensylvania*;
 “ two Firkins of Butter, of the Value of fifty
 “ Shillings, like current Money of *Pensylvania*;
 “ and three Tierces of Bread, of the Value of
 “ six Pounds ten Shillings, like current Money
 “ of *Pensylvania*; the Goods and Chattels of
 “ certain Persons, (to the Jurors afore said un-
 “ known) then and there, upon the High Sea
 “ afore said, in the afore said Place, called *Cape*
 “ *Fear*, about half a Mile distant from the
 “ Shore, in the Latitude of thirty-four, or there-
 “ abouts, as afore said, and within the Juris-
 “ diction afore said; being found in the afore said
 “ Sloop, in the Custody and Possession of the
 “ said *Thomas Read*, and others his Mariners of
 “ the Sloop afore said, and from their Custody
 “ and Possession, then and there, upon the High
 “ Sea afore said, in the Place afore said, called
 “ *Cape Fear*, about half a Mile distant from
 “ the Shore, in the Latitude of thirty-four, or
 “ thereabouts, as afore said, and within the Ju-
 “ risdiction afore said, against the Peace of our
 “ said now Sovereign Lord the King, his Crown,
 “ and Dignity, &c.

Who all pleaded *Not Guilty*.

Then the Court proceeded upon their *Trial*.

The Jurors were sworn, whose Names are as followeth:

<i>Samuel Proileau</i> , Foreman.	<i>Henry Genelac</i> .
<i>John Hodgson</i> .	<i>John Ballentine</i> .
<i>Garrat Vanvelfin</i> .	<i>Charles Marche</i> .
<i>Lucas Stoutenburgh</i> .	<i>John Grimbald</i> .
<i>Joshua Mariner</i> .	<i>Nicholas Stephens</i> .
<i>Thomas Fairchild</i> .	<i>William Harvey</i> .

Then the *Witnesses* were ordered to be called.

Clerk. Call *Ignatius Pell*: Who was sworn.

Mr. Hepworth. *Pell*, give an Account first of *Brierly* and *Boyd*.

Ig. Pell. As for *Brierly*, he soon united himself to the Company; and when we engaged *Colonel Rbett*, he was as active as any of the rest. But for *Boyd*, he was sent on board *Capt. Read's* Sloop, and was there till *Major Bonnet* sent for him on board the *Revenge*, to fight *Colonel Rbett*.

Judge Trott. And did he fight?

Ig. Pell. He was wounded with one of the first Shot, and so was carried down into the Hole; so that he never did fight.

Mr. Dean. Why was he put on board the Sloop?

Ig. Pell. To look after the Sloop, I suppose.

Att. Gen. Had he his Arms ready when you engaged *Col. Rbett*?

Ig. Pell. Yes, Sir: So we had all in general: But I did not see him use them.

As for the other three, he thought them to be under Constraint, and they did not fight *Colonel Rbett*.

Clerk. Will any of you ask the King's Evidence any Questions?

No Questions ask'd by the Prisoners.

Mr. Hepworth. We proceed to call another Evidence.

Capt. Peter Manwaring sworn.

Mr. *Hepworth*. Capt. *Manwareing* give an Account of the Prisoners of their fighting Colonel *Rbett*, and begin with *Brierly* and *Boyd*.

Capt. *Manwareing*. They came on board, and *Brierly* soon became one of the Company, and hoped to revenge himself on them at the *Hore-Kills*, and acted as the rest did when they engaged Col. *Rbett*. But as for *Boyd*, I took him to be a Prisoner for some Time.

Captain *Manwareing's* Evidence concerning *Sharp*, *Clarke*, and *Gerrard*, the same as in the former Trial.

Mr. *Hepworth*. Will any of you ask the King's Evidence any Questions?

No Questions ask'd by the Prisoners.

Mr. *Hepworth*. We will call another Evidence.

James Killing call'd and sworn.

Mr. *Hepworth*. Give an Account of the Prisoners at the Bar; and first of *Brierly* and *Boyd*.

Killing. As for *Boyd*, he was on board Captain *Read* after we came to Cape *Fear*, till they were sent for to fight Colonel *Rbett*; and I thought he had been a Prisoner till then, and I talked very free to him. And as for *Brierly*, he was as the rest of the Company.

Att. Gen. Were there any Goods taken out after *Brierly* came on board?

Killing. Yes.

Mr. *Hepworth*. Do you know what Goods?

Killing. I cannot remember every particular Sort.

His Evidence against the other three the same as in the former Trial.

Clerk. Will any of you ask the King's Evidence any Questions?

No Questions ask'd by the Prisoners.

Mr. *Hepworth*. We call another Evidence.

Capt. *Thomas Read call'd and sworn.*

Mr. *Hepworth*. Capt. *Read*, please to give an Account of the Prisoners at the Bar; and first of *Brierly* and *Boyd*.

Capt. *Read*. As for *Brierly*, I did not see but he acted as all the rest of the Company did.

Judge *Trott*. What have you to say of *Boyd*?

Capt. *Read*. I thought him to be a Prisoner, and discours'd freely with him, which if he had discovered, it had done me an Injury; for I heard him wish we might meet with a Thirty-Gun Ship, and I told him I should be glad of it as well as he.

Foreman. What did he wish to meet with a Thirty-Gun Ship for?

Capt. *Read*. To free us from the Pirates.

His Evidence against the other three the same as before.

Clerk. Will any of you ask the King's Evidence any Questions?

None of the Prisoners ask'd any Questions.

Judge *Trott*. You the Prisoners may now speak what you have to say.

Clerk. What have you to say *John Brierly*?

Brierly. When Mr. *Boyd* and I came in at Cape *Fear*, we saw three Sloops; and then came off a Dory with some Hands, and haled us, and then carried us on board; but we did not know that they were Marrooners. But Mr. *Boyd* trembled, and shook like a Leaf; and I told him not to be afraid. So they carried us on board.

Judge *Trott*. And so you united yourself with them to make up the Company?

Brierly. I was forced to do what I did.

Clerk. *Robert Boyd*, what have you to say?

Boyd. After we came to Cape *Fear*, and was taken by *Bonnet's* Men, I was on board the *Revenge* for some Time, and they asked me to sign the Articles, the which I refused; and Major *Bonnet* told me, if I did not, he would marroon me on an Island, and leave me. And after I was sent on board Capt. *Read's* Sloop, I had nothing but the Provisions I lived on; I never had any thing more. And when Major *Bonnet* sent for all on board to fight Colonel *Rbett*, it would have been present Death for any to refuse, and I was wounded with one of the first Shot.

The other three made it appear they were innocent, as in the other Indictment.

Att. Gen. May it please your Honours, and you the Gentlemen of the Jury, the Evidence proves the Fact fully on *Brierly*; that he soon engaged with *Bonnet* after he was taken, and that he acted as the rest of the Company did; and that he hoped to be revenged on some at the *Hore-Kills*. As for *Boyd*, though he was on board the Pirate-Sloop, he never took Part with them; and he wished for a Thirty-Gun Ship, that they might be set at Liberty. And Capt. *Read*, took him for a Prisoner till he was sent for on board the *Revenge*; and then the Boatswain says he did not fight. As for the other three, I think it appears they were under Constraint and Force.

Judge *Trott*. Gentlemen of the Jury, the Prisoners at the Bar stand indicted for piratically taking Capt. *Read*, in the Sloop *Fortune*. As for *Brierly*, the Evidence proves it very plain and fully upon him, that he took up very soon with them, and did hope to revenge himself upon some of the *Hore-Kills*, and that he engaged against Col. *Rbett*. As for *Boyd*, Capt. *Read* looked upon him as a Prisoner; and that he had such Discourse with him, that if he had disclos'd it to *Bonnet's* Crew, it had done him much hurt; and the Boatswain says, he did not fight Col. *Rbett*. And as for the other three, I think it hath been fully proved they were under Constraint. But I shall leave it to your Consideration.

Then an Officer was sworn to keep the Jury.

Who after they had consider'd of their Verdict, returned, and found *John Brierly* aliàs *Timberhead*, Guilty; *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, Not Guilty.

Then the Court adjourned till Wednesday Morning.

Wednesday, November the Fifth, 1718. the Court met according to Adjournment.

THEN *Robert Tucker*, *Edward Robinson*, *Neal Paterson*, *William Scot*, *Job Bayley*, *John William Smith*, *Thomas Carman*, *John Thomas*, *William Morrison*, *William Livers* aliàs *Eois*, *Samuel Booth*, *William Hewet*, *John Levit*, *William Eddy* aliàs *Nedy*, *Alexander Ammand*, *George Ross*, *George Dunkin*, *John Ridge*, *Matthew King*, *Daniel Perry*, *Henry Virgin*, *James Robbins*, *James Mullet* aliàs *Millet*, *Thomas Price*, *John Lopez*, *Zachariab Long*, *James Wilson*, *John Brierly* aliàs *Timberhead*, and *Robert Boyd*, who stood convicted of Piracies, as appears by the above Records, were brought to the Bar, and were severally asked what

what they could say why Judgment of Death should not pass upon them.

And they having nothing to alledge in arrest of Judgment;

Then Proclamation for *Silence* was made, while the Judge of the Court of Vice-Admiralty pronounced *Sentence of Death* upon the *Prisoners*.

J. Trott. You the Prisoners at the Bar, *Robert Tucker, Edward Robinson, Neal Paterson, William Scot, Job Bayley, John-William Smith, Thomas Carman, John Thomas, William Morrison, William Livers* aliàs *Evis, Samuel Booth, William Hewet, John Levit, William Eddy* aliàs *Nedy, Alexander Annand, George Ross, George Dunkin, John Ridge, Matthew King, Daniel Perry, Henry Virgin, James Robbins, James Mullet* aliàs *Millet, Thomas Price, John Lopez, Zachariah Long, James Wilson, John Brierly, and Robert Boyd*, stand here convicted of *Piracy*.

You have been *indicted* but for *two* Acts of *Piracy*; but you know upon the *Trials* it was fully proved against most of you, that you *piratically* took *thirteen* Vessels since you joined Major *Bonnet*, and sailed from *Topsail Inlet* in *North Carolina*.

So that many of you might have been convicted on *eleven* more *Indictments* of *Piracy*.

Besides, several of you were proved to be *Pirates* before that time, as belonging to *Thatch's* Crew; and so were guilty of the several *Piracies* committed while you belong'd to him.

You cannot but acknowlege that you have all of you had a fair and indifferent Trial.

You were fully heard, not only as to all you could pretend to say in your own *Defences*, but also as to what you alledge in *Mitigation* of your Crimes.

And indeed, when you saw that the *Facts* laid in the *Indictment* were so fully proved against you, tho' most of you pleaded *Not Guilty* for *Form-sake*, yet in the open Court, upon your *Trials*, most of you acknowleged the *Facts* charged upon you. Therefore no one can think but that you were all of you justly found *Guilty*; and your own Consciences will oblige you to acknowlege the same. So that there is not any of you who can complain of any *Hardships* at your *Trials*.

As to the *Crime* that you are convicted of, which is *Piracy*, the *Evil* and *Wickedness* of it is evident to the Reason of all Men: So that it needs no Words to aggravate the same; it is so destructive of all Trade and Commerce between Nation and Nation, that *Pirates* are called *Enemies to Mankind, with whom no Faith nor Oath ought to be kept*; and they are term'd in our Law *Brutes* and *Beasts of Prey*, and therefore it is the *Interest*, as well as *Duty*, of all Governments to bring such Offenders to Punishment.

Tho' the Greatness of your *Crime* is such, that no one can think but that the *Sentence of Death* which will now be passed upon you is justly due to you for the same; yet as *Pity* and *Compassion*, even to the worst of Criminals, when brought to Punishment, are natural to all Men who have not flung off all Sense of *Humanity*, but much more firmly ingrafted in the Hearts of Christians; therefore surely it cannot but be a very melancholy Spectacle to see so many Persons in the Prime of their Years, in perfect Health and Strength, dropping into the Grave: And which is a more sorrowful Consideration, that they are in the height

of their Sins; and therefore, without the infinite Mercies of God, through the Satisfaction of Christ, must necessarily sink into the Dwellings of everlasting Misery.

And indeed, most sad and deplorable is the Condition you have brought your selves to: To be adjudg'd by the Laws of your Country unworthy any longer to live, and to tread the Earth, or breathe the Air; and that no further Good or Benefit can be expected from you but by the Example of your Deaths; and to stand like Marks or fatal Rocks and Sands, to warn others from the same Shipwrack and Ruin for the future.

As most of you have been *Mariners* by Profession, and every one of you have several times been at *Sea*; so I cannot but wonder, that being so often at *Sea*, you should not consider the great Power of God in creating the same, and his *Providence* in preserving those who pass upon it; and consequently, that such Thoughts should not cause in you a *Dread* of his *Power*, and a *Love* of his *Goodness*.

The Consideration of God's Power in making the Sea, and setting Bounds to the raging Waters thereof, is used as an Argument by God himself, why Men should fear him; for thus God expresseth it by the Prophet *Jeremiah*: *Fear ye not me? saith the Lord: will ye not tremble at my Presence, which have placed the Sand for the bound of the Sea by a perpetual Decree, that it cannot pass it; and tho' the Waves thereof toss themselves, yet can they not prevail: tho' they fear, yet can they not pass over it; Jer. 5. v. 22.* Or as it is expressed in the Book of *Job*: *Hitherto shalt thou come, but no farther; and here shall thy proud Waves be stayed: Job 38. v. 11.*

The *Psalmist* saith, that they that go down to the Sea in Ships, that do *Business* in great Waters; these see the Works of the Lord, and his Wonders in the Deep. *For he commandeth and raiseth the stormy Wind, which lifteth up the Waves thereof. They mount up to the Heaven, they go down again to the Depths, their Soul is melted because of Trouble. They reel to and fro, and stagger like a drunken Man, and are at their Wits end. Then they cry unto the Lord in their Trouble, and he bringeth them out of their Distresses. He maketh a Storm a Calm, so that the Waves thereof are still. Then they are glad because they be quiet; so he bringeth them unto their desired Haven.* But the practical Inference that he draws from these is, *That Men should praise the Lord for his Goodness, and for his wonderful Works to the Children of Men: Psal. 107. v. 23, 24, 25, 26, 27, 28, 29, 30, 31.*

But instead of having a Sense of God's Power and Goodness, in preserving you and others upon the Sea, your frequent Preservations harden'd you into a Contempt of the Danger you were in; and you thereby slighted your Deliverance. And tho' you could not but see the many *natural* Dangers that attend the Seas, and those who had occasion to go upon the same, yet you were resolved that you would contribute what in you lay to the Hazards thereof, by the frequent *Rapines* and *Murders* which you committed. So that what the Prophet saith of the Pride of the *Tyrians*, may be apply'd to you, *that you caused your Terror to be on all that haunt the Sea: Ezek. 26. ver. 17.*

Altho' it may be, while you were in your seeming Prosperity, and went on in your committing *Spoils* and *Robberies* without controul, you might make a *mock* at your Sins, *Prov. 14. v. 9.* and *ch. 10. v. 23.* and say in your Hearts, *God hath forgotten.*

forgotten, he hideth his Face, he will never see it, Psal. 10. v. 11. 94. v. 7. 64. v. 5. and Job 22. v. 13. yet now that you see that God's Hand hath reached you, and his Power hath brought you to public Justice; I hope your present unhappy Condition hath had a good effect upon you, that it hath raised in you more serious Thoughts; and that you are now sensible of the Greatness of your Sins, and that you will sincerely repent you of the same.

As to the great *Evil* and *Sinfulness* of the *Facts* you have committed, surely you cannot but know, that it is one of the express Commandments of God, *Thou shalt not steal*, Exod. 20. v. 15. and the Apostle St. Paul expressly affirms, that *Thieves shall not inherit the Kingdom of God*, 1 Cor. 6. v. 10.

But then remember that to *Theft* you have added the Sin of *Murder*, in destroying those Persons who were sent by lawful Authority to suppress you, and to put a stop to your wicked Actions. For you being no way authorized to use the Sword, or to fight any one, every one of those Persons who fell by your Hands, were murdered; and their Blood now cries for Vengeance against you: For it is the *Voice of Nature*, as well as the revealed Law of God, that *Who so sheddeth Man's Blood, by Man shall his Blood be shed*, Gen. 9. v. 6.

It is the Commandment of God, *Thou shalt do no Murder*, Exod. 20. v. 13. and the Apostle enumerating several of the Works of the Flesh, amongst the rest reckons *Murders*; and then concludes with these remarkable Words: *Of which I tell you before, as I have told you in time past, that they which do such things, shall not inherit the Kingdom of God*, Gal. 5. v. 21.

And *Murderers* are threaten'd to have *their part in the Lake which burneth with Fire and Brimstone, which is the second Death*, Rev. 21. v. 8. See *ch.* 22. v. 15. Words which carry that Terror with them, that considering your Circumstances, and your Guilt, surely the Sound of them must make you tremble; *For who can dwell with everlasting Burnings?* Isa. 33. v. 14.

I suppose you all know that you must appear before the Tribunal of Christ; from whose infinite *Knowledge* none of your Actions can be hid, and from whose infinite *Power* no one can rescue you or protect you; and from whom, without a true and unfeigned Repentance for all your Sins past, you can expect no other than that dreadful Sentence of Condemnation, *Depart from me, ye cursed, into everlasting Fire, prepared for the Devil and his Angels*; Matth. 25. v. 41.

I do not speak this to overwhelm you with Sorrow, much less to drive you into *Despair* of God's Mercy, which is one of the worst of Sins, and which I hope you will not add to your other Offences against God. But I mention this to you, to make you sensible of the great Danger of your Condition, without true and unfeigned Repentance. For seeing I can give you no hopes of Pardon from Man, I hope you will improve the short time you have now left you, to make your Peace with God, and to obtain Pardon from him.

And I wish that what I now say to you in this your deplorable Conditions, may make you all sensible of the Greatness of your Offences, that so you may become truly penitent; which if you are, you may yet hope for Mercy from God: *For tho' your Sins be as Scarlet, [even dyed in Blood] yet he can make them white as Snow*, Isa. 1. v. 18.

Therefore if you will now turn unto God by a

true and unfeigned Repentance, he will not refuse you nor reject you, even now in your great Distress.

For the Threatnings declared by God in the Scripture against Sinners, must always be understood against impenitent Sinners; for God hath declared himself to be *Merciful and Gracious*, Exod. 34. v. 6. *And that he hath no pleasure in the death of the Wicked, but that the Wicked turn from his way and live*, Ezek. 33. v. 11. *ch.* 18. v. 23. And hath promised that when he doth so, *he shall save his Soul alive*, ver. 27.

But be sure remember that you must go to God, in and thro' the alone Merits and Intercession of his Son *Jesus Christ*, who hath made *Satisfaction* to the Justice of God for us: *For he is our Advocate with the Father; And he is the Propitiation for our Sins*, John 2. v. 1, 2. *For his Blood cleanseth us from all Sin*, ch. 1. v. 7. Know therefore, that *there is none other Name under Heaven given among Men, whereby we must be saved, but only by the Name of the Lord Jesus*, Acts 4. v. 12.

But then consider how he invites *all them that labour and are heavy laden with their Sins to come unto him, and he will give them rest*, Matth. xi. v. 28. *He will not break the bruised Reed, nor quench the smoking Flax*, Isa. 42. v. 3. compared with Matth. 12. v. 20. The Apostle tells us, *that Christ Jesus came into the World to save Sinners*, 1 Tim. 1. v. 15. And he himself assures us, *that he came to seek and save that which was lost*, Luke 19. v. 10. Matth. 18. v. 11. And hath promised, *that he that cometh unto him, he will in no wise cast out*, John 6. 37.

Doubt not therefore, but that if you will now sincerely turn to God, he will accept you, and pardon and forgive you your Sins.

But know that the *Condition* of these and other the Promises of God made to Sinners, is *faith and Repentance*. And great Sins (such as yours are) must have great Repentance. You must earnestly cry unto God for Pardon and Remission of your Sins, and particularly, that he would *deliver you from Blood-guiltiness*, Psal. 51. v. 14.

And do not mistake the *Nature* of Repentance, to be only barely a Sorrow for your Sins, by reason of the *Evil* and *Punishment* which they have now brought upon you: but your Sorrow for your Sins must arise from the Consideration of your having offended a gracious and merciful God. To which should be added, a sincere Resolution and an actual Amendment for the future. Indeed, such is your unhappy Circumstances, that you cannot give any actual Proof of the Amendment of your Lives: but remember that God knows the Heart.

Time will not permit me to enlarge upon the *Nature* of Repentance, and of the many Mistakes that Men make in that great Duty: Neither indeed will I so far presume to meddle out of my own Profession. You may have those Matters better explained to you by some of the *Ministers* of this Province, whom you may desire to attend you, and fit you for Death; and from them you may expect more full and particular Directions: *For the Priest's Lips shall keep Knowledge, and you shall seek the Law at their Mouths: for they are the Messengers of the Lord*, Mal. 2. v. 7. *And the Ambassadors of Christ; and to them is committed the Word [or Doctrine] of Reconciliation*, 2 Cor. 5. v. 19, 20.

Thus having discharged my Duty to you as a *Christian*, by exhorting you to an unfeigned Repentance for your Crimes, and Faith in Christ,

by whose Merits alone you must hope for Pardon and Salvation; I must now do my Office as a Judge.

The Sentence that the Law hath appointed to pass upon you for your Offences, and which this Court doth therefore award, is,

That you the said Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, Job Bayley, John William Smith, Thomas Carman, John Thomas, William Morrison, William Livers alias Evis, Samuel Booth, William Hewet, John Levit, William Eddy alias Nedy, Alexander Annand, George Ross, George Dunkin, John Ridge, Matthew King, Daniel Perry, Henry Virgin, James Robbins, James Mullet alias Millet, Thomas Price, John Lopez, Zachariah Long, James Wilson, John Brierly, and Robert Boyd, shall go from hence to the Place from whence you came, and from thence to the Place of Execution, where you shall be severally hanged by the Neck, till you are severally dead.

And the God of infinite Mercy be merciful to every one of your Souls.

After the Condemnation of the above-mention'd Persons, Thomas Nichols, Rowland Sharp, Jonathan Clarke, and Thomas Gerrard, who were found Not Guilty, were discharged.

And then the Court adjourn'd to Monday the 10th Instant.

On Saturday, November the 8th, 1718, Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, Job Bayley, John William Smith, John Thomas, William Morrison, Samuel Booth, William Hewet, William Eddy alias Nedy, Alexander Annand, George Ross, George Dunkin, Matthew King, Daniel Perry, Henry Virgin, James Robbins, James Mullet alias Millet, Thomas Price, John Lopez, and Zachariah Long, were executed at the White Point near Charles-Town, according to the above Sentence.

Monday, November the 10th, 1718. the Court met according to Adjournment.

THEN the Court proceeded to arraign Stede Bonnet alias Edwards alias Thomas, [who had escaped, but was retaken. Nov. 6.] for feloniously and piratically taking the Sloop Francis, with her Goods, Capt. Peter Manwareing, Commander; and the Sloop Fortune, with her Goods, Capt. Thomas Read, Commander; upon the two following Indictments.

The Jurors for our Sovereign Lord the King, do on their Oath present, That Stede Bonnet alias Edwards alias Thomas, late of Barbadoes, Mariner; Robert Tucker, late of the Island of Jamaica, Mariner, &c. as before.

The Jurors for our Sovereign Lord the King, do on their Oath present, That Stede Bonnet alias Edwards alias Thomas, late of the Island of Barbadoes, Mariner; David Heriot, late of the Island of Jamaica, Mariner; Edward Robinson, late of Newcastle upon Tine, Mariner, &c. as before.

To both which Indictments he pleaded Not Guilty. Judge Trott. You are to come upon your Trial

this Day, upon the first Indictment, and you have pleaded Not Guilty; so that what Evidence you have must be ready.

Bonnet. My pleading Not Guilty is because I may have something to offer in my Defence; and therefore I hope none of the Bench will take it amiss.

The Court proceeded upon his Trial on the first Indictment, for piratically taking the Sloop Francis, Capt. Peter Manwareing, Commander.

Then the Jurors were sworn, whose Names are as followeth.

Timothy Bellamy, Foreman.	Thomas Bee.
George Ducket.	James Mazyck.
William Sheriff.	Thomas Lamboll.
Benjamin Dennis.	Henry Beaton.
Jonathan Main.	Moses Wilson.
John Lee.	Claus Foor.

Mr. Hepworth. May it please your Honours, and you Gentlemen of the Jury; The Prisoner who now stands arraigned at the Bar, has been guilty of many Piracies, committed many Robberies, ruined many Families, and been the Occasion of many most cruel and inhuman Murders, and all that within a very short Time past. Should I here descend into all the Particulars, I shall take up too much of your Time. You know (all of ye) I believe, after what manner he lately fled from Justice. Nay, he was not satisfied with his own Escape, but he must tamper with the King's Evidence, to avoid others being prosecuted; and prevailed with the Master Herriot to run away with him, who has been since killed. And I believe the Prisoner at the Bar cannot, upon Reflection, but think himself answerable for that Man's Death. Nay, some People took particular notice of the Prisoner's Behaviour at the Time when Thatch having got the Command from him, he began to reflect upon his past Course of Life, and was then filled with such Horror, that he was perfectly confounded with Shame at the many detestable Crimes he had been guilty of, and said, he would gladly leave off that way of living, being fully tired, and having got considerably by it; but he should be ashamed ever to see the Face of an Englishman: Therefore if he could not get to Spain or Portugal, where he might be undiscovered, he would live and die in the same Course of Life, viz. in Piracy and Robbery.

The Trial of this Man ought to be the more considerable, as he was the great Ringleader of them; who has seduced many poor Ignorant Men to follow his Course of Living, and ruined many poor Wretches; some of whom lately suffered, who with their last Breath expressed a great Satisfaction at the Prisoner's being apprehended, and charged the Ruin of themselves and Loss of their Lives intirely upon him.

We shall now proceed to call our Evidences. Ign. Pell. called and sworn.

Mr. Hepworth. Pell, begin with the first Indictment, and when you was first acquainted with Major Bonnet.

Ing. Pell. It was at the Bay of Honduras; but Capt. Thatch was Commander in Chief.

Att. Gen. This I observe was before they went to Topsail-Inlet at North-Carolina.

Ing. Pell. Yes, Sir, for when we came to Topsail-Inlet, Robert Tucker was chose Quarter-Master; and

and we went out to go to *St. Thomas's* for a Commission to go a privateering against the *Spaniards*; but the first Vessel we saw we took.

Mr. *Hepworth*. What did you take out of her?

Ign. *Pell*. We took some Provisions.

Att. *Gen*. Had you no Provisions on board the *Revenge*?

Ign. *Pell*. Yes, Sir, some Beef, Pork, and Flower.

Mr. *Hepworth*. What was the next Vessel you took?

Ign. *Pell*. A Sloop belonging to *Bermudas*. After we had discharged her, we took another in which were eight Negroes. We took out two, and left three Men and two Women, and sent three Hands more which made eight; and the next Day we gave Chace to two Ships belonging to *Glasgow* in *Scotland*, and in the Evening we came up with them, and the other turned Tail; and we never saw them more after that. And after we had taken some Tobacco and other Goods we discharged them. We took, as I remember, two Vessels belonging to *Bristol*, when Capt. *Read* was taken.

Att. *Gen*. What do you know of Capt. *Manwareing*?

Ign. *Pell*. We were at an Anchor near Cape *James* aliàs Cape *Inlopen*, and a little before Night we saw a Sloop come to an Anchor at the Mouth of the River, and we sent off the Dory with five Hands, and in a little Time they returned with Capt. *Manwareing*; and the next Day we haled the Sloop long-side the Scooner which we had taken before, and hoisted out several Hog-heads of Molosses and Rum, and put them on board the Canoo, and put some Pitch and Tar on board the Sloop.

Att. *Gen*. Who gave you Orders for the doing of that?

Ign. *Pell*. I cannot tell, Sir.

Att. *Gen*. Did you see Major *Bonnet* on board *Manwareing's* Sloop?

Ign. *Pell*. I cannot say he was, neither do I know certainly that he was not.

Judge *Trott*. Was he not your Commander?

Ign. *Pell*. He was called our Captain to be sure.

Cl. Have you any Questions to ask the King's Evidence?

Bonnet. Don't you believe in your Conscience, that when we left *Topfail-Inlet*, it was to go to *St. Thomas's*? And there were near forty Hands, and the concluded to a marrooning.

Ign. *Pell*. I did believe it was so till after we were out.

Judge *Trott*. That was what they accused you for on their Trials; that you deceived them, under a Pretence of going to *St. Thomas's*.

Bonnet. I am sorry that they should take the Opportunity of my Absence to accuse me of that which I was free from.

Mr. *Dean*. If there were forty Hands on board, it cannot be thought that he had Power to command them.

Judge *Trott*. But he was Commander in Chief among them, and that after they went a pirating; was it not so, Boatswain?

Ign. *Pell*. He went by that Name; but the Quarter-Master had more Power than he.

Judge *Trott*. What do you mean by your Evasions? Was he Commander in Chief, or was he not?

Ign. *Pell*. He was.

Judge *Trott*. Then who had the greatest Power?

Att. *Gen*. Do you know if he received his Share of Capt. *Manwareing's* Goods? Or did any receive it for him?

Ign. *Pell*. Sir, it was the Quarter-Master took care of that.

Judge *Trott*. He was Commander in Chief, and therefore I suppose he had a double Share?

Ign. *Pell*. I did never enquire whether he had or not.

Judge *Trott*. Boatswain, tell the Truth; had he his Share, or had he not?

Ign. *Pell*. He had it.

Bonnet. Boatswain, did you ever hear me force any Man to go?

Ign. *Pell*. No, Major, I cannot say I did.

Bonnet. Do you not remember, that when we left *Topfail-Inlet*, and they began to quarrel about Provision, that I said I would leave the Sloop?

Ign. *Pell*. I do remember you said so.

Judge *Trott*. But if you did take some for Provision, would no less than thirteen Vessels satisfy you?

Bonnet. It was contrary to my Inclination.

Mr. *Hepworth*. We proceed to call another Evidence.

Capt. *Peter Manwareing* call'd and sworn.

Mr. *Hepworth*. Capt. *Manwareing*, look upon the Prisoner at the Bar, do you know him?

Manwareing. I know him very well.

Mr. *Hepworth*. Give the Court an Account of your being taken by him.

Manwareing. I arrived at Cape *James* aliàs Cape *Inlopen*, the thirty-first of *July*; and after being at an Anchor some time, we saw a Dory coming, as I said before. So I was ordered on board the *Revenge*.

Judge *Trott*. And before whom was you brought?

Manwareing. Before the Man at the Bar, Capt. *Thomas* he was called then; and so I gave him my Papers; and it being Night, he said but little more that Night. Next Morning they haled the Sloop long-side the Scooner, and hoisted out the Rum and Molosses out of the Sloop, and put on board the Scooner; and the First of *August* we sailed in Company to Cape *Fear*. But indeed the Gentleman was very civil to me.

Att. *Gen*. Did you ever hear him give Orders to take out any Goods?

Manwareing. He was on board the Sloop himself when it was done.

Mr. *Hepworth*. Do you remember any particular Goods taken out.

Manwareing. Yes, Sir.

Clerk. Will you ask the King's Evidence any Questions?

Bonnet. I beg leave to ask whether you ever saw me share among the rest?

Manwareing. You was in the Round-House, and a Bundle and some Pieces was brought; and I saw you take it, and give it the Negroe-Boy, to put into the Chest.

Bonnet. There were several that I kept their Shares for; but it was not mine.

Manwareing. It was put away by your Order.

Bonnet. Did you ever hear me order any thing out of the Sloop?

Manwareing. Major *Bonnet*, I am sorry you should ask me that Question; for you know you did: Which was my All, that I had in the World.

So that I do not know but my Wife and Children are now perishing for want of Bread in *New-England*. Had it been only myself, I had not matter'd it so much: but my poor Family grieves me.

Clerk. Will you ask any more Questions?

Bonnet. No, Sir.

Mr. Hepworth. We will call another Evidence.

James Killing called and sworn.

Mr. Hepworth. Give the Court an Account of your being taken, and what Goods were taken out of you.

The Evidence gave in the same Relation as in the former Trials; and then added, That Major *Bonnet* ordered him to go and shew which was the Rum, and which was the Molosses.

Mr. Hepworth. Do you remember in particular what Goods were taken out?

Killing. Yes, Sir.

Mr. Hepworth. Were the twenty one Hogsheds of Molosses, and the Rum taken out?

Killing. Yes, Sir.

Att. Gen. And all by Major *Bonnet's* Order?

Killing. Major *Bonnet* gave Orders for it to be done.

Judge Trott. What need had you of so much Molosses?

Bonnet. I did not carry it away, and it was contrary to my Inclination.

Judge Trott. You gave Orders for it to be done, and yet it was contrary to your Inclinations.

Clerk. Will you ask the King's Evidence any Questions?

Bonnet. No, Sir.

Mr. Hepworth. We will call another Evidence.

Capt. Thomas Read called and sworn.

Mr. Hepworth. Please to give the Court an Account of *Capt. Manwaring's* being taken.

Capt. Read. After we came to *Cape James*, we saw a Sloop come to an Anchor, and Major *Bonnet* ordered the Dory, with five Hands to go off; and in about half an Hour they came on board with *Capt. Manwaring*.

Att. Gen. Was you on board the *Revenge* when the Dory was sent off?

Capt. Read. Yes, Sir.

Att. Gen. And Major *Bonnet* gave Orders to take out those Goods?

Capt. Read. Yes, Sir.

Judge Trott. Was he on board himself?

Capt. Read. Yes; and ordered the several Goods to be taken out.

Att. Gen. Do you know if the Major received his Share?

Capt. Read. The Captain was in the Round-House when they shared, and they brought in several Pieces of Cloth, and a Bag of Money.

Mr. Hepworth. Who brought that to him?

Capt. Read. I do not know which of the Men.

Att. Gen. And did the Captain receive his Share?

Capt. Read. He ordered it to be put in the Chest by the Boy.

Clerk. Will you ask any Questions?

Bonnet. No, Sir.

Judge Trott. You now stand on your Defence: What have you to say, I shall be ready to hear.

Bonnet. May it please your Honours, there is a young Man come from *North Carolina*, that will say something in my Defence.

James King call'd and sworn.

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Judge Trott. What do you know of the Prisoner at the Bar?

King. When Major *Bonnet* took out his Clearance at *North Carolina*, the Sloop was cleared for *St. Thomas's*, for a Commission to go against the *Spaniards* a privateering.

Mr. Dean. Do you certainly know it was so?

King. It was reported to be so by the Governour.

Att. Gen. Did you hear the Governour declare this?

King. No; but Colonel *Brice's* Son told me so?

Judge Trott. Colonel *Brice* lives fifty Miles in the Country, how did he come to inform you of this?

King. He came down out of the Country.

Judge Trott. If this be all the Evidence you have, I do not see this will be of much use to you; but if you have any thing further to say, I shall be ready to hear you.

Bonnet. I should be glad to go through both Indictments at once.

Judge Trott. We shall go through but one Indictment now; therefore you must prepare to speak to that singly.

Bonnet. May it please your Honours, and the rest of the Gentlemen, though I must confess myself a Sinner, and the greatest of Sinners, yet I am not guilty of what I am charged with. As for what the *Boatswain* says, relating to several Vessels, I am altogether free; for I never gave my Consent to any such Actions: For I often told them, if they did not leave off committing such Robberies, I would leave the Sloop; and desired them to put me on shore. And as for taking *Capt. Manwaring*, I assure your Honours it was contrary to my Inclination. And when I cleared my Vessel at *North Carolina*, it was for *St. Thomas's*; and I had no other End or Design in view but to go there for a Commission. But when we came to Sea, and saw a Vessel, the Quarter-Master, and some of the rest, held a Consultation to take it: But I opposed it, and told them again I would leave the Sloop, and let them go where they pleased. For as the young Man said, *Col. Brice's* Son can testify that I had Clearance for *St. Thomas's*.

Judge Trott. Was *Col. Brice's* Son there when you cleared for *St. Thomas's*?

Bonnet. Yes; and *Col. Brice's* Son knew I was design'd for *St. Thomas's*.

Judge Trott. But pray what Business had you at *St. Thomas's*? Surely after you had contracted so much Guilt upon your Conscience by your former *Piracies* and *Robberies*, you might have been contented to have lived a retired Life in *North Carolina*, reflected on your former wicked Course of Living, and repented of the same, and not engaged in new Actions.

Bonnet. I never took a Vessel but with *Capt. Thatch*.

Judge Trott. Did you not take *Capt. Manwaring's* Sloop?

Bonnet. It was contrary to my Inclinations; and I told them several Times if they would not leave off that Course of Life, I would leave the Sloop: And when *Capt. Manwaring* was taken, I was asleep.

Judge Trott. How came you to order the Dory to be sent off with five Hands to take him? And *Capt. Read* swears it was by your Order.

B b

Att.

Att. Gen. May it please your Honours, and the Gentlemen of the Jury, the Prisoner at the Bar hath pleaded *Not Guilty* to the *Indictment*; but the *Boatswain*, tho' he seems to bear a very great Affection to him, yet tells you that he was Commander in Chief among them at the Time when Capt. *Manwaring* was taken. Capt. *Manwaring* tells you, when he was brought on board the *Revenge*, he was brought before him, and no other, and that he delivered his Papers to him; and he saw his Share brought to him in the Round-House, and put into the Chest.

Then Capt. *Manwaring's* Mate says, Major *Bonnet* was on board the Sloop, and ordered him to shew which was the Molasses, and which was the Rum. And then Capt. *Read* says, Major *Bonnet* was Commander in Chief, and that he ordered the Dory to be sent off with five Hands to take Capt. *Manwaring*. Indeed the Prisoner pleads he was under Constraint from his Men, and that it was contrary to his Inclinations; but I think it not common for one that is forced to have such Command. And as for what *James King* says in behalf of the Prisoner, that he had his Clearance for *St. Thomas's*, in what he was accused of before, that he deceived his Men with a Notion of his going there for a Commission.

Judge *Trott*. Gentlemen of the Jury, the Prisoner at the Bar stands indicted for *Felony* and *Piracy*, committed on a Sloop belonging to Capt. *Peter Manwaring*, for breaking and boarding the said Sloop. The first Evidence, *Ignatius Pell*, through the great Affection he seemed to have for him, was unwilling to speak the Truth; yet he cannot deny but he was at the taking of *thirteen* Vessels, and particularly Capt. *Manwaring's*, and that he had his Share. Then comes Capt. *Manwaring*, and he says Major *Bonnet* was Commander in Chief; and that he was brought before him, and he gave his Papers to him, and by his Order it was that the Goods were taken out. And then *Killing* the Mate, he says *Bonnet* was on board when the Goods were taken out. Then comes Capt. *Read*, and he says the Dory was sent off by Major *Bonnet's* Order; and that his Share was brought into the Round-House to him. As for his Pretence, that his Men forced him against his Will, it appears by the Evidence he did not act like a Person under Constraint. And in the former Trials, several of you remember, that his Men generally said, that he deceived them under Pretence of his going to *St. Thomas's*; and that he forced them. So that I think the Evidence have proved the Fact upon him: But I shall leave this to your Consideration.

Then an Officer was sworn to keep the *Jury*.

Who after they had considered of their *Verdict*, returned, and found the abovesaid *Stede Bonnet* alias *Edwards* alias *Thomas*, Guilty.

Then the Court adjourned till *Tuesday* Morning.

Tuesday, November the 11th, 1718. the Court met according to Adjournment.

THEN the Court proceeded on the Trial of *Stede Bonnet* alias *Edwards* alias *Thomas*, upon the second *Indictment* for *feloniously* and *piratically* taking the Sloop *Fortune*, with her Goods,

Capt. *Thomas Read*, Commander.

To which *Indictment* upon his Arraignment he pleaded *Not Guilty*; but now desired leave to withdraw his *Plea*, and pleaded *Guilty*.

Then the Court adjourned till *Wednesday* Morning.

Wednesday, November the 12th, 1718, the Court met according to Adjournment.

THEN *Stede Bonnet* alias *Edwards* alias *Thomas*, who stood convicted of *Piracies*, as appears by the above Record, being brought to the Bar; and being asked what he had to say why Judgment of Death should not pass upon him:

And he having nothing to alledge in Arrest of Judgment;

Then Proclamation for *Silence* was made, while the Judge of the Court of *Vice-Admiralty* pronounced *Sentence* of Death upon the Prisoner.

Judge *Trott*. Major *Stede Bonnet*, you stand here convicted upon *two* *Indictments* of *Piracy*: One by the *Verdict* of the Jury, and the other by your own *Confession*.

Although you were indicted but for *two* Facts, yet you know that at your Trial it was fully proved, even by an unwilling Witness, that you *piratically* took and rifled no less than *thirteen* Vessels, since you sailed from *North Carolina*.

So that you might have been indicted and convicted of *eleven* more Acts of *Piracy*, since you took the Benefit of the King's *Act of Grace*, and pretended to leave off that wicked Course of Life.

Not to mention the many *Acts* of *Piracy* you committed before; for which, if your Pardon from *Man* was never so authentic, yet you must expect to answer for them before God.

You know that the Crimes you have committed are *evil* in themselves, and contrary to the *Light* and *Law* of *Nature*, as well as the *Law* of God, by which you are commanded that *you should not steal*, *Exod. xx. 15*. And the Apostle *St. Paul* expressly affirms, that *Thieves shall not inherit the Kingdom of God*, *1 Cor. vi. 10*.

But to *Theft* you have added a greater Sin, which is *Murder*. How many you may have killed of those that resisted you in the committing your former *Piracies*, I know not: But this we all know, that besides the wounded, you killed no less than *eighteen* Persons out of those that were sent by lawful Authority to suppress you, and to put a Stop to those Rapines that you daily acted.

And however you may fancy that that was killing Men fairly in open *Fight*, yet this know, that the Power of the *Sword* not being committed into your Hands by any lawful Authority, you were not impower'd to use any Force, or to *fight* any one; and therefore those Persons that fell in that Action, in doing their Duty to their King and Country, were *murdered*, and their *Blood* now cries out for *Vengeance* and *Justice* against you: For it is the *Voice* of *Nature*, confirmed by the *Law* of God, that *whoso sheddeth Man's Blood, by Man shall his Blood be shed*, *Gen. ix. 6*.

And

And consider that Death is not the only Punishment due to *Murderers*; for they are threaten'd to have *their Part in the Lake which burneth with Fire and Brimstone, which is the second Death*, Rev. 21. 8. See Chap. 22. 15. Words which carry that Terror with them, that considering your Circumstances and your Guilt, surely the Sound of them must make you tremble; *For who can dwell with everlasting Burnings?* Chap. 33. 14.

As the *Testimony* of your *Conscience* must convince you of the great and many Evils you have committed, by which you have highly offended God, and provoked most justly his Wrath and Indignation against you, so I suppose I need not tell you that the only way of obtaining Pardon and Remission of your Sins from God, is by a true and unfeigned *Repentance*, and *Faith* in Christ, by whose meritorious Death and Passion you can only hope for Salvation.

You being a Gentleman that have had the Advantage of a *liberal Education*, and being generally esteem'd a Man of *Letters*, I believe it will be needless for me to explain to you the Nature of *Repentance* and *Faith* in Christ, they being so fully and so often mentioned in the Scriptures, that you cannot but know them. And therefore, perhaps, for that Reason it might be thought by some improper for me to have said so much to you, as I have already upon this occasion; neither should I have done it, but that considering the Course of your Life and Actions, I have just reason to fear that the Principles of Religion that had been instill'd into you by your *Education*, have been at least corrupted, if not entirely defac'd, by the *Scepticism* and *Infidelity* of this wicked Age; and that what time you allowed for Study was rather applied to the *Polite Literature*, and the vain *Philosophy* of the Times, than a serious Search after the *Law* and *Will* of God, as revealed to us in the *Holy Scriptures*: For *had your Delight been in the Law of the Lord, and that you had meditated therein Day and Night*, Psal. 1. 2. you would then have found that *God's Word was a Lamp unto your Feet, and a Light to your Path*, Psal. 119. 105. and that you would account all other Knowledge but *Loss*, in comparison of the *Excellency of the Knowledge of Christ Jesus*, Phil. 3. 8. *who to them that are called is the Power of God, and the Wisdom of God*, 1 Cor. 1. 24. *even the hidden Wisdom which God ordained before the World*, Chap. 2. 7.

You would then have esteem'd the *Scriptures* as the *Great Charter* of Heaven, and which delivered to us not only the most perfect *Laws* and *Rules* of Life, but also discover'd to us those Acts of *Pardon* from God, wherein we have offended those righteous Laws: For in them only is to be found the great *Mystery* of fallen Man's *Redemption*, *which the Angels desire to look into*, 1 Pet. 1. 12.

And they would have taught you that *Sin* is the debasing of *Human Nature*, as being a *Deviation* from that *Purity*, *Rectitude*, and *Holiness*, in which God created us; and that *Virtue* and *Religion*, and walking by the Laws of God, were altogether preferable to the Ways of *Sin* and *Satan*; for that the *Ways* of Virtue are *Ways of Pleasurableness, and all her Paths are Peace*, Prov. 3. 17.

But what you could not learn from God's Word, by reason of your *carelessly*, or but *superficially* considering the same, I hope the Course of his *Providence*, and the present *Afflictions* that he hath laid upon you, hath now convinced you of the

same: For however in your seeming Prosperity you might make a *Mock at your Sins*, Prov. 3. 17. yet now that you see that God's Hand hath reach'd you, and brought you to public Justice, I hope your present unhappy Circumstances hath made you seriously reflect upon your past Actions and Course of Life; and that you are now sensible of the Greatness of your Sins, and that you find the Burden of them is intolerable.

And that therefore being thus *labouring, and heavy laden with Sin*, Matth. 11. 28. you will esteem that as the most valuable *Knowledge*, which can shew you how you can be reconciled to that supreme God, whom you have so highly offended; and which can reveal to you him who is not only the powerful *Advocate with the Father for you*, 1 John 2. 1. but also who hath paid that Debt that is due for your Sins by his own Death upon the Cross for you, and thereby made full Satisfaction to the Justice of God. And this is to be found no where but in God's Word, which discovers to us that *Lamb of God which taketh away the Sins of the World*, John 1. 29. which is *Christ* the Son of God: For this know, and be assured, that *there is none other Name under Heaven given among Men, whereby we must be saved*, Acts 4. 12. but only by the Name of the Lord *Jesus*.

But then consider how he invites all Sinners to come unto him, and *that he will give them rest*, Matth. 11. 28. for he assures us *that he came to seek and to save that which was lost*; Luke 19. 10. Matth. 18. 11. and hath promised that *he that cometh unto him, he will in no wise cast out*, John 6. 37.

So that if now you will sincerely turn to him, tho' late, even at the *eleventh Hour*, Matt 20. 6, 9. he will receive you.

But surely I need not tell you that the *Terms* of his *Mercy* is *Faith* and *Repentance*.

And do not mistake the *Nature* of *Repentance* to be only a bare Sorrow for your Sins, arising from the Consideration of the *Evil* and *Punishment* they have now brought upon you; but your Sorrow must arise from the Consideration of your having offended a gracious and merciful God.

But I shall not pretend to give you any particular Directions as to the Nature of *Repentance*: I consider that I speak to a Person whose Offences have proceeded not so much from his not *knowing*, as his *slighting* and *neglecting* his *Duty*: Neither is it proper for me to give Advice out of the way of my own Profession.

You may have that better delivered to you by those who have made Divinity their particular Study; and who by their Knowledge, as well as their Office, as being the *Ambassadors of Christ*, 2 Cor. 5. 20. are best qualified to give you Instructions therein.

I only heartily wish that what, in compassion to your Soul, I have now said to you upon this sad and solemn Occasion, by exhorting you in general to *Faith* and *Repentance*, may have that due Effect upon you, that thereby you may become a true *Penitent*.

And therefore having now discharged my Duty to you as a *Christian*, by giving you the best Counsel I can with respect to the Salvation of your Soul, I must now do my Office as a *Judge*.

The Sentence that the Law hath appointed to pass upon you for your Offences, and which this Court doth therefore award, is,

That you the said Stede Bonnet shall go from hence to the Place from whence you came, and from thence to the Place of Execution, where you shall be hanged by the Neck till you are Dead. And the God of infinite Mercy be merciful to your Soul.

On Wednesday December the 10th, 1718. the said Major Stede Bonnet was executed at the White-Point near Charles-Town, according to the above Sentence.



CXC. Proceedings of the House of Lords in Ireland against Jeffery Gilbert, Esq; Lord Chief Baron, John Pocklington, Esq; and Sir John St. Leger, Kt. Barons of the Exchequer there, for issuing Procefs in the Cause of Annesley and Sherlock, in opposition to an Order of that House, July 28. 1719. 5 GEO. I.

Alexander Burrowes, High-Sheriff of the County of Kildare, having been several times fined by the Court of Exchequer, for not obeying an Order of that Court, which he apprehended to be a Breach of a former Order of the House of Lords, presented the following Petition.

To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled, the Humble Petition of Alexander Burrowes, Esq; late Sheriff of the County of Kildare,

Most humbly Sheweth,

THAT on the 3d Day of October 1717. your Lordships were pleased to Order, that the High Sheriff of the County of Kildare should forthwith put Hester Sherlock into the Possession of the Lands of Little-Rath, and other Lands in the said Order mentioned, which were to be held by her till she should receive thereout the Sum of 1507l. 14s. 8d. Farthing, chargeable upon the said Lands.

That Charles Nuttal, Esq; then High-Sheriff of the County of Kildare, in Obedience to, and by Vertue of your Lordships said Order, on the sixth Day of October aforesaid, put the said Hester Sherlock into the Possession of the Premises; and she was in the actual Possession thereof, when your Petitioner was appointed and sworn Sheriff of the said County of Kildare for the Year, ending at Michaelmas 1718.

That on the 15th Day of March, 1717. an Injunction issued out of the Court of Exchequer, Sign'd by the Right Honourable Jeffery Gilbert, Esq; Lord Chief Baron of the said Court; and under the Seal thereof, directed to your Petitioner, being then Sheriff of the said County; whereby your Petitioner was required immediately after Receipt thereof, pursuant to an Order of the said Court of Exchequer, bearing Date the 19th Day February preceding, (although the Barons of the

said Court had due Notice of your Lordships said Order of the 3d of October aforesaid) to restore Maurice Annesley, Esq; to the Possession of those Lands, whereof the said Hester Sherlock was then actually possessed by Vertue of, and under your Lordships said Order. And your Petitioner was also required by the said Injunction to support and keep the said Maurice Annesley in such Possession of the Premises till the further Order of the said Court, or till the said Maurice Annesley shou'd be thereout Eviected by due Course of Law, which Injunction was delivered to your Petitioner by John Annesley (the said Maurice's Brother) who required your Petitioner to give him the Possession of the said Lands, having a Letter of Attorney from his said Brother for that Purpose, (as he informed your Petitioner) but your Petitioner refused to execute the said Injunction, conceiving it to be a Breach of your Lordship's said Order of the 3d of October 1717. and of the Rights and Privileges of this Honourable House.

Whereupon the said John Annesley in his proper Person, on the 13th Day of May, 1718. moved the said Court of Exchequer on his Affidavit, setting forth, that your Petitioner refused to execute the said Injunction, and pray'd that the said Affidavit might be read, which was order'd, and accordingly read by John Beauman, Gent. one of the Attornies of the said Court and the said Lord Chief Baron, and the Honourable John Pocklington, Esq; and Sir John St. Leger, Kt. two other of the Barons of the said Court, then sitting in the said Court of Exchequer, Ordered, that your Petitioner shou'd be fined 40s. if he did not return the said Injunction in four Days; and on several Motions afterwards made by the said John Beauman, the said Barons imposed several Fines on your Petitioner, which amount to 77l. Sterl. and upon said Beauman's Motion on the 30th Day of June, 1718. ordered an Attachment to the Pursuivant against your Petitioner, for the Matters aforesaid, which accordingly issued.

That on the 7th Day of July, 1718. your Petitioner returned the said Writ of Injunction, and thereon returned in *hæc Verba*, your Lordships said Order of the 3d Day of October 1717. and the Resolutions of this Honourable House, bearing

ing Date the 11th Day of *February*, 1703. on the Petition of *Edward Earl of Meath*, and *Cecilia Countess of Meath* his Wife; of which the said Barons had likewise due Notice. And that your Petitioner by reason of your Lordships said Order and Resolutions, and of the Rights and Privileges of this Honourable House, durst not restore the said *Maurice Annesley* to the Possession of the Premises, as by the said Writ of Injunction was required.

That all the said Fines being imposed on your Petitioner for not Returning said Writ, and your Petitioner having complied with the said Orders by Returning the same; the said Barons *Pocklington* and *St. Leger*, on the 16th Day of *July*, 1718. sitting publicly upon the Reducing of Fines in the *Exchequer* Chamber, and having heard the said several Fines imposed upon your Petitioner read unto them by the proper Officer, and being by him informed, that your Petitioner had Returned said Injunction, were pleased to reduce, and accordingly took off the said Fines, upon paying 6 *d.* in the Pound, (as by a Rule made by the Barons has been practis'd in such Cases, tho' the same was never taken before, as your Petitioner is informed;) but in the Afternoon of the said Day, *John Draycot*, one of the Attorneys of the said Court, (who paid the Box for your Petitioner on taking off the said Fines) was sent for by the said Lord Chief Baron to his Lordship's House, where the said other two Barons then were; and after the said Barons had heard the said Writ of Injunction and Return read, and what was offered in behalf of your Petitioner in Justification of the said Return, the said Barons were pleased at his Lordships said House, to oblige the said *Draycot* to take back the Money he so paid for taking off said Fines; and estreated the same, which have since issued in Process against your Petitioner; although the said Return was never complained off by the said *Maurice Annesley*, or his Council, nor had your Petitioner an Opportunity or Day given him to justify the Legality of the said Return, though the same was prayed by the said *Draycot* in behalf of your Petitioner.

That the said Barons, without having any regard to the said Return, on the 7th Day of *November* last, upon said *Beauman's* Motion, ordered the said Attachment to the Pursuivant to be renewed against your Petitioner; which having issued, your Petitioner was obliged to abscond, and keep as private as possible, so that he could not attend his Affairs, whereby your Petitioner has suffered very much in his Fortune.

That by Reason of the said Attachment to the

Pursuivant, so from time to time issued against your Petitioner, he could not come upon his Accounts before the said Barons in the said Court of *Exchequer*: your Petitioner being advised and well assured, that if he should appear in the said Court, the said Barons would commit your Petitioner into close Custody, for not obeying their said Injunction: and the said Barons taking Advantage of your Petitioner's said Circumstances, ordered your Petitioner to be Fined 1200 *l.* and upwards, for not coming upon his Accounts; tho' your Petitioner always was, and still is ready to give his Majesty a just and true Account of his said Office of Sheriff-wick, while he was concerned therein.

May it therefore please your Lordships to take the Premises into Consideration, and make such Order therein for your Petitioner's Relief, as to your Lordships in your great Wisdom shall seem meet.

And your Petitioner will ever Pray,

ALEX. BURROWES.

Upon reading this Petition, the House of Lords referred it to the Committee for Courts of Justice, who after an Examination into the Affair, made the following Report by the Lord Bishop of *Clogher* their Chairman.

My LORDS,

THE Lords Committees for *Courts of Justice*, to whom the Petition of *Alexander Burrowes*, Esq; late Sheriff of the County of *Kildare* was referred, do find,

That by the Order of this House of the 3d of *October*, 1717. *Hester Sherlock*, Widow, was upon the 6th of the same Month put into the actual Possession of the Lands of *Little Rath*, *Bodingstown*, *Darr* and *Mullenafooky* in the County of *Kildare*, by *Edward Conyers* Under Sheriff to *Charles Nuttall*, Esq; then High Sheriff of the said County; to continue therein till she should receive thereout the Sum of 1507 *l.* 14 *s.* 8 *d.* Farthing, chargeable on the said Lands; and the said *Hester* continued so possessed by Vertue of the said Order for near two Years.

That by the Minutes of the *Chancery* side of the *Exchequer* it appears, that the Lord Chief Baron of the *Exchequer*, on the 19th *February*, 1717. produced a Letter^a dated *London* the 8th *February*, 1717. sign'd *Cowper*, C. in which two Papers^b were inclosed, dated the 6th *February*,

^a *London*, the 8th *February*, 1717. My Lord Chief Baron, By Order of the House of Lords (a Copy whereof I herewith send you) I Transmit to your Lordship, and the rest of the Barons of his Majesty's Court of *Exchequer* in *Ireland*, the Order of the said House; whereby the Barons of that Court are commanded to Restore Mr. *Annesley* to the Possession of his Estate. Your Lordship will immediately communicate this to the rest of the Barons, and let me know, as soon as can be, what is done by your self, and the rest of the Barons, in pursuance to their Lordships Order, as you see by the above-mentioned Copy I am ordered to require of you. I am your Lordship's most faithful Servant,
Cowper, C.

^b *Die Jovis*, 6^o *Februarii*, 1717. Ordered, By the Lords Spiritual and Temporal in Parliament Assembled, That the Lord Chancellor do Transmit the Order of this House to the Barons of the *Exchequer* in *Ireland*, which requires them to cause Possession to be forthwith delivered to *Maurice Annesley*, Esq; of the Lands of which he was dispossessed, pending his Appeal in this House, commanding the Barons of the *Exchequer* at the same time to return to this House, as soon as they can, an Account of what shall be done therein.

Die Jovis 6 *Die Februarii*, 1717. Upon Report from the Committee of the whole House, to whom it was Referr'd, to consider by what Methods the Order of this House, for the Restoring Possession to *Maurice Annesley*, Esq; of the Estate in *Ireland*, whereof he was Dispossess'd, pending his Appeal in this House, may be most properly enforced and Executed: It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, that the Barons of the Court of *Exchequer* in *Ireland*, do cause the said *Maurice Annesley*, Esq; to be forthwith Restored to the Possessions of the Lands of which he was Dispossess'd, pending his Appeal, which was received by this House the 8th Day of *June* last.

William Cowper, Cler'. Parliamentor'.

1717, sign'd *William Cooper*, Cler^o *Parliamentor* directed to the Lord Chief Baron of the *Exchequer* in *Ireland*, and the rest of the Barons of the said Court; alledged by the Lord Chief Baron to be Orders from the Lords in *Great Britain*, requiring them to restore *Maurice Annesley*, Esq; to the Possession of the Lands he was dispossessed of; pending his Appeal in the *House of Lords of Great Britain*.

That on the said 19th Day of *February*, 1717. in pursuance of the said alledged Orders and Letter (inserted at the end of this Report) tho' no Affidavit had been made, that the said Orders or Letter were regularly Compared and signed, the said Lord Chief Baron, and the other Barons, without any Motion by Council or Attorney, ordered an Injunction for the restoring the said *Maurice Annesley* to Possession of the Lands he was dispossessed of; pending his said Appeal, in the Name of the *Chancellor*, *Treasurer*, and *Barons* of the said Court of *Exchequer*, whereby the Sheriff or Sheriffs of the County or Counties where the said Lands lay, was forthwith to put the said *Maurice* into the Possession of the said Lands.

That in order to make out the said Injunction, the said Court ordered the said *Maurice Annesley*, his Attorney, Agent, Solicitor or Council, shou'd forthwith attend the Chief Remembrancer, or his Deputy, with the Names of the Lands of which the said *Maurice Annesley* was so dispossessed of, and also the County or Counties where the said Lands lay.

That upon the 14th of *March*, 1717. Affidavit was made before the Lord Chief Baron by *John Annesley* of *Bullifax* in the County of *Kildare*, Esq; wherein *Hester Sherlock*, was made Plaintiff, and *Maurice Annesley*, Esq; Defendant; that he the said *John* was dispossessed of the Lands of *Little Rath*, *Darr*, *Bodinstown*, and *Mullensfooky*, which he the said *John* held by Vertue of a Lease from the said *Maurice Annesley*, pending his said Appeal; and that the said *John's* Lease was then in being and undetermined.

That upon the 14th of *March*, 1717. the said Affidavit of the said *John Annesley* was filed in the Chief Remembrancer's Office, in order to have the said Injunction made out; but before the said Injunction issued, it appears by the Examination, of Mr. *John Draycott*, Attorney for Mrs. *Sherlock* in the *Exchequer* (after having been sworn at the Bar of this House) that he the said *Draycott* attended Mr. *John Becker*, then Deputy Chief Remembrancer, at his Office, and in the Presence of the said *John Annesley* informed the said *Becker* that the said Affidavit was insufficient, and that the said *Draycott* was ready to prove, that the said *Maurice Annesley* was not at the time of his said Appeal, nor at any time since, in Possession of the said Lands mentioned in the said Affidavit; having sold the said Lands some Years before to *Andrew Wilson*, Esq; and Mrs. *Frances Harman*.

That by two Copies of Memorials out of the Register's Office (for Registering Deeds, &c. pursuant to Act of Parliament) proved by the said *Draycott* to be true Copies of the Memorials remaining in the said Office, it appears, that by Deeds of Lease and Release bearing Date respectively the 1st and 2d Days of *March*, 1714. the Lease being made between *Jeffery Paul*, Esq; on the one Part, and *Andrew Wilson*, Esq; of the other Part; and the Release made between the said *Jeffery Paul* of the first Part, said *Andrew*

Wilson of the second Part, and *Maurice Annesley*, Esq; on the third Part, whereby the several Lands of *Little Rath*, *Darr*, and *Bodinstown* in the Barony of *Naas*, and County of *Kildare*, were for the Considerations therein mentioned, conveyed to the said *Andrew Wilson* and his Heirs for ever: And the Right Honourable the Lord *Albani* upon his Honour declared, that he knew that *John Annesley* of *Bullifax*, Esq; had paid Rent to the said *Andrew Wilson* by Vertue of, and under the said Purchase; but believed that the Lord Chief Baron or the other Barons knew nothing thereof. It also appears, that by Deeds of Lease and Release, bearing Date respectively the 2d and 3d Days of *April* 1715. made between *Maurice Annesley*, Esq; of the one Part, and *Frances Harman* of the City of *Dublin*, Widow, of the other Part: By which said Release the said *Maurice Annesley* for the Considerations therein mentioned, conveyed to the said *Frances Harman*, and her Heirs for ever, the Lands of *Mullensfooky* in the said County of *Kildare*. That notwithstanding there was no County mentioned in the said Affidavit, and said Notice given of said Sale to the said Officer as aforesaid; neither did it appear by the said Affidavit, that the said *Maurice Annesley* was dispossessed of the said Lands therein mentioned, pending his Appeal; the said Injunction issued directly to the Sheriff of the County of *Kildare*, bearing Date the 22d *February*, in the Fourth Year of his Majesty's Reign, sign'd *Galfridus Gilbert*, and returnable into the said Court in *Quindec. Pasch.* then next ensuing.

That by an Affidavit sworn by *John Annesley* on the 7th of *May*, 1718. before Mr. Baron *St. Leger*, and filed in the Chief Remembrancer's Office the 9th of the same Month; wherein he made *Maurice Annesley*, Esq; Plaintiff, and *Hester Sherlock*, Widow, Defendant; in which the said *John Annesley* deposed, that on or about the 15th of *March* preceding, he delivered the before-mentioned Injunction to *Alexander Burrowes*, Esq; then High Sheriff of the said County of *Kildare*; and shewed the said Sheriff a Letter of Attorney from the Plaintiff, empowering the said *John Annesley* to receive the Possession of the Lands in the said Injunction mentioned; but the said Sheriff refused to execute the said Injunction.

That the said *John Annesley* in his proper Person, on the 13th of the said Month, moved the said Court upon an attested Copy of the said Affidavit; but the said *Draycott* insisting, that there was no such Cause in Court, the said *Annesley* was directed by the said Court to amend his Affidavit and move it again.

That the said *Annesley* thereupon erased and altered the said Copy, and made *Hester Sherlock*, Widow, Defendant; and swore the same before Mr. Baron *St. Leger*, and filed the said Affidavit so amended in the Chief Remembrancer's Office, without any Alteration made in the Body of the said Affidavit; which was proved by the Deposition of *Daniel Reading*, Esq; Deputy Chief Remembrancer; who was sworn at the Bar of this House, and examined before the said Lords Committees.

That the same Day (*viz.*) 13th *May*, upon reading the said Affidavit, the said Court was informed by Counsellor *Dixon*, that what was sworn in the said Affidavit could not be true: For that the said *Annesley* swore he had a Letter of Attorney from the Plaintiff (who was Mrs. *Sherlock* to receive Possession of the Lands therein mentioned; when

when, in truth, Mrs. Sherlock was then in actual Possession of the said Lands.

That the Lord Chief Baron said it was only a Mistake, and without rectifying the same, on Motion of Mr. John Beauman an Attorney, the Court ordered the said Sheriff to be fin'd forty Shillings, if he did not return the said Injunction in four Days; and on said Beauman's several Motions, there were Fines at several Times laid upon the said Sheriff for not returning the said Injunction, which amounted to 77*l.* which was proved by the Minutes of the said Court, and the Testimony of the said Draycott.

That the said Draycott likewise proved, that the said Lord Chief Baron, and the other Barons, had due notice of the said Order of this House; and the Resolutions thereof made the 11th February, 1703. before any Proceedings were had in the said Cause, subsequent to the said Order of this House of the 3d of October, 1717. and that the said Annesley and Beauman were served with Copies of the said Order and Resolutions, before any Motions were made by them in the said Cause.

That by the Minutes of the 13th June, 1718. taken in the said Court, it appears, that Mr. Chancellor of the Exchequer declared, That the Orders of the House of Lords of England being only directed to the Barons of that Court; and that he found, that the Order of that Court, which was made thereon, was made, as if done by him, and the Treasurer, as well as by the Barons; that he apprehended, that in regard the said Orders were not directed to him, or he present when the said Order of the Court of Exchequer was made, *That he had nothing to do therewith, and did not consent thereto.*

That it appeared by the Testimony of the said Mr. Reading, that the said Cause between Sherlock and Annesley was of the Chancery Side of the Exchequer; and that all Bills in the Chancery Side of the said Court were directed to the Chancellor, Treasurer and Barons, and believed, that if a Bill was directed otherwise, it would be Error.

That upon the 30th of June, 1718. on Motion of the said Beauman, an Attachment to the Pursuivant was awarded against the said Burrowes for not returning the said Injunction, bearing Test the 1st Day of July, in the Fourth Year of his Majesty's Reign, and returnable before the

Chancellor, Treasurer, and Barons of the said Court, in *Craft. Animar.* then next.

That upon the 7th July 1718. the said Burrowes return'd the said Injunction, and the said Beauman was acquainted therewith by the said Draycott; who told the said Beauman, that he was ready to pay him the Cost of imposing the said Fines and Pursuivant, which the said Beauman refused, and told the said Draycott, that *he must first have the said Sheriff in Custody:* That the said Draycott applied again to the said Beauman; and the said Beauman said, *he must first lay the said Sheriff by the Heels.*

That by the Testimony of the said Mr. Reading and Mr. Draycott, Barons Pocklington and St. Leger, upon 16th July 1718. sat in the Exchequer-Chamber on the reducing of Fines: That the Fines imposed upon the said Sheriff were then read by Mr. Becher the Officer, who inform'd the said Barons, that the said Injunction was return'd; that a Pistole and seven Half-Crowns were paid to the Box, and the said Fines were then taken off by the said Barons.

That upon the same Day in the Afternoon, the said Becher, Reading, and Draycott were sent for to the Lord Chief Baron's House, where the two other Barons were with his Lordship; that the said Injunction was sent for, and said Injunction and Return thereon was read, and the Barons declared that it was no Return; that the said Draycott told his Lordship, that he hoped he would at least respite the said Fines till the then next Term, or give the said Sheriff an Opportunity to justify his said Return, which was refused: That the List of Fines, which was that Day read in the Exchequer-Chamber, was then call'd for, and the Fines imposed upon the said Burrowes were then read: That the said Draycott was obliged to take back the said Money, which he had paid to the Box for taking off the said Fines, and the same were then estreated.

That the Return made by the Sheriff upon the said Injunction, was to this Purpose, (*viz.*) That before the said Writ came to him, the Order of this House of the 3d of October, 1717. and the Resolutions of this House of the 11th of February, 1703. were delivered to him, which he recites in *hec verba.* Which Return the Lords Committees have thought fit to annex to their Re-

^c The Return upon the Injunction. *Cancellar. Thesaurar. & Baronibus Infrascript. humilimè Certifico quod ante adventum hujus Brevis mihi directi quædam Resolutions Præhonorabil. Dom. Procerum hujus Regni Hiberniæ fact. in Parliament. apud Dublin. in hoc Regno Congregat. undecimo die Febr. Anno Dom. Millesimo Septingentesimo Tertio mihi deliberat. fuer. quæ sequuntur in hæc verba, scilicet. Resolutions of the Right Honourable the House of Peers, the Eleventh of February, 1703.*

Ordered on Motion, That the Petition of Edward Earl of Meath, and Cecilia Countess of Meath, his Wife, be read; read accordingly.

Ordered on Motion, That the Clerk of the Rolls do bring into this House the Roll of the Acts of Parliament of the 38th of Henry the Sixth.

Resolved on the Question, *Nemine Contradicente*, That by the antient and known Laws and Statutes of this Kingdom, her Majesty hath an undoubted Jurisdiction and Prerogative of Judging in this her High Court of Parliament, in all Appeals and Causes within her Majesty's Realm of Ireland.

Resolved on the Question, *Nemine Contradicente*, That the Determinations and Judgments of this High Court of Parliament, are final and conclusive, and cannot be revers'd or set aside by any other Court whatsoever.

Resolved on the Question, *Nemine Contradicente*, That if any Subject or Resiant within this Kingdom, shall hereafter presume to remove any Cause determined in this High Court of Parliament, to any other Court, such Person or Persons shall be deemed Traytors of her Majesty's Prerogative and Jurisdiction, and the undoubted, antient Rights and Privileges of this Honourable House, and of the Rights and Liberties of the Subjects of this Kingdom.

Resolved on the Question, *Nemine Contradicente*, That if any Subject or Resiant within this Kingdom, shall presume to put in Execution any Order from any other Court, contrary to the final Judgment and Determination of this High Court of Parliament, such Person or Persons shall be deemed Traytors of her Majesty's Prerogative and Jurisdiction, and the undoubted, antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

En Sterne, Clerc' Parliamentor'.
Et ulterius Certifico, quod ante Adventum istius Brevis mihi directi. quidam Ordo fact. per Præhonorabil. Domin. Spiritual. & Temporal. in Parliament. in hoc Regno Congregat. seren. dat. Tertio die Octobris, Anno Dom. Millesimo Septingentesimo decimo Septimo etiam mihi deliberat. fuit, qui sequitur in hæc verba, scilicet. Die Jovis Tertio die Octobris, 1717. Whereas by the Report made from the Lords Committees appointed to consider the properest Method for the relieving of Hester Sherlock, Widow, &c. pursuant to what was Ordered and Adjudged by this House, on the 19th Day of June, 1716. in a Cause wherein

port. That *Charles Nuttal*, Esq; late Sheriff of the County of *Kildare*, by Vertue of the said Order of the 3d of *October*, put *Hester Sherlock* into the Possession of the Premises, and that she was at the Time of the Return in Possession thereof; that by reason of their Order and Resolutions, he durst not restore *Maurice Annesley* to the Possession of the Lands in the said Injunction mentioned, in Prejudice and Violation of the Right and Privileges of this House.

That upon the 7th of *November*, 1718. upon Motion of the said *Beauman*, the said Attachment to the Pursuivant against the said *Burrowes* was renewed, bearing Test the 6th of *November* last, and returnable before the said *Chancellor*, *Treasurer* and *Barons* in *Octabis Sancti Hillarii* then next ensuing; and on the 30th *January* following, the said Attachment was again ordered to be renewed: That the said *Sheriff*, by Reason of their said Attachments, was obliged to abscond, and thereby prevented from coming upon his Accounts, and was upon that Account fined by the said Court 1200*l.* and upwards.

That upon the 4th *February*, 1718. the Lord Chief Baron, and Mr. Baron *Pocklington*, upon the Receipt of Three Papers, ^d which the said Barons alledged to be Orders from the House of

Lords of *Great Britain*, dated the 23d *January*, 1718. sign'd *William Cowper*, Cler' *Parliamentor*'. In a Letter produced by the said Barons from the Lord Chancellor, dated *London*, the 27th *January*, 1718. sign'd *Parker C.* which came by the Post; directed to the Lord Chief Baron of the *Exchequer* in *Ireland*, and the rest of the Barons of that Court; whereby it was Ordered, That the Barons of the said Court of *Exchequer*, should cause *Hester Sherlock* to account before them upon Oath, for the Rents and Profits of the Estate in Question, which she had made or received since her gaining the Possession thereof by the Order of the House of Lords in *Ireland*; and to answer and pay the same to *Maurice Annesley*, Esq; but without Prejudice in Case of an Appeal: Also, that the Barons of the said Court were directed to proceed by the most speedy and effectual Methods, to cause Possession of the Estate of the said *Maurice Annesley*, as required by their Order of the 6th *February*, to be restored to him; and also that the Chancellor of *Great-Britain*; should transmit to the said Barons the said Orders, and that they should give an Account of what should be done therein.

That without any Proof by Affidavit, (as usual in Courts of Equity) the said *Alledged Orders* were

wherein the said *Hester Sherlock*, Widow was Appellant, and *Maurice* and *John Annesley*, Esqrs; were Respondents: As also upon the Resolutions agreed to this Day by this House, it appears, That the Sum of One Thousand Five Hundred and Seven Pounds, Fourteen Shillings and Eight Pence Farthing was due to *Hester Sherlock*, the Appellant, upon the 19th Day of *February*, 1716. on Account of the Principal and Interest of the Portion of *Edward Sherlock*, decreed unto the said Appellant as Administratrix to the said *Edward*, by this House on the 19th Day of *June*, 1716; and that the Lands of *Little Rath Bodingslowen*, *Darr*, and *Mullenafooky* in the Barony of *Naas* and County of *Kildare* are chargeable with, and liable to the Payment of the said Sum. It is thereupon Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the High Sheriff of the County of *Kildare* do forthwith put the said *Hester Sherlock* into the Possession of the said Lands of *Little Rath*, *Bodingslowen*, *Darr*, and *Mullenafooky*, subject to the said Sum of One Thousand Five Hundred and Seven Pounds, Fourteen Shillings, and Eight Pence Farthing, to be held by her the said *Hester*, until such Time, as she shall receive the said Sum chargeable upon the said Lands as aforesaid, and this shall be a sufficient Warrant in that behalf,

To CHARLES NUTTAL, Esq; High Sheriff of the County of *Kildare*.

En, Stern. Cler' *Parliamentor*'. *Virtut. cujus Ordin. predict.* Carolus Nuttal *psuit predict.* Hester Sherlock *in plen. quiet. & pacifice. Possession. Omn. Vill. & Terr. predict. & predict.* Hester Sherlock *jam usq; Continuavit in ead Possession. Præmiss. predict. seuat. tenor. & effect. Ordinis predict. Ratione quorum Resolutio. & Ordin. in Prejudic. & Sessio. Privileg. Parliament. per Leges & Statut. hujus Regni Hibernie provis. infra Nominat. Mauric. Annesley, Sr. ad Possession. Septral. Vill. & Terr. de Little Rath, Bodingslowen, Darr, & Mullenafooky infra Menconant. restituer. non audeat. Sic Respond.*
Alex. Burrowes, Sr. vic.

^d *Annesley* vers. *Sherlock*. Die *Veneris* 23 *Januarii*, 1718. Ordered, By the Lords Spiritual and Temporal in Parliament assembled, That the Lord High Chancellor of *Great Britain* do transmit the two Orders made this Day on the Behalf of *Maurice Annesley*, Esq; to the Barons of the Court of *Exchequer* in *Ireland*, commanding them at the same time to return, as soon as they can, an Account of what shall be done therein.
William Cowper, Cler', *Parliamentor*'.

My Lord Chief Baron,

London the 27th *January*, 1718.

By Order of the House of Lords (a Copy whereof I herewith send you) I transmit to your Lordship and the rest of the Barons of his Majesty's Court of *Exchequer* in *Ireland*, two Orders of the said House, made in the Cause of *Annesley* against *Sherlock*; by one of which the Barons of that Court are commanded to proceed by the most speedy and effectual Methods, to cause Possession of the Estate of the Appellant *Maurice Annesley*, Esq; to be restor'd to him, as was required by Order of the said House of the 6th *February* last: and by the other, the said Barons are commanded to cause *Hester Sherlock* to account before them upon Oath for the Rents and Profits of the Estate in Question, which she has made or received since her gaining Possession thereof, by Order of the House of Lords in *Ireland*; and answer and pay the same to the said Appellant, *Maurice Annesley*, Esq; but without Prejudice to the Right, in Case of an Appeal to be brought by either Party from the Decree of the Court of *Exchequer* in *Ireland*.

Your Lordship will immediately communicate this to the rest of the Barons, and return as soon as you can, an Account of what shall be done by yourself, and the rest of the Barons, in Pursuance of your Lordship's said Orders, as you see by the abovementioned Copy I am order'd to require of you.

I am, Your Lordship's most faithful Servant.

Parker, C.

To the Lord Chief Baron of the *Exchequer* in *Ireland*, and the rest of the Barons.

Annesley vers. *Sherlock*. Die *Veneris* 23 *Januarii*, 1718. Upon Report from the Lords Committees, appointed to enquire into the Reason of the Delay, in not obeying the Orders of this House, relating to the Appeal of *Maurice Annesley*, Esq; and how the same may more properly be enforced: It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Barons of the Court of *Exchequer* in *Ireland* be, and are hereby directed to proceed by the most speedy and effectual Methods, to cause Possession of the Estate of the said *Maurice Annesley*, as required by Order of this House of the 6th of *February* last, to be restored to him.
William Cowper, Cler' *Parliamentor*'.

Annesley vers. *Sherlock*. Die *Veneris* 23 *Januarii*, 1718. Ordered, By the Lords Spiritual and Temporal in Parliament assembled, That the Barons of the Court of *Exchequer* in *Ireland* do cause the Respondent, *Hester Sherlock*, to account before them upon Oath, for the Rents and Profits of the Estate in Question, which she has made or received since her gaining the Possession thereof, by the Orders of the House of Lords in *Ireland*; and to answer and pay the same to the Appellant, *Maurice Annesley*, Esq; but without Prejudice to the Right, in Case of an Appeal to be brought by either Party from the Decree of the Court of *Exchequer* in *Ireland*.
William Cowper, Cler' *Parliamentor*'.

regularly

regularly signed and compared? and without Motion of Council or Attorney, it was ordered in the Name of the *Chancellor and Treasurer, Lord Chief Baron*, and the rest of the *Barons* of his Majesty's Court of *Exchequer* in Ireland, that the Injunction of that Court should forthwith issue, directed to the said *Hester Sberlock*, and to the several and respective Tenants of the Lands in Question; requiring them, and every of them, quietly to restore to the said *Maurice Annesley*, the Possession of the Town and Lands of *Little Rath, Bodinstown, Darr, and Mullenafooky*, lying and being in the County of *Kildare*; the said Lands by the said Barons supposed to be comprehended in the said Order.

That the said Injunction was ordered to be served upon the said Persons by the Pursivant attending the said Court, or by any other Person or Persons whom the said *Maurice Annesley*, or his Agent should appoint: And the said *Maurice Annesley*, or his Agent, was thereby required to leave the Names of the several and respective Tenants of the said Lands at the proper Office, in order to be inserted in the said Injunction: And also ordered, that the Rents of the said Lands remaining in the several Tenants Hands from the Time the said *Hester Sberlock* was put in Possession, shou'd be forthwith by them paid over to the said *Maurice Annesley*; and that a Copy of the said Order should be served upon the said several Tenants of the said Lands, together with the said Injunction: Tho' by the Order of the House of Lords of *Great Britain*, the Barons were only directed to oblige *Hester Sberlock* to account before them upon Oath, for the Rents of the said Lands, received by her since her gaining the Possession thereof; which she was to pay to *Maurice Annesley*, without Prejudice in Case of an Appeal.

That pursuant to the said Order of the 4th of *February*, an Injunction issued out of the said Court, sign'd *Geff. Gilbert*; bearing Test the 12th *February* last, directed to *Hester Sberlock*, and Twenty-one Persons as Tenants to the said Lands. That the said *Hester Sberlock* was never served with the said Injunction or Order: notwithstanding which, she was thereby dispossessed of the said Lands about the 20th *February* last, by the Attornments of the Tenants; except a small Part thereof in the Possession of *Dennis Galvin*.

That upon an Affidavit made by *Richard Lyons*, in a Cause of *Annesley* vers. *Sberlock*, sworn before Mr. Baron *St. Leger*, the 23d of *February* last; and upon Motion of said *Beauman*, an Attachment to the Pursivant was the same Day ordered by the said Court, against said *Dennis Galvin*, for not obeying the said Injunction, though no such Person was named in the said Writ of Injunction.

The said Lords Committees had also the Oath administered to the *Barons* of the *Exchequer*, laid before them by Mr. *Hartley Hutchinson*, Deputy Clerk of the Crown in the High Court of *Chancery*, and is as follows, viz.

YE shall swear, That well and truly ye shall serve the King in the Office of Baron of his Exchequer; and that truly ye shall Charge and Discharge all manner of People; as well the Poor as Rich, and that for Highness nor for Riches, nor for Hatred, nor for the Estate of no manner of Person or Persons, nor for any good Deed, Gift nor Promise

of any Person the which is made to you, nor by Craft nor by Engine; ye shall Lett the King's Right, nor none other Persons Right ye shall Disturb, Lett nor Respitt against the Laws of the Land, nor the King's Debts ye shall put in Respitt where that they may goodly be Levied, and that the King's Needs ye shall speed before all other, and that for Gift, Wages, no good Deed ye shall Layne; Disturb nor Lett the Profit and Reasonable Advantage of the King, in the Advantage of any other Person nor of yourself: And that nothing ye shall take of any Person for to do Wrong or Right or Delay, or for to Deliver or to Delay the People which that have to do afore you; but as hastily as ye may them goodly to Deliver without Hurt of the King, and having no regard to any Profit, that might thereof to you be therein, you shall make to be delivered: And whereas ye may know any Wrong or Prejudice to be done to the King, ye shall put and do all your Power and Diligence that to Redress, and if ye may not do it, ye shall tell it to the King, or to them of his Council, which may make Relation to the King, if ye may not come to him, to the King's Majesty's Lieutenant, or other Chief Governour or Governours of this Realm for the time being, and the King's Council ye shall keep and Layne in all things, as God you help, and by the Contents of this Book.

The Committee humbly take leave to observe to your Lordships, That there is no Name of any Attorney to the first Injunction.

Which said Report being read, the House agreed to the same, and came to the following Resolutions:

RESOLVED on the Question, that *Alexander Burrowes*, Esq; late High-Sheriff of the County of *Kildare*, has fully proved the Allegations of his Petition, to the Satisfaction of this House.

Resolved on the Question, That the said *Alexander Burrowes*, Esq; late High-Sheriff of the County of *Kildare*, in not obeying the Injunction issued forth out of his Majesty's Court of *Exchequer*, dated the 22d *February*, 1717. in the Cause between *Sberlock* and *Annesley*, has behaved himself with Integrity and Courage, and with due Respect to the Orders and Resolutions of this House.

Resolved on the Question, That the Fines imposed upon *Alexander Burrowes*, Esq; by the Court of *Exchequer*, amounting to 77*l.* for not returning the Writ of Injunction in the Cause between *Sberlock* and *Annesley*, be taken off without Fees.

Resolved on the Questions, That the Fines imposed upon *Alexander Burrowes*, Esq; by the Court of *Exchequer*, for not Entering on his Accounts, amounting to 1200*l.* and upwards, be taken off, when he shall have made a just Account, without other Fees than such as are usual on passing Sheriffs Accounts.

Resolved, on the Question, That the Lord Chief Baron, and the other Barons of the Court of *Exchequer*, had due Notice of the Resolutions of this House, made the 11th *February* 1703. in the Cause of the Earl of *Meath*, and Lord *Ward*, before they made an Order for an Injunction to put *Maurice Annesley* into Possession.

Resolved on the Question, That the Lord Chief Baron, and the other Barons of the Court of *Exchequer*, had due Notice of the Order of this House of the 3d of *October*, 1717. in the Cause of *Sherlock* and *Annesley*.

Resolved on the Question, That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative of finally Judging in his High Court of Parliament in *Ireland*, as also of the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved on the Question, That *John Pocklington*, Esq; one of the Barons of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That *John Pocklington*, Esq; one of the Barons of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative of finally Judging in his High Court of Parliament in *Ireland*, as also of the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved on the Question, That Sir *John St. Leger*, Knt. one of the Barons of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That Sir *John St. Leger*, Knt. one of the Barons of his Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against the said *Alexander Burrowes*, Esq; late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative of finally Judging in his High Court of Parliament in *Ireland*, as also of the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved on the Question, *Nem. Con.* That it is the Duty of the Barons of the *Exchequer*, where there is any Wrong or Prejudice done to the King, in Matters lying before them, to inform the King, or the chief Governour, or Governours of this Kingdom, or the Council.

Resolved on the Question, That the Case of *Sherlock* and *Annesley*, as it lately lay before the Barons of the *Exchequer*, being Matter not only of Law; but of State, ought to have been laid before the King, the chief Governour or Governours of this Kingdom, or the Council of the same: It so nearly concerning his Majesty's Pre-

rogative, and the Interest of the whole Kingdom.

Dissentient.

Jo. Meath, *Donerayle.*
Welbore Kildare,
Henry Killalla and Achonry.
Timo. Kilmore and Ardagh.

Middleton, Canc.
Wm. Derry.

Resolved on the Question, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. Barons of the same, in their Proceedings in the Cause between *Sherlock* and *Annesley*, and against *Alexander Burrowes*, Esq; late Sheriff of the County of *Kildare*, have acted contrary to Law, and to the established Practice of the King's Courts.

Dissentient.

Jo. Meath, *Donerayle.*
Welbore Kildare,
Henry Killalla and Achonry,
Timo. Kilmore and Ardagh.

Middleton, Canc.
Wm. Derry.

Resolved on the Question, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, having taken upon him to put in Execution a pretended Order from *Another Court*, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock* and *Annesley* is a *Betrayer* of his Majesty's Prerogative, and the undoubted, antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissentient.

Jo. Meath, *Donerayle.*
Welbore Kildare,
Henry Killalla and Achonry,
Timo. Kilmore and Ardagh.

Middleton, Canc.
Wm. Derry.

Resolved on the Question, That *John Pocklington*, Esq; Second Baron of the Court of *Exchequer*, having taken upon him to put in Execution a pretended Order from *Another Court*, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock* and *Annesley*, is a *Betrayer* of his Majesty's Prerogative, and the undoubted antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissentient.

Jo. Meath, *Donerayle.*
Welbore Kildare,
Henry Killalla and Achonry,
Timo. Kilmore and Ardagh.

Middleton, Canc.
Wm. Derry.

Resolved on the Question, That Sir *John St. Leger*, Third Baron of the Court of *Exchequer*, having taken upon him to put in Execution a pretended Order from *Another Court*, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock* and *Annesley*, is a *Betrayer* of his Majesty's Prerogative, and the undoubted, antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissen-

1719. and other Barons of the Exchequer in Ireland. 195

Dissentient.

Jo. Meath, *Donerayle.*
Welbore Kildare, *Middleton, Canc.*
Henry Killalla and Achonry. *Wm. Derry.*
Timo. Kilmore and Ardagh.

It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Right Honourable *Jeffery Gilbert*, Esq; Lord Chief Baron of the Court of *Exchequer*, shall, for the said Offences, be taken into the Custody of the Gentleman-Usher of the *Black-Rod* attending this House.

Dissentient.

Jo. Meath, *Fitz-Williams.* *Middleton, Canc.*
Welbore Kildare, *Donerayle.*
Henry Killalla and Achonry, *Wm. Derry.*
Timo. Kilmore and Ardagh.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That *John Pock-*

lington, Esq; Second Baron of the Court of *Exchequer*, shall, for the said Offences, be taken into the Custody of the Gentleman-Usher of the *Black-Rod*, attending this House.

Dissentient.

Jo. Meath, *Fitz-Williams.* *Middleton, Canc.*
Welbore Kildare, *Donerayle.*
Henry Killalla and Achonry, *Wm. Derry.*
Timo. Kilmore and Ardagh.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That Sir *John St. Leger*, Knt. Third Baron of the Court of *Exchequer*, shall, for the said Offences, be taken into the Custody of the Gentleman-Usher of the *Black-Rod* attending this House.

Dissentient.

Jo. Meath, *Fitz-Williams.* *Middleton, Canc.*
Welbore Kildare, *Donerayle.*
Henry Killalla and Achonry, *Wm. Derry.*
Timo. Kilmore and Ardagh.




CXCI. *The Trial of Hugh Reason and Robert Tranter, at the King's-Bench, for the Murder of Edward Lutterell, Esq; Feb. 3. 1721. Hil. 8 GEO. I.*

The Indictment was as follows :

In Banco Regis.

Dominus Rex vers. Hugonem Reason & Robertum Tranter.

“  HE Jury present, That *Hugh Reason* and *Robert Tranter*, not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the Devil, the 17th Day of *October* last, about the Hour of Ten of the Clock in the Forenoon of the said Day, by Force and Arms, at the Parish of *St. Clement Danes* in the County of *Middlesex*, in and upon one *Edward Lutterell*, Esq; in the Peace of God and of our Sovereign Lord the King, then and there being, feloniously, voluntarily, and of their Malice aforethought, did make an Assault; and that the said *Hugh Reason*, with a Pistol of the Value of five Shillings, then and there charged with Gun-Powder and leaden Bullets; which said Pistol the said *Hugh Reason* in his Right Hand then and there had and held into and against the aforesaid *Edward Lutterell*, then and there feloniously and of his Malice aforethought did shoot off and discharge: And that the said *Hugh Reason* with leaden Bullets aforesaid issuing and shot off out of the Pistol aforesaid, then and there by the Force of the said Powder, the said *Edward Lutterell* in and upon the Right Part of the Body of the said *Edward Lutterell*, under the Right Pap of the

“ said *Edward Lutterell*, then and there feloniously
 “ voluntarily, and of his Malice aforethought
 “ struck: And that the said *Hugh Reason* then and
 “ there feloniously, voluntarily, and of his Malice
 “ aforesaid, gave to the said *Edward Lutterell*,
 “ with the leaden Bullets aforesaid, out of the
 “ said Pistol then and there by Force of the said
 “ Powder shot off and discharged in and against
 “ the Right Part of the Body of the said *Edward*
 “ *Lutterell*, under the Right Pap of the said
 “ *Edward Lutterell*, one mortal Wound of the
 “ Breadth of one Inch, and the Depth of nine
 “ Inches, of which said mortal Wound the said
 “ *Edward Lutterell*, from the said tenth Hour of
 “ the said 17th Day of *October*, until the tenth
 “ Hour in the Afternoon of the said Day he
 “ languished, and languishing lived, at which
 “ said Hour the said *Edward Lutterell*, at the
 “ Parish aforesaid, of the Wound aforesaid, died:
 “ And that the said *Robert Tranter* at the Time
 “ of the Felony and Murder aforesaid, by the
 “ said *Hugh Reason* in Manner and Form aforesaid, feloniously, voluntarily, and of his Malice aforesaid, committed and perpetrated, feloniously, voluntarily, and of his Malice aforesaid there was present, aiding, abetting, assisting, comforting and maintaining the said *Hugh Reason* to commit the aforesaid Felony and

“ Murder in manner and form aforesaid. And
 “ the Jury say, that the said *Hugh Reason* and
 “ *Robert Tranter* the said *Edward Lutterell* in man-
 “ ner and form aforesaid, at the Parish and County
 “ aforesaid, feloniously, voluntarily, and of their
 “ Malice afore-thought, did kill and murder a-
 “ gainst his Majesty's Peace, &c.

To this Indictment they severally pleaded, *Not Guilty*, and on *Febr. 3.* were brought to the King's-bench Bar to receive their Trial, which proceeded in the following manner.

Clerk of the Crown. You the Prisoners at the Bar, these Men which you shall hear called and personally appear, are to pass between our Sovereign Lord the King and you upon the Trial of your several Lives and Deaths, if you will Challenge them or any of them, you must do it as they come to the Book to be sworn, before they are sworn.

Robert Dennes, Esq; challeng'd.
Francis Lee, Esq; challeng'd.
James Haley, Esq; challeng'd.
Robert Sutton, challeng'd.
Benjamin Drake, challeng'd.
Edward Grosne, challeng'd.
Richard Newton, challeng'd.

1. *Giles Riddle, Jur.*
2. *William Pannett, Jur.*
John Mills, challeng'd.
3. *Thomas Beckington, Jur.*
4. *Abraham Harrison, Jur.*
5. *Charles Maddock, Jur.*
6. *Edward Bosvile, Jur.*
7. *John Parsons, Jur.*
8. *Thomas Cuthbert, Jur.*
9. *Thomas Cliff, Jur.*
10. *Miles Horper, Jur.*
11. *Robert Kent, Jur.* And
12. *John Salt, Jur.*

Clerk of the Crown. Cryer Make Proclamation.

Cryer. O yes, &c. If any one can inform our Sovereign Lord the King's Justices, the King's Serjeants, or the King's Attorney, of the Felony and Murder whereof the Prisoners stand indicted before this Inquest be taken between our Sovereign Lord the King, and the Prisoners at the Bar, let them come forth and they shall be heard, for the Prisoners now stand at the Bar upon their Deliverance.

Clerk of the Crown. *Hugh Reason* hold up your Hand, *Robert Tranter* hold up your Hand.

Gentlemen of the Jury look upon the Prisoners and hearken to their Cause; they stand indicted, for that they not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the Devil, the 17th Day of *October* last, about the Hour of Ten of the Clock in the Forenoon of the said Day, by Force and Arms, at the Parish of *St. Clement Danes* in the County of *Middlesex*, in and upon one *Edward Lutterell, Esq;* in the Peace of God and of our Sovereign Lord the King, then and there being feloniously, voluntarily, and of their Malice afore-thought, did make an Assault; and that the said *Hugh Reason*, with a Pistol of the Value of 5 s. then and there charged with Gunpowder and leaden Bullets; which said Pistol the said *Hugh Reason* in his Right

Hand then and there had and held into and against the aforesaid *Edward Lutterell*, then and there feloniously and of his Malice afore-thought did shoot off and discharge: And that the said *Hugh Reason* with the leaden Bullets aforesaid, issuing and shot off out of the Pistol aforesaid, then and there by the Force of the said Powder, the said *Edward Lutterell* in and upon the right Part of the Body of the said *Edward Lutterell*, under the right Pap of the said *Edward Lutterell*, then and there feloniously, voluntarily; and of his Malice afore-thought struck: And that the said *Hugh Reason* then and there feloniously, voluntarily, and of his Malice afore-said; gave to the said *Edward Lutterell*, with the leaden Bullets aforesaid, out of the said Pistol then and there by Force of the said Powder shot off and discharged in and against the right part of the Body of the said *Edward Lutterell*, one mortal Wound of the breadth of one Inch, and the depth of nine Inches, of which said mortal Wound the said *Edward Lutterell*, from the said tenth Hour of the said 17th Day of *October*, untill the tenth Hour in the Afternoon of the said Day he languished, and languishing lived, at which said Hour the said *Edward Lutterell*, at the Parish aforesaid, of the Wound aforesaid, died: And that the said *Robert Tranter* at the time of the Felony and Murder aforesaid, by the said *Hugh Reason* in manner and form aforesaid, feloniously, voluntarily, and of his Malice afore-said, committed and perpetrated, feloniously, voluntarily, and of his Malice afore-said there was present, aiding, abetting, assisting, comforting and maintaining the said *Hugh Reason* to commit the aforesaid Felony and Murder in manner and form aforesaid. And the Jury say, that the said *Hugh Reason* and *Robert Tranter* the said *Edward Lutterell* in manner and form aforesaid, at the Parish and County aforesaid, feloniously, voluntarily, and of their Malice afore-thought, did kill and murder against his Majesty's Peace, &c.

They likewise stand charged on the Coroner's Inquest for the said Murder.

Upon this Indictment they have been arraigned, and thereto have pleaded *Not Guilty*; and for their Trial have put themselves upon God and their Country, which Country you are: Your Charge is to inquire whether they be guilty of this Felony and Murder in Manner and Form as they stand indicted, or not guilty; if you find them guilty, you shall inquire what Goods or Chattels, Lands or Tenements they had at the time of the said Felony and Murder committed, or at any time since: If you find them not guilty, you shall inquire whether they fled for it: If you find that they did fly for it, you shall inquire of their Goods and Chattels as if you found them guilty; if you find them not guilty, and that they did not fly for it, say so and no more, and hear your Evidence.

Mr. Strange. May it please your Lordship, and you Gentlemen of the Jury, I am Counsel in this Case for the King. This is an Indictment against the Defendants *Hugh Reason* and *Robert Tranter* for the Murder of *Mr. Lutterell*. The Indictment sets forth, that the Defendants not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the Devil, on the 17th of *October* last at Ten of the Clock in the Morning, in the Parish of *St. Clement Danes* in the County of *Middlesex*, did make an Assault on *Edward Lutterell, Esq;* that the Defendant

Hugh

Hugh Reason with a Pistol charged with Gunpowder and Bullets, which he then and there held in his Right Hand, into and against the said *Edward Lutterell* then and there feloniously, and of his Malice afore-thought, did shoot off and discharge, and that the Prisoner *Hugh Reason*, with the leaden Bullets afore-said; issuing and shot off out of the Pistol afore-said; then and there by the Force of the said Powder the said *Edward Lutterell*, in and upon the right part of the Body of the said *Edward Lutterell*, under the right Pap of the said *Edward Lutterell*; then and there feloniously, voluntarily, and of his Malice afore-thought struck, and that the said *Hugh Reason* then and there feloniously, wilfully, and of his Malice afore-thought, did give to the said *Edward Lutterell*, with the leaden Bullets afore-said, out of the said Pistol, then and there by Force of the Powder shot off and discharged in and against the right Part of the Body of the said *Edward Lutterell*, under the right Pap of the said *Edward Lutterell*, one mortal Wound of the Breadth of one Inch, and the Depth of nine Inches, of which mortal Wound the said *Edward Lutterell*, from the said 10th Hour of the said 17th of *October*, to the 10th Hour in the Afternoon of the said Day languished, and languishing lived, at which time the said *Edward Lutterell* at the Parish afore-said, of the Wound afore-said, died: And that the other Defendant *Robert Tranter*, was aiding and assisting the said *Hugh Reason* to commit the said Felony and Murder in manner and form afore-said, and that they the said *Hugh Reason* and *Robert Tranter*, the said *Edward Lutterell* in manner and form afore-said, at the Parish and County afore-said, feloniously, wilfully, and of their Malice afore-thought did kill and murder, which is laid to be against the Peace of his Majesty, his Crown and Dignity, to which the Defendants have severally pleaded *Not Guilty*: they are likewise charged on the Coroner's Inquest for the said Murder. We shall call our Witnesses, and if we prove them guilty you will find them so.

Mr. Serj. *Cheshire*. May it please your Lordship, and you Gentlemen of the Jury, I am Counsel in this Case for the King, the two Prisoners at the Bar, *Hugh Reason* and *Robert Tranter*, stand indicted before you, and are charged before you on the Coroner's Inquest, for the murder of *Edward Lutterell*, Esq; and according to my Instructions, which I will keep exactly to, he came by his Death in this manner: On the 17th of *October* last this Gentleman coming out of his Lodgings in *Surrey-Street*, going towards the Water-side to take Water at the Stairs there, the two Prisoners came to him and did arrest him, and told him, they arrested him at the Suit of one Mr. *Rous*, for 10*l*. He submitted to their Arrest, desired them to return with him to his Lodging and he would pay the Money: They consented, and both returned to the Door with him, but *Reason* was the only Person that went up with him: *Tranter* said he would go and fetch the Attorney or Solicitor's Bill: The Deceased went up one Pair of Stairs, *Reason* went with him, they were together in the Dining-Room, Words happened between them, as will come from the Evidence; they called him *Rogue*, *Rascal*, and *Minter*, charged him as a Person that refused to pay honest Debts, and sheltered himself under reputed Places of Security. He directed his Lady, who was then in her Bed-

chamber on the same Floor up one Pair of Stairs, to go and fetch the Money, by which it may be supposed that it was in order to pay the Debt, but the Witness did not hear the Sum, but it is reasonable to presume, he had told her what it did come to. The Defendant *Reason* said; *You must order more than that, I must have three Guineas for my Civility: No*, says the Deceased, *you have not used me so as to deserve three Guineas or any other Sum for Civility, without making any Demand you arrested me publicly in the Street.* My Lord, according to my Instructions, the Deceased went up one pair of Stairs and he returned down with a Case of Pistols; the Maid Servant, *Hester Gerrard*, seeing him with those Pistols, said to him, *For God sake what business have you with those Pistols? Pray lay the Pistols away, Mischief may happen:* Says he, *I design to do them no harm, they have used me ill, called me Rogue, Rascal, and Minter, I do not design to hurt them, but will not be ill used by them.* The Maid press'd him, *for God sake lay them down, your Lady will be frighted.* He went to the far end of the Room, laid down the Pistols, and retreated to the Fire-place. By this time there was a knocking at the Door, and the Boy *Thomas Hargrave* went to let in the Person that knock'd, and it proved the Defendant *Tranter*: *Tranter* run hastily up Stairs, and the Boy was following him, and hearing a Noise in the Dining Room, as my Instructions are, he hastened the earlier to see what the matter was; as soon as he came into the Dining Room, the first thing he saw was, *Tranter* holding the Deceased's Arm in his, and the other Defendant *Reason* stabbing him, and he saw the Stab: He was going to give the second Stab, but the Boy took hold of the sword Arm; *Reason* takes the Sword with his other Hand, and says to the Boy, *Damn you, if you don't get out of the Room, you shall die before your Master:* Upon this he saw a second Pass at the Gentleman, and he cryed *Murder*; Upon his crying *Murder*, the Maid Servant *Sarah* came, and she says she saw her Master upon his Back on the Floor with his Hands up begging for Mercy, and saw the Men stab him several times: she likewise cries out *Murder*, and as she went down the Stairs, and not till then, she heard a Pistol go off, which must be after the poor wounded mangled Man lay upon the Floor. Some time after, not two Minutes, she heard another Pistol go off, by this time the Noise was so great that the Neighbourhood came in, particularly one *Waters* a Waterman; *Waters* runs up Stairs, and he finds the Deceased at the further end of the Room, lying there in a strange mangled Condition; one of the Prisoners endeavour'd to make his Escape, but he was seized, and so was the other.

It was thought proper in this dying Condition, as it was apprehended the poor Gentleman was in, that they should send for the Curate of the Parish, Mr. *Peters*; Mr. *Peters* did come, and according to my Instructions, as they apprehended him to be dying, says a Friend of the Defendants, *Pray inquire of the Gentleman how this Accident happened.* He did so, and he will give you an Account of what pass'd between him and the Deceased before the Justices of the Peace came. But Mr. *Vernon* and Mr. *Haynes*, the two Justices of the Peace, soon after came in; and at their Request they having no Clerk with them, Mr. *Peters* was pleased to sit down and take the Examination in writing; having given him his Oath, Mr. *Peters* was pleased