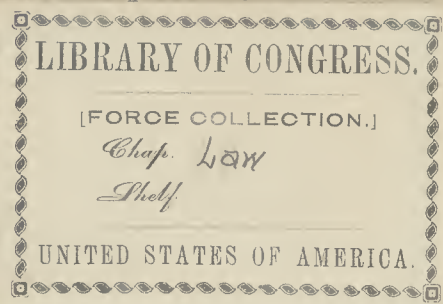


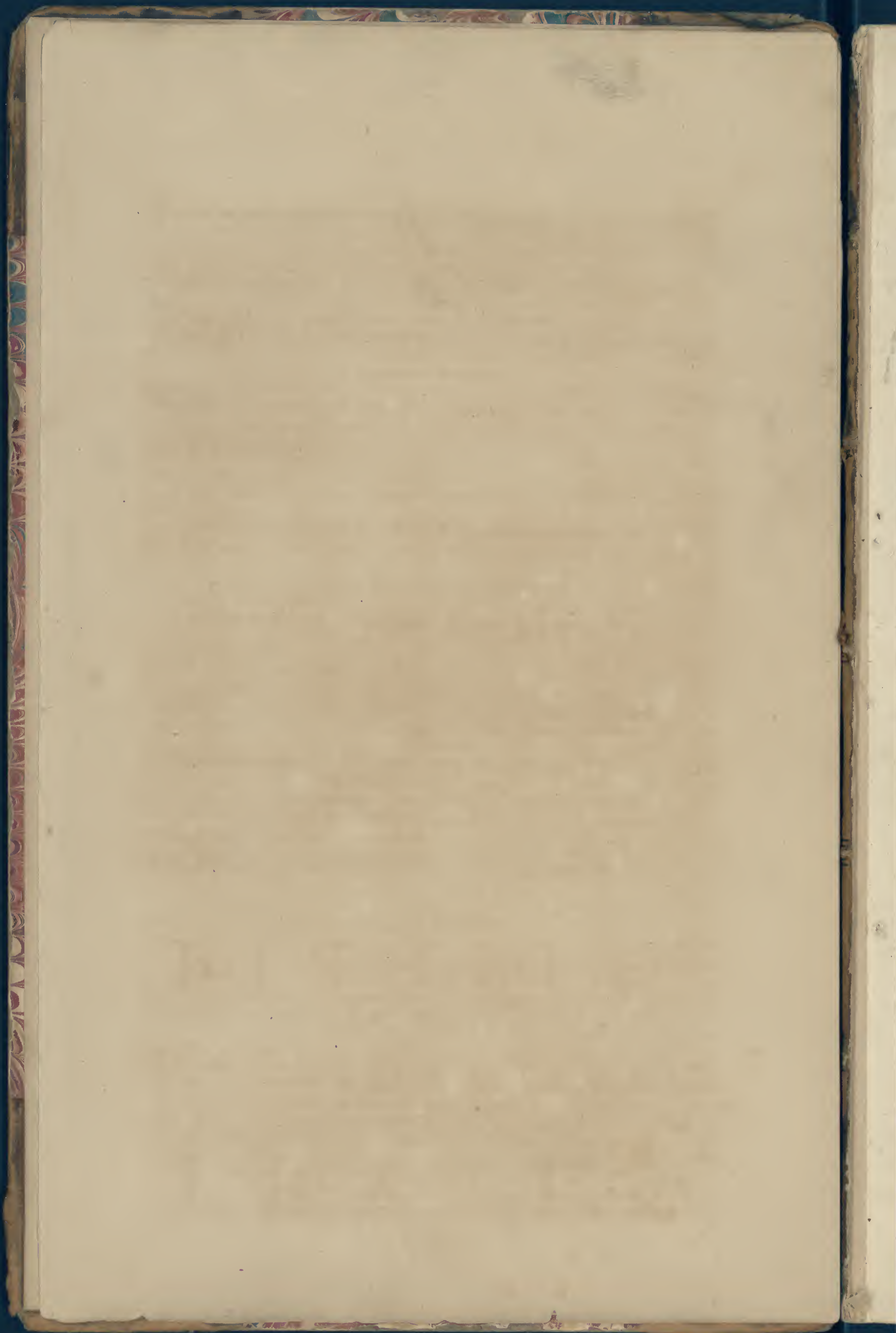
Trials
(A+E)
"Bonnet"

LAW

No. 11. 71

Trials (A. & C.) "Bonnet"





THE
TRYALS
OF
Major STEDE BONNET,
AND OTHER
PIRATES,

VIZ

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 Ammand,
George Rofs,
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.

Who were all condemn'd for PIRACY.

AS ALSO

The TRYALS of Thomas Nichols, Rowland Sharp, Jonathan Clarke,
and Thomas Gerrat, for PIRACY, who were Acquitted.

AT THE

Admiralty Sessions held at Charles-Town, in the Province of South Carolina, on
Tuesday the 28th of October, 1718. and by several Adjournments
continued to Wednesday the 12th of November, following.

To which is Prefix'd,

An ACCOUNT of the Taking of the said Major BONNET, and
the rest of the PIRATES.

LONDON:

Printed for BENJ. COWSE at the Rose and Crown in St. Paul's Church-
Yard. M. DCC. XIX.

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Trials

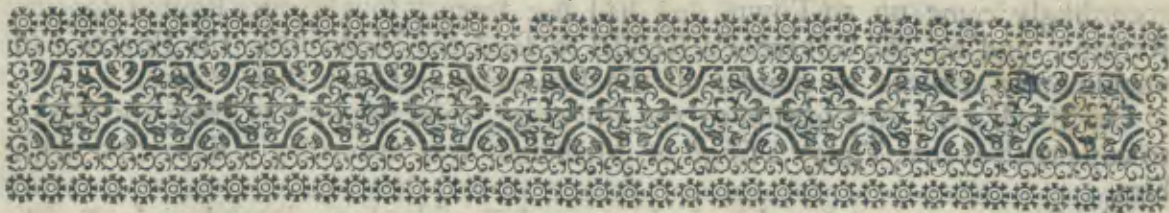
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A

Prefatory A C C O U N T

O F T H E

Taking of Major *Stede Bonnet*, and the other Pirates, by the two Sloops under the Command of Col. *William Rhett*.

AS most Colonies in America have had their Trade interrupted by the Pirates, that for these three Years past have been so numerous, and committed so many Villanies, not only in destroying Vessels and their Cargoes, but barbarously murdering many innocent Persons; so this Province of *South Carolina* in particular has had a great Share of their Insults, and especially from one of the most noted amongst them, namely Major *Stede Bonnet*, alias *Capt. Edwards*, alias *Thomas*, late of *Barbadoes*: who, it seems, at his own Cost and Charges fitted from thence a large Sloop called the *Revenge* with ten Guns, and about eighty Men. And after his leaving *Barbadoes* committed several Piracies, and came in August, 1717. off of the Bar of *South Carolina*, and there took two Vessels bound in; one a Sloop with Negroes, Rum, and Sugar, *Capt. Joseph Palmer* from *Barbadoes*; the other a Brigantine, *Capt. Thomas Porter* from *New England*, whom, after he was plunder'd, they dismiss'd: but the Sloop they went away with, and at an Inlet in *North Carolina* careen'd by her, and then burnt her.

In June last we were again visited by the same Pirate, but in a more formidable Manner, having by that time encreased their Number to between three and four hundred fighting Men, and had with them a large Ship mounted with forty Guns, their former Sloop the *Revenge*, which was now called their *Privateer*, and two other Sloops, Prizes, which served them as Tenders. The Ship they called the *Queen Anne's Revenge*; and were all under the Command of one *Capt. Thatch*, but better known by the Name of *Black-Beard*. Major *Bonnet* was on board, but in no Command.

They were no sooner off the Bar, but they took five Prizes, viz. two Ships bound in from *London*, two bound out to the same Place, and a small Coasting Sloop.

The next Thing they had to do, was to know how to dispose of the Vessels and Prisoners; and being then in want of Medicines, they resolv'd to demand a Chest from the Government, and detain them till they were sent.

A

Accord-

Accordingly they sent one of their Prisoners, (Mr. Marks) a Gentleman that was a Passenger, (and bound to *London*) and two of their own People. Mr. Marks accordingly came up to Town, and had but twenty four Hours limited for his Return; and on the Governor's Refusal to send the Medicines, the Pirates had unanimously resolved to murder all the Prisoners; and burn their Prizes.

On Mr. Marks's Application to the Governor, (and the Pirates being too strong to cope with at that Time) a Chest of Medicines was accordingly dispatch'd with him.

The Pirates on receiving them had a general Consultation; but what the Result was, is unknown. But however, they hurried the Prisoners to their Vessels the next Day, and made Sail from this Coast.

In about a Month after we had Advice from *North Carolina* that these Pirates having some Difference among themselves, ran their Ship and one of the Sloops on shore on that Coast; and afterwards the Captain (*Blackbeard*) cheated most of his Crew of their Share of the Riches they had taken.

Upon this they separated. *Bonnet* got his own Sloop the *Revenge*, and with about fifty of the oldest Pirates went to the old Trade. *Blackbeard*, with about thirty more, sailed from thence on the same account in the other Sloop.

We heard nothing of them till about the beginning of *September*, 1718. when we had a particular Information that a Pirate Sloop of ten Guns and sixty Men was at *Cape Fear River*, to the Northward of this Port, with two Prizes, and had there begun to careen and refit. We did not doubt but we should then soon have another Visit from them: To prevent which, Colonel *William Rhett*, of this Province, waited on the Governor, and generously offered himself to go with two Sloops, and attack this Pirate; which the Governor agreed to, and accordingly gave Colonel *Rhett* a Commission and full Power to fit such Vessels as he thought proper for such a Design.

In a few Days two Sloops were equipped and manned: The *Henry* with eight Guns and seventy Men, commanded by Capt. *John Masters*, and the *Sea-Nymph* with eight Guns and sixty Men, commanded by Capt. *Fayrer Hall*, both under the entire Direction and Command of Colonel *Rhett*; who on the 10th of *September* went on board the *Henry*, and with the other Sloop sailed from *Charles-Town* to *Swillivants-Island*, to put themselves in order for the Cruise. And just then arrives a small Ship from *Antegoa*, one Cook Master, who gave us an account, That in sight of our Bar he was taken and plunder'd by one *Charles Vane* a Pirate, in a Brigantine of twelve Guns and ninety Men; and who had also taken two other Vessels bound in here; one a small Sloop, Capt. *Dill* Master, from *Barbadoes*; the other a Brigantine, Capt. *Thompson* Master, from *Guinea*, with ninety odd Negroes, which they took out of his Vessel, and put on board another Pirate Sloop they then had under the Command of one *Teates*, with fifteen Men: which was fortunate to Capt. *Thompson's* Owners. *Teates* having often attempted to leave this Course of Life, took this Opportunity; for in the Night he got away from the Brigantine, and carried the Sloop and Negroes into *North Edisto River*, to the Southward of this Port. The Owners got their Negroes; and *Teates* and his Men had Certificates given them from the Government.

Vane mean while continued cruising off our Bar, in hopes to catch *Teates*: and it unfortunately happen'd that four Ships, bound to *London*, and who had waited some time for a fair Wind, got then over the Bar, and two of them were taken; namely, the *Neptune*, a large Pink with sixteen Guns, Capt. *King* Commander; and the *Emperor*, with ten Guns, Capt. *Power* Commander; but both very deep loaded.

The Pirates gave out, while the Prisoners were on board, that they design'd to go into some of our Rivers to the Southward, and there careen.

Colonel *Rhett*, upon hearing this, sailed over the Bar the 15th of *September*, with the two Sloops before mentioned; and having the Wind northerly, went after the Pirate *Vane*, and scour'd the Rivers and Inlets to the Southward. But not meeting with him, tack'd and stood for *Cape Fear River*, in prosecution of his first Design: And on the 26th following in the Evening enter'd the Mouth of the River,

River, and saw over a Point of Land three Sloops at Anchor, which were the Pirate and his two Prizes; but it happen'd in going up the River the Pilot ran both Sloops a-ground, and it was dark before they were on float, which hinder'd their getting up that Night. The Pirate soon discover'd our Sloops, and not knowing who they were, they manned three Canoes, and sent them down the River, in order to view and take them, if they could; but they soon found that impracticable, our People lying on their Arms all Night, and kept a strict watch. The Canoes return'd, and the Pirates all that Night made Preparations for engaging; and the next Morning, Saturday the 27th of September, they got under Sail, and came down the River; and depending on their Sloops sailing, designed only a Running-Fight. But our Sloops stood for him, and got on his each Quarter, with design to board the Pirate: which he finding, edged in towards the Shore; and being warmly engaged, their Sloop ran a-ground. Our Sloops being in the same shoal Water, were a-ground as soon as the Pirate; the *Henry*, in which Col. *Rhett* was, grounded within Pistol-shot of the Pirate, and on his Bow; the other Sloop grounded right a-head of him, and almost out of Gun-shot, which made him of little Service to the Colonel while they lay a-ground.

At this time the Pirates had a considerable Advantage; for their Sloop, after she was a-ground, lifted from Colonel *Rhett's*, by which means they were all covered; and the Colonel's Sloop lifting the same way, his Men were much expos'd. Notwithstanding which, they kept a brisk Fire the whole time they thus lay a-ground, which was near five Hours. The Pirates made a Wiff in their bloody Flag, and beckon'd with their Hats in derision to our People to come on board them; which they only answered with chearful Huzza's, and told them it would soon be their Turn. And which was so in a little time; for Colonel *Rhett* was first a-float, and got into deeper Water; and after mending the Sloop's Rigging, which, with the Sloop, was much shatter'd in the Engagement, they stood for the Pirate, to give a finishing Stroke, and designed to go directly on board him; which he prevented by sending a Flag of Truce: and after some time capitulating, they surrender'd themselves; and our People took possession of their Sloop, and went up the River, in order to refit and water; where they retook the two Prizes which the Pirate had taken two Months before. They were both Sloops; one belonging to *Antegoa*, Capt. *Peter Manwareing* Commander; the other to *Pensilvania*, Capt. *Thomas Read* Commander.

Our People were well pleas'd to find this Pirate to be Major *Bonnet*, who had so often infested our Coast: He went then by the Name of Capt. *Thomas*.

We had killed in the Action on board the *Henry* ten Men, and fourteen wounded; on board the *Sea-Nymph* two killed, and four wounded. The Officers and Mariners in both Sloops behaved themselves with the greatest Bravery; and had not the Sloops so unluckily run a-ground, we should have taken the Pirate with much less loss of Men: But as he design'd to get by them, and so make a Running-Fight, our Sloops were obliged to keep near him, to prevent his getting away. Of the Pirates there were seven killed, and five wounded, two of which died soon after of their Wounds.

Colonel *Rhett* weighed the 30th of September from Cape Fear River, and arrived at *Charles-Town* the 3d of October, to the great Joy of the whole Province.

Bonnet and his Crew two Days after were put on shore; and there not being a publick Prison, the Pirates were kept at the Watch-House under a good Guard of the Militia: but Maj. *Bonnet* was committed into the Custody of the Marshal, at his House. And in a few Days after *David Herriot* the Master, and *Ignatius Pell* the Boatwain, who were design'd to be Evidence for the King against the other Pirates, were removed from the rest of the Crew to the said Marshal's House, and every Night two Centinels set about the said House: But notwithstanding all that Care, and the strict Orders the Governor often gave the Marshal to take care of his Prisoners, on the 24th of October Major *Bonnet* and *Herriot* made their Escape, the Boatwain refusing to go with them. When the Account was brought the Governor that *Bonnet* had made his Escape, he immediately issued out his Proclamation, and promised a Reward to any that would retake him; and accordingly sent several

several Boats with armed Men both to the Northward and the Southward in pursuit of them. But all return'd without being able to give any Account of them.

Bonnet stood to the Northward; but wanting Necessaries, and the Weather being bad, he was forc'd back, and so return'd with his Canoo to *Swillivants* Island, near *Charles-Town*, to fetch him Supplies. But there being some Information given to the Governor, where it was thought they might find *Bonnet*, the Governor sent for Colonel *Rhett*, and desired him to go in pursuit of *Bonnet*, and accordingly gave him a Commission for that purpose. Whereupon the Colonel, with proper Craft, and some Men, went away that Night for *Swillivants* Island. They searched very diligently for a long time before they found them; but at last discovering where they were, some of Colonel *Rhett's* Men fired at them, and killed the Master *Herriot* upon the Spot, and wounded one *Negroe* and an *Indian*. *Bonnet* submitted, and surrender'd himself; and the next Morning, being *November* the 6th, was brought by Colonel *Rhett* to *Charles-Town*, and by the Governor's Order was committed into safe Custody, in order to his being brought to Tryal.



The

*The Proceedings of the Court of Vice-Admiralty Sessions,
held at Charles-Town in South-Carolina, the 28th Day
of Octob. 1718. and by several Adjournments continu'd
to Wednesday the 12th of November following.*

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 Confeillere Esq;

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



H E 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 Testied 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, Foreman.
Robert Tradd.
Andrew Allen.
Peter Manigault.
John Beauchamp.
John Bullock.
Thomas Barton.
Anthony Matthews.

Alexander Kinlock.
Henry Perrineau.
Paul Douxsaint.
John Breton.
John Bee.
Daniel Gale.
Thomas Loyde.
Laurence Dennis.

Elias Foisin.
John Shepherd.
John Simmons.
George Peterson.
Solomon Legare.
Abraham Lefuir.
John Caywood.

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 inlarge 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 myself, 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 *Suprema Curia Admiraltatis Angliæ Juxta*: within whose 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 antient: 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 antient, 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 then an Admiral time out of mind, and by many other antient 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 antient Manuscript De l'Office de l'Admiralty, translated into Latin by one Tho. Rowghton, calling it De Officio Admiraltatis, 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

(a) See Godolph. Admir. Jurisd. c. 4. p. 41.

(b) Godolph. p. 24.

(c) Spelmanii Glossarium in voce Admiral. p. 14. usque ad p. 17.

(d) P. 215. to p. 230. And Justice his Laws of the Sea, p. 284. to p. 282.

(e) Coke on Littl. 1. 3. c. 7. §. 439. f. 260. b.

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

all things done upon the main Sea (g), or Coasts of the Sea. And of the Death (h) of a Man, and of Murther 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. 8. 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 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 England (l) 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 is derived from *παιρᾶν*, *transire*, à *transeundo mare*, was antiently 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 his (n) *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 (p) Greek Word *πῆρα*, *Deceptio, Dolus, Deceit*; or from the Word *παιρᾶν*, *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 κερῆες, Sea-Malefactors were called *παιράται*, *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 *παιρᾶν*, which again is fetched from *παιρᾶν*, à *transeundo 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.

(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. §. 2. p. 214. And see 13 Car. 2. c. 9. Art. 36. p. 1174.

(i) 28 H. 8. c. 15. p. 486.

(k) N^o 3.

(l) See Sir Charles Hedges his Charge at the Tryal of Dawson, &c. p. 6.

(m) *Pirata*, pro milite maritimo sicut *παιρᾶν*, i.e. *transire vel pervagari*. Affor Menevens. Epist. in vit. Ælfredi — Rex Ælfredi iussit cymbas & galeas, i.e. longas naves, fabricari per Regem, ut navali praelio hostibus adventantibus obviaret. Imposuisse Piratis in illis, vias maris custodiendas commisit. Hoc sensu Archipiratam dici censeo pro nautarum prefecto, vel quem hodie Admiratum nuncupamus. In quadam enim Charta Regis Edgaris Canobio Glasgoniensi concessa, An. Dom. 971. testium unus, Martinus

Archipiratam se nominat. Annal. Gisleburnenses, in Will. Ruffo, cap. 1. Robertus vero Comes (Normanie) 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. & Godolph. 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. §. 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. Molloy de Jure Marit. l. 1. c. 4. §. 1. p. 51.

(s) See Laws of Oleron, c. 47. in Godolph. in p. 211.

(t) Molloy, ib. §. 12. p. 57.

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, (x) *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. 3. Piracy was holden to be *Petit Treason*, and the Offence said to be done *contra Ligeancia sua 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. 8. (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. 8. gives a *Trial* by the Course of the *Common Law*, yet it alters not the *Nature* of the Offence; 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 explain'd 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 rife 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, encourag'd * 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 just reason to suppose, that when all things were fitted for their mischievous Designs, to come again to cruise 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.

(u) In odium Piratarum, præter alias pœnas, statutum est ut eorum navigia cuiusvis diripere liceat. Zouch de Jure Nautico, p. 1. §. 10. p. 400.

(w) A Piratis aut Latronibus capti liberi permanent. D. l. 49. t. 15. 19. §. 2. p. 757.

(x) Qui a Latronibus captus est, servus latronum non est: nec Postliminium illi necessarium est. lb. N° 24.

(y) Et quæ Pirata 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 reperiuntur vindicari possunt. Grot. de Jur. Bel. ac Pac. l. 3. c. 9. §. 16. p. 561.

(z) See 27 E. 3. c. 13. p. 128. 1 Croke, p. 685. Anonym.

Hobart, p. 78, 79. Sir R. Bingley's Case; and Edmian and Smith's Case, 29 C. 2. 3 Keble, p. 44. pl. 11. Bridal's Jus Crim. p. 71. Molloy, B. 1. c. 4. §. 22, 23. p. 61, 62.

(a) Coke, 3 Inst. c. 49. p. 113. Hale, P. C. p. 77. Bridal, 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. §. 2. p. 98.

(b) 28 H. 8. c. 15. §. 3. p. 487.

(c) Coke, p. 112. Hale, p. 77. Bridal, p. 72. Molloy, B. 1. c. 4. §. 25, 26. p. 62.

(d) Hawkins, lb. §. 10. p. 100.

* Vane.

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 assur'd the *Proofs* will be so clear and full, that you'll have no reason to doubt of 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 adjourn'd 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.

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 alias Evis, Samuel Booth, William Hewett, and John Levit*, for feloniously and piratically taking the said Sloop *Francis*, with her Goods, Capt. *Peter Manwareing* Commander.

C

And

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

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

Then the *Grand Jury* return'd, finding *Billa vera* on the Bill of Indictment against *Stede Bonnet* alias *Edwards*, alias *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 Hariot*, *John William Smith*, *Thomas Carman*, *John Thomas*, *William Morrison*, *William Livers* alias *Evis*, *Samuel Booth*, *William Hewet*, and *John Levit*, for the same Fact, in taking Capt. *Manwareing*.

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

As also the Bill of Indictment against *James Robbins* alias *Rattle*, *James Mullet* alias *Millet*, *Thomas Price*, *John Lopez*, *Zachariah 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* alias *Edwards*, alias *Thomas*, *David Hariot*, *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* alias *Rattle*, *James Mullet* alias *Millet*, *Thomas Price*, *James Wilson*, *John Lopez*, and *Zachariah Long*, for the same Fact, in taking Capt. *Read*.

And another against *William Morrison*, *William Livers* alias *Evis*, *Samuel Booth*, *William Hewet*, *John Levit*, *William Edy* alias *Wedy*, *Alexander Annand*, *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* alias *Evis*, *Samuel Booth*, *William Hewett*, and *John Levit*, for feloniously and piratically taking the Sloop *Francis*, with her Goods, Capt. *Peter Manwareing*, Commander.

Who all pleaded Not Guilty.

The Court adjourn'd till Thursday Morning.

Thursday, October the 30th, 1718.

The Court met according to Adjournment.

Then the *Grand Jury* return'd, finding *Billa Vera* on the Bill of Indictment against *Stede Bonnet* alias *Edwards*, alias *Thomas*, *David Hariott*, *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* alias *Rattle*, *James Mullet* alias *Miller*, *Thomas Price*, *James Wilson*, *John Lopez*, and *Zachariah Long*, for the same Fact, in taking Capt. *Read*.

And on the Bill of Indictment against *William Morrison*, *William Livers* alias *Evis*, *Samuel Booth*, *William Hewett*, *John Levit*, *William Edy* alias *Wedy*, *Alexander Annand*, *George Ross*, *George Dunkin*, and *Thomas Nichols*, for the same Fact.

Then the Court proceeded to the Tryal 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 last called, 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

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

Timothy Bellamy, Foreman;
George Duckett.
John Rivers.
William Sheriffe.
Benjamin Dennis.
Hugh Durfey.

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

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 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.

THE Jurors for our Sovereign Lord the King do upon their Oath present, That *Stede Bonnett* alias *Edwards*, alias *Thomas*, late of *Barbadoes*, Mariner; *Robert Tucker*, late of the Island of *Jamaica*, Mariner; *Edward Robinson*, late of *New-Castle upon Tyne*, Mariner; *Neal Paterson*, late of *Aberdeen*, Mariner; *Job Bayley* alias *Beely*, late of *London*, Mariner; *William Scot*, late of *Aberdeen*, Mariner; the 2d 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* alias *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* alias *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 Molosses, 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 Cotton, 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 Moidors 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* alias *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* alias *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 Tryal 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

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 and Piracy committed, or at any time since. But if you find them not guilty, &c. And hear your Evidence.

Then *Richard Allein 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 28th of *Henry the Eighth*, entitled, *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 Moors 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 ruined 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 essential Care has been 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 ruined by the Pirates: But what occasion have we to look abroad? What a grievous Dilemma were we our selves reduc'd 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 publick 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

but send out a Force to suppress them. However, we must own that that Honourable Gentleman, Colonel *William Rhett*, 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 *Rhett* went in Person, accompanied by many Gentlemen of the Town, animated with the same Principle of Zeal and Honour for our publick 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 Coast, tho all possible Care was taken to prevent it. However, Col. *William Rhett* 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 ashore 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 Governor, 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 carry'd on with Prudence and Courage, and crown'd with Victory and Success; and I hope Col. *Rhett*, 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 tho 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, set up all night, sending *Hue and Cry* and *Expreses* by Land and by Water, throughout the whole Province; so that 'tis to be hoped 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 obliged 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 charged with. And you are not allowed 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 5th 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

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 Bayly, 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. Rhett*, 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 Bayly, 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 call'd 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 publick Justice, and are often attended with publick Calamities.

It is not therefore, Gentlemen, to be supposed that wise or honest Men, (and there is none who could 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 (two 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 this piece of Service for the publick 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 Forefathers: 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 chearfully follow so good, so great, so excellent an Example, by assisting and contributing to the utmost of his Power and Capacity at all times

times toward 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 inbru'd 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 appear'd, 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 *Topsail 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.

Attor. *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. Maj. *Bonnet* came with the Boat, and told us, as we were on a Maroon 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.

Attor. *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 *Topsail-Inlet*, it was with a Design to go to *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.

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

Ign. *Pell*. Yes, Sir, all was 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.

Judge

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

Ign. Pell. I know nothing to the contrary.

Judge Trott. Was Tucker there in particular?

Ign. Pell. He was, to be sure.

Judge Trott. Go on.

Ign. Pell. Then we gave Chace to a Ship bound and we came up with her, in which was 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, and some Butter, and other Provision.

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

Ign. Pell. Some *Molosses* that we had on board Maj. 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?

Ign. 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 Captain *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?

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

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

Ign. 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.

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

Ign. 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?

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

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

Ign. 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?

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

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

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

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

Ign. 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 Captain *Thomas Read*; who appeared, and was sworn.

Mr. Hepworth. Captain *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 of 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 asked 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 was twenty one Hogsheads; and that

that he had ordered Pitch and Tar to be put on board the Sloop, and in the Evening they took the Forefail and Mainfail of the Scooner, and sailed for Cape Fear.

Judge *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.

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

Capt. *Read*. No, Sir.

Judge *Trott*. Do you know any thing of their *sharing*? 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*. Capt. *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 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 their Hands to their Cutlashes. 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 my 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. *Manwareing*. 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. *Manwareing'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 Capt. *Manwareing's* Sloop.

James Killing. The *Thirty first* of *July*, between Nine and Ten of the clock, there running a strong Tide of 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 asked from whence they came? They said Capt. *Thomas Richards* from *St. Thomas's*, and Capt. *Thomas Read* from *Pensylvania*. They asked me from whence we came? I told them from *Antegoa*. They said we were welcome. I said they were welcome, as far as I knew. 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 Cutlashes; 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 Cutlashes. They asked me if I would not come and eat along with them? I told them I had but little Stomach to eat. They asked 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 Hogheads of Molasses, and several Hogheads 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 amongst 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 *Bonnet's* Men was ordered 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 was my Inclinations that way. After that, *Maj. Bonnet* himself came to me, and told me I must either go on a Marroon 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 failed 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, *Maj. 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.

Judge *Trott*. Have you done with your Evidence?

J. Killing. Yes.

Cl. Would 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 stand charged with *Felony* and *Piracy* committed on a certain Sloop belonging to Capt. *Peter Manwareing*. 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.

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

Robert Tucker. After Capt. *Thatch* had taken what we had, and left us, *Maj. 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.

Judge *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.

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

Cl. *Edward Robinson*, what have you to say?

Edward Robinson. When Capt. *Thatch* left us, it was on a Marroon Island, and *Maj. Bonnet* came and told me he was going to *St. Thomas's*, and we might go with him.

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

Ed. Robinson. Yes.

Judge *Trott*. Why had you not come on shore then?

E. 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.

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

E. Robinson. No.

Cl. *Neal Paterfon*, what have you to say in Defence of your self?

N. Paterfon. *Thatch* came on board and carried away fourteen of our best Hands, and marrooned twenty-five of us on an Island; and *Maj. 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 pleased, for it was against my will.

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

N. Paterfon. Yes.

Attor. Gen. Was you not all ashore when you received the Act of Grace?

N. Paterfon. Yes, Sir.

Attor. 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 forced, 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 pleased; but it was contrary to my Inclination.

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

W. Scot.

W. Scot. When we left *Topfail-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 Maj. *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 forced 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?

Attor. Gen. May it please your Honours, and you the Gentlemen of the Jury, the Evidences have plainly proved, 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 received 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 *Topfail-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 appeared 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 mentioned in the Indictment were taken out, and that they shared these Goods amongst 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 *Paterfson* 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 proved the Indictment upon them, and that it is very plain and home against them. They plead indeed, that they were forced and constrained 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 returned, 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. 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 Paterfson*, *William Scot*, and *Job Bayley*, guilty.

Cl. Marshal, look to your Prisoners.

Then

Then the Court proceeded to the Tryal of *John William Smith, Thomas Carman, John Thomas, William Morrison, William Livers alias 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,

Cl. You the Prisoners at the Bar: These good Men that were laſt called, 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.

Samuel Prioleau, Foreman.
John Hodgſon.
Garrard Vanvilſen.
Robert Harvy.
Joſhua Marriner.
Thomas Fairchild.

Henry Gennelack.
John Jeffers.
Charles Marche.
John Grimal.
Benjamin Griffin.
Joſeph Maſſey.

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 alias 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 2d Day of *Auguſt*, &c. as in *Pag. 7*.

Cl. Upon this *Indictment* they have been arraigned, &c. as in *Pag. 7*.

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. See *Pag. 11*, &c.

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 *Topſail-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*.

Attor. Gen. Did you bear Arms on board of *Maj. Bonnet*?

Smith. Yes, Sir.

Attor. 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 *Capt. Thatch*, I was forced; but when I came to *North Carolina*, I would not have went on board, but *Maj. Bonnet* ſhewed 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 *Topſail-Inlet*, I had not ſigned the Articles.

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

Carman. When I was left in the Sloop, I endeavoured 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 from them: but I could not.

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

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

Thomas.

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

Judge 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.

Judge Trott. And yet you say, you was not willing to go a pirating.

Cl. William Morrison, what have you to say?

Morrison. Capt. *Thatch* had run the Sloop ashore, and Maj. *Bonnet* went up to the Governor for the Act of Grace; and when he return'd, 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.

Judge 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 alias *Evis*, what have you to say?

Evis. After we came to *North Carolina*, and Capt. *Thatch* had lost the Ship, Maj. *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.

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

Evis. They forced me to do what I did.

Cl. Samuel Booth, what have you to say?

Booth. As we came from *Topsail-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.

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

Booth. But my Inclination was not that way.

Cl. William Hewet, what have you to say?

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

Cl. John Levit, what have you to say?

He makes no Defence.

Attor. Gen. May it 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.

Judge 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 Livers* alias *Evis*, *Samuel Booth*, *William Hewet*, and *John Levit*, guilty.

Then the Court adjourn'd till Friday Morning.



Friday, October the 31st, 1718.

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

THE Jurors for our Sovereign Lord the King do upon their Oaths present that *William Eddy* alias *Nedy*, late of *Aberdeen*, Mariner; *Alexander Annand*, late of *Jamaica*, Mariner; *George Rofs*, 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

Lord King George, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. as in Pag. 7.

Who all pleaded *Not Guilty*.

Then the Court proceeded upon their *Trial*.

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

Timothy Bellamy, Foreman, &c. as in Pag. 7.

The same Witnesses against these, viz.

Ignatius Pell, the Boatwain.

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. [See P. 11, &c.] 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 acknowledg'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 *Maj. 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 *Maj. Bonnet* sent for him, he refused to go, and said, he would die before he would fight.

Cl. 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?

Judge 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 *Maj. 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.

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

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

None asked.

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

Cl. *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.

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

Nedy. I never acted in it.

Judge 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.

Cl. *Alexander Annand*, what have you to say?

Annand. 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.

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

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

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

Ross. I belonged to Sloop, and we met with *Maj. 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. Manwareing* was taken.

Judge Trott. And you had your Share of *Manwareing's* Goods?

Ross. Yes.

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

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

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

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

Dunkin. After we were taken at the Capes of *Maj. 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.

Judge *Trott*. But why did you join with them afterward in taking your Shares of *Manwareing's* Goods? and why did you fight Col. *Rhett* 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 their Brains out.

Thomas Nichols made his Defence before.

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

Ridge. After we came to *Topfail-Inlet*, and the Ship was lost, *Maj. 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.

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

King. When we were at *Topfail-Inlet*, Capt. *Thatch* marooned us on an Island, and left us; and *Maj. 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.

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

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

Judge *Trott*. What need had you then to go a pirating?

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

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

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

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

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

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

Henry Virgin. *Maj. 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.

Judge *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.

Judge *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.

Judge *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 *Manwareing* 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.

Judge *Trott*. Gentlemen of the Jury, the Prisoners at the Bar stand indicted for *Felony* and *Piracy* committed on a Sloop belonging to Capt. *Peter Manwareing* Commander, and not only did they break and board the said *Manwareing'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 *Topfail-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. *Manwareing* 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

it's

it's plain that 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. Manwareing*, 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 Rhett*, 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 the Hole, and did not fight *Col. Rhett*. 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 Jury.

Who after they had considered of their Verdict, return'd, and found *William Eddy*, alias *Nedy*, *Alexander Annand*, *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 Mullett* alias *Millett*, *Thomas Price*, *James Wilson*, *John Lopez*, and *Zachariah 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 Robbins* alias *Rattle*, late of *London*, Mariner; *James Mullett* alias *Millett*, late of *London*, Mariner; *Thomas Price*, late of *Bristol*, Mariner; *James Wilson*, late of *Dublin*, Mariner; *John Lopez*, late of *Oporto*, Mariner; and *Zachariah 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. (as in Page 7.)

To which Indictment *James Robbins* alias *Rattle*, *James Mullett* alias *Millett*, *Thomas Price*, *John Lopez*, and *Zachariah Long*, pleaded Not Guilty. *James Wilson* pleaded Guilty. Then the Court proceeded upon the Tryal of those that pleaded Not Guilty.

The Jurors were sworn, whose Names are as followeth:

<i>Samuel Prioleau</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. See Page 11, &c.

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.

Cl. *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. So I was about to run away, if I had an Opportunity.

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

Mullett. When we left *Topsail-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.

Judge *Trott*. Had you not your Share?

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

Clerk.

Clerk. John Lopez, what have you to say?

Lopez. I was at the Bay of Honduras, and was taken by Thatch, and carried to Topsail-Inlet, and there he marooned 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.

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

Lopez. Yes; but it was against my Will.

Judge 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. That is all I can say of him.

Clerk. Zachariah 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 Jury.

Who after they had consider'd of their Verdict, return'd, and found the above-said James Mullet alias Millett, Thomas Price, John Lopez, and Zachariah 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.



HEN the Court proceeded to arraign Edward Robinson, Robert Tucker, William Scot, Job Bayley, Neal Paterson, 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 Paterson, late of Aberdeen, Mariner; John-William 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 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, 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 being a Sloop of certain Persons (to the Jurors aforesaid unknown) and then and there piratically and feloniously did make an Assault upon the said Thomas Read, and other his Mariners (whose Names to the Jurors aforesaid are unknown) in the same Sloop, in the Peace of God, and of our now Sovereign Lord the King, then and there being, piratically and feloniously did put the aforesaid Thomas Read, and other 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 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 Teirces of Bread, of the Value of thirteen Pounds, current Money of Pennsylvania; four Barrels of Bread, of the Value of four Pounds, like current Money of Pennsylvania; one Barrel of Linseed Oil, of the Value of seven Pounds, like current Money of Pennsylvania; two Teirces of Hams, of the Value of twenty Pounds, like current Money of Pennsylvania; and twenty Barrels of Flower, of the Value of twenty Pounds, like current Money of Pennsylvania; six China-Plates, of the Value of three Pounds, like current Money of Pennsylvania; seven Iron-bound Blocks, of the Value of forty Shillings, like current Money of Pennsylvania; ninety Fathom of Rigging, of the Value of three Pounds, like current Money of Pennsylvania; 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 unknown) then and there, upon the High Sea aforesaid, in the aforesaid Place, called *Cape Fear*, in the Latitude of Thirty four, or thereabouts, 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 Possession, then and there, upon the High-Sea aforesaid, in the Place aforesaid, called *Cape Fear*, in the Latitude of Thirty four, or thereabouts, 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 Tryal.

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

<i>Timothy Bellamy</i> , Foreman.	<i>Thomas Chambers</i> .
<i>George Duckett</i> .	<i>Daniel Townsend</i> .
<i>John Rivers</i> .	<i>John Lee</i> .
<i>William Sheriff</i> .	<i>Thomas Bee</i> .
<i>Benjamin Dennis</i> .	<i>John Barton</i> .
<i>Hugh Durfey</i> .	<i>Richard Fairchild</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:

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, in Page 21.

Clerk. Upon this Indictment they have been arraigned, &c. as in Page 7.

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. Was 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 Evidence any Questions? *Edward Robinson*, will you ask any Questions?

Edw. Robinson. Boatswain, do you not remember 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 see, we consented to take, and you had your Share as well as the rest.

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

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

Capt.

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. Was these Goods taken out, as is 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 that 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, alias Cape Inlopen, where Capt. 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 Paterfson, 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.

Attorn.

Attorn. 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 Scot*, *Job Bayley*, *Neal Paterfon*, *John-William Smith*, *Thomas Carman*, and *John Thomas*, Guilty.

Then the Court proceeded to arraign *William Morrison*, *William Livers* alias *Evis*, *Samuel Booth*, *William Hewet*, *John Levit*, *William Eddy* alias *Nedy*, *Alexander Annand*, *George Rofs*, *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 in Page 21.)

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

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

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

Timothy Bellamy, Foreman, &c. (as in Page 22.)

Ign. Pell, one of the Witnesses against the Prisoners, 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.

Attorn. 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. Was 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. *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 their sharing Capt. *Read's* Goods at *Cape Fear*; and particularly how *Nichols* behaved himself.

Capt. Manwareing. 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.

Capt. *Manwareing*. What I can say, 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. *Manwareing*. 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. *Rhett*, 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. *Manwareing'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*, was these Goods taken out of you, as is mentioned in the Indictment? (That Part of the Indictment read.) Was 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. *Manwareing* 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 *Manwareing's* Sloop.

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

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

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

Griffin. Yes, Sir.

Judge *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.

Cl. *William Liver's* alias *Evis*, what have you to say?

Evis. Nothing more.

Cl. *Samuel Booth*.

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

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

Booth. I thought to have had better Business there.

Cl. John Levit, William Eddy alias Nedy, Alexander Annand.

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?

Cl. 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*.

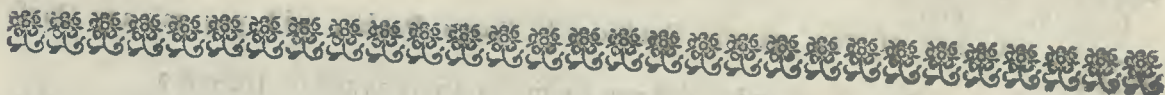
Attor. Gen. Please your Honours, and you Gentlemen of the Jury, I think it appears from the Evidence, that *Nichols* was under Constraint, and forced. As for *Dunkin*, and the rest, they all took their Shares at *Cape Fear*.

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*. As for *Nichols*, *Pell* says that he was not joined to the Company, and as for his Share they might do what they pleased, for he hoped he should not be with them long: and when Maj. *Bonnet* sent for him on board, he refused to fight Col. *Rhett*; and if another had not been killed, Maj. *Bonnet* had blow'd 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 Maj. *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 Maj. *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 Shares, and was as the rest were. And Capt. *Manwareing* says, that he complain'd 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 an 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 alias Evis, Samuel Booth, William Hewer, William Eddy alias Nedy, Alexander Annand, 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 alias Rattle, James Mullet alias 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 in Pag. 21.

To which Indictment *John Ridge, Matthew King, Henry Virgin, James Robbins alias Rattle, James Mullet alias 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 Tryal of those that had pleaded Not Guilty, And the Jury were sworn, whose Names are as followeth:

Samuel Prioleau, Foreman.
John Hodgson.
Garrat Vanvelsin.
Lucas Stoutenburgh.
Joshua Mariner.
Thomas Fairchild.

Henry Genelac.
Benjamin Griffin.
Charles Marche.
John Grimbail.
Nicholas Stephens.
William Harvey.

The

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. See Pag. 22.
 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* alias *Rattle*, who upon a former Indictment for taking *Capt. Manwareing*, was acquitted. See Pag. 21.

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

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

Judge 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.

Judge 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 behav'd himself.

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

Judge Trott. Did he receive his Share?

Manwareing. 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.

Judge 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.

Judge 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.

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

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

Judge Trott. But you was one of the Company.

Robbins. I never consented to take out the Goods.

Judge 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* alias *Rattle*, *James Mullet* alias *Millet*, *John Lopez*, and *Zachariah Long*, Guilty.



THE Court then delivered a Bill of Indictment to the Grand Jury, against *John Brierly* alias *Timber-head*, *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, for feloniously and piratically entring the Sloop *Francis* belonging to *Capt. Peter Manwareing* 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 entring 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

Then the Court proceeded to arraign the said *John Brierly* alias *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 Brierly alias *Timber-head*, late of *Bath-Town* in *North Carolina*, Mariner; *Robert Boyd*, late of *Bath-Town* aforesaid, 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, &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 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 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, in the Peace of God, and our 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 Fear*, about half a mile distant from the Shore, in the Latitude of thirty-four, and within the Jurisdiction aforesaid, 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 aforesaid unknown) then and there upon the high Sea aforesaid, in the Place aforesaid called *Cape Fear*, about half a mile distant from the Shore, in the Latitude of thirty-four, 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 Sloop aforesaid; and from their Custody and Possession, then and there upon the high Sea aforesaid, and in the Place aforesaid, called *Cape Fear*, about half a mile distant from the Shore, in the Latitude of thirty-four, or thereabouts, as aforesaid, and within the Jurisdiction aforesaid, 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 Tryal.

The Jurors were sworn, whose Names were as followeth.

Timothy Bellamy, Foreman.
George Duckett.
John Rivers.
William Sheriffe.
Benjamin Dennis.
Hugh Durfey.

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

Then the Witnesses were ordered to be called.

Cl. 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*.

Judge *Trott*. You took them first, did you not?

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

Judge *Trott*. From whence did they come?

Ig. *Pell*. From *North Carolina*.

Attor. 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.

Judge *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.

[Attor.]

Attor. Gen. Was 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.

Judge Trott. Nor you cannot say positively there was?

Ig. Pell. No.

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

Ig. Pell. I can say nothing to him.

Cl. 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.

Cl. Robert Boyd, will you ask any Questions?

Boyd. No, Sir.

Cl. Rowland Sharp, will you?

Sharp. No, Sir.

Cl. 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.

Attor. 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.

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

Capt. Read. Yes.

Judge Trott. How did he behave himself when *Maj. Bonnet* sent for him on board to fight *Col. Rhett*?

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 *Maj. Bonnet* to fight *Col. Rhett*.

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

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

Judge Trott. That day they engaged *Col. Rhett*, was he on board your Sloop?

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

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

Capt. Read. I can say nothing of him.

Attor. 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.

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

Capt. Read. Yes, Sir.

Judge 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.

Cl. 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 *Maj. Bonnet* should go to the Northward, to be revenged on some at the *Hore-kills*, for some Offence they had given him there.

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

Griffin. Yes.

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

Griffin. He was on board of us some time; and when *Maj. 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.

I

Mr.

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

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.

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

Manwareing. Some time after he came to *Cape Fear*, and Maj. *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 Maj. *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 would 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*, and 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 ordered on board Capt. *Manwareing*, and there I worked ; but I never bore Arms, nor did not fight Col. *Rhett* :

Cl. *Rowland Sharp*, what have you to say ?

Sharp. After I was taken, I went on shore, and travell'd 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 carry'd us aboard the *Revenge* ; and Maj. *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 Maj. *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 all of that Colour, if I 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

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.

Attorn. 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 was 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 tho 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 he 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 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 better been made a Slave than go a pirating: But Capt. *Manwareing* 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 consider'd of their Verdict returned, and found *John Brierly* alias *Timberhead*, and *Robert Boyd*, Guilty; *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, Not Guilty.

Then the Court adjourn'd till Tuesday Morning.



Tuesday, November the Fourth, 1718.

The Court met according to Adjournment.



HEN the Court proceeded to arraign the said *John Brierly* alias *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* alias *Timberhead*, late of *Bath-Town* in *North-Carolina*, Mariner; *Robert Boyd*, late of *Bath-Town* aforesaid, Mariner; *Rowland Sharp*, late of *Bath-Town* aforesaid, 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 aforesaid 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 aforesaid are unknown) in the same Sloop, in the Peace of God, and of our now Sovereign Lord the King, then and there being; piratically and feloniously did put the aforesaid *Thomas Read*, and other his Mariners

of

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*, about half a Mile distant from the Shore, in the Latitude of Thirty four, and within the Jurisdiction aforesaid, 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 Teirces 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 aforesaid unknown) then and there, upon the High Sea aforesaid, in the aforesaid Place called *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of Thirty four, or thereabouts, as 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 of the Sloop aforesaid; and from their Custody and Possession, then and there, upon the High-Sea aforesaid, in the Place aforesaid, called *Cape Fear*, about half a Mile distant from the Shore, in the Latitude of Thirty four, or thereabouts, as aforesaid, and within the Jurisdiction aforesaid, 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 Tryal.

The Jurors were sworn, whose Names are as followeth :

<i>Samuel Prioleau</i> , Foreman.	<i>Henry Genelac</i> .
<i>John Hodgson</i> .	<i>John Ballentine</i> .
<i>Garrat Vanvelsin</i> .	<i>Charles Marche</i> .
<i>Lucas Stotenborough</i> .	<i>John Grimball</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*.

Ign. Pell. As for *Brierly*, he soon united himself to the Company; and when we engaged Colonel *Rhett*, 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 Maj. *Bonnet* sent for him on board the *Revenge*, to fight Colonel *Rhett*.

Judge *Trott*. And did he fight?

Ign. 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?

Ign. Pell. To look after the Sloop, I suppose.

Attorn. Gen. Had he his Arms ready when you engaged Col. *Rhett*?

Ign. 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 Col. *Rhett*.

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

No Questions asked by the Prisoners.

Mr. *Hepworth*. We proceed to call another Evidence.

Capt. *Peter Manwareing* sworn.

Mr. *Hepworth*. Capt. *Manwareing* give an Account of the Prisoners, of their fighting Colonel *Rhett*, 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. *Rhett*. But as for *Boyd*, I took him to be a Prisoner for some time.

Capt. *Manwareing*'s Evidence concerning *Sharp*, *Clarke*, and *Gerrard*, the same as in the former Tryal. See Page 30.

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

No Questions asked by the Prisoners.

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

James Killing called, and sworn.

Mr. *Hepworth*. Give an Account of the Prisoners at the Bar; and first of *Brierly* and *Boyd*.

Killing.

Killing. As for *Boyd*, he was on board *Capt. Read* after we came to *Cape Fear*, till they were sent for to fight *Colonel Rhett*; 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.

Attorn. Gen. Was 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 Tryal. See Page 30.

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

No Questions asked by the Prisoners.

Mr. Hepworth. We call another Evidence.

Capt. Thomas Read called, 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 discover'd, 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 him.

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, Page 29.

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

None of the Prisoners asked 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 your self 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 *Maj. 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 nothing more. And when *Maj. Bonnet* sent for all on board to fight *Colonel Rhett*, it should be 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.

Attorn. 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*, tho 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. Rhett*. 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. Rhett*. 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 considered of their Verdict, return'd, and found *John Brierly* alias *Timberhead*, Guilty; *Robert Boyd*, *Rowland Sharp*, *Jonathan Clarke*, and *Thomas Gerrard*, Not Guilty.

Then the Court adjourn'd till Wednesday Morning.

Wednesday,

Wednesday, November the Fifth, 1718.

The Court met according to Adjournment.

THEN 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 alias 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 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.

Judge Trott. **Y**OU the Prisoners at the Bar, 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, stand here convicted of Piracy.

You have been indicted but for two Acts of Piracy; but you know upon the Tryals 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 acknowledge that you have all of you had a fair and indifferent Tryal.

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 Indictments were so fully proved against you, tho' most of you pleaded Not Guilty for Form-sake, yet in the open Court, upon your Tryals, most of you acknowledged 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 acknowledge the same. So that there is not any of you that can complain of any Hardships at your Tryals.

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; and which 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 that 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 that 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 this 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.

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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 that 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, so that it cannot pass it? and tho the Waves thereof toss themselves, yet can they not prevail; tho they roar, yet can they not pass over it;* Jer. 5. ver. 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. ver. 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. ver. 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 that 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* that 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. & *ch.* 10. v. 23. and say in your Hearts, God hath forgotten, he hideth his Face, he will never see it, *Psal.* 10. v. 11. 94. v. 7. 64. v. 5. & *Job* 22. v. 13. yet now that you see that God's Hand hath reached you, and his *Power* hath brought you to publick Justice; I hope your present unhappy Condition hath had the 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 that 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 that 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
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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 get 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,* Joh. 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. 11. 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 to save that which was lost,* Luk. 19. v. 10. *Matth. 18. v. 11.* And hath promised, *that he that cometh unto him, he will in no wise cast out,* Joh. 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* that 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 would 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 should 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,

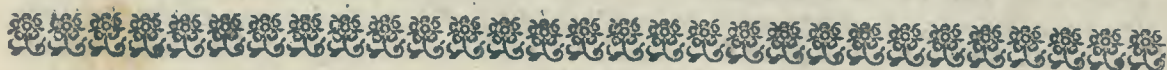
That you the said Robert Tucker, Edward Robinson, Neal Paterfon, William Scot, Job Bayley, John-William Smith, Thomas Carman, John Thomas, William Morrison, William Livers alias Evis, Samuel Booth, William Hewer, John Levit, William Eddy alias Nedy, Alexander Annand, George Ross, George Dunkin, John 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-mentioned 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.

hen the Court proceeded to arraign Stede Bonnet, alias Edwards, alias Thomas, 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 in Pag. 7.

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 in Pag. 21.

To both which Indictments he pleaded *Not Guilty*.

Judge Trott. You are to come upon your Tryal 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 Tryal 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.
George Ducket.
William Sheriff.
Benjamin Dennis.
Jonathan Main.
John Lee.

Thomas Bee.
James Mazyck.
Thomas Lamboll.
Henry Beaton.
Moses Wilson.
Claas Joor.

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, not being 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 by reflecting 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 filled then 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 undiscover'd, he would live and die in the same Course of Life, viz. in Piracy and Robbery.

The Tryal 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 to the last Breath expressed a great

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 *Maj. Bonnet*.

Ign. Pell. It was at the Bay of *Honduras*; but *Capt. Thatch* was Commander in Chief.

Attor. Gen. This I observe was before they went to *Topfail Inlet* at *North Carolina*.

Ign. Pell. Yes, Sir, for when we came to *Topfail-Inlet*, *Robert Tucker* was chose Quarter-Master; 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.

Attor. Gen. Had you no Provisions on board the *Revenge*?

Ign. Pell. Yes, Sir, some Beef, Pork, and Flour.

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 was 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 chase to two Ships belonging to *Glasgow* in *Scotland*, and in the Evening we came up with them, and the other turn'd 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.

Attor. Gen. What do you know of *Capt. Manwareing*?

Ign. Pell. We were at an Anchor near *Cape James* alias *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 return'd with *Capt. Manwareing*; and the next day we haled the Sloop long-side the Scooner which we had taken before, and hoisted out several Hogsheds of Molosses and Rum, and put on board the Canoo, and put some Pitch and Tar on board the Sloop.

Attor. Gen. Who gave you Orders for the doing of that?

Ign. Pell. I cannot tell, Sir.

Attor. Gen. Did you see *Maj. 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 they concluded to go 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 Tryals; 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 that 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?

Attor. 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.

Bonnet. It was contrary to my Inclination.

Mr. Hepworth. We proceed to call another Evidence.

Capt. Peter Manwareing called, 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* alias 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.

Attorn. 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? Was twenty one Hogf-heads of Molosses and the Rum 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 was several that I kept their Shares for; but it was not mine.

Manwareing. It was put away by your Order.

Bonnett. Did you ever here me order any thing out of the Sloop?

Manwareing. Major *Bonnet*, I am sorry you should ask me the 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 my self, 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 Tryals; 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 was taken out?

Killing. Yes, Sir.

Mr. Hepworth. Was the twenty one Hogfheads of Molosses, and the Rum taken out?

Killing. Yes, Sir.

Attorn. 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. Manwareing'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 a board with *Capt. Manwareing*.

Attorn. Gen. Was you on board the *Revenge* when the Dory was sent off?

Capt. Read. Yes, Sir.

Attorn. 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.

Attorn. Gen. Do you know if the Major received his Share?

Capt.

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.

Attorn. 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 you have 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 called, and sworn.

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 Spaniard a privateering.

Mr. Dean. Do you certainly know it was so?

King. It was reported to be so by the Governor.

Attorn. Gen. Did you hear the Governor 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 singly.

Bonnet. May it please your Honours, and the rest of the Gentlemen, though I must confess my self 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. Manwareing, 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 my 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. Manwareing'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. Manwareing 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.

Attorn. 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, who seems to bear a very great Affection to him, yet he tells you that he was Commander in chief among them at the time when Capt. Manwareing was taken. Capt. Manwareing 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. Manwareing'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. Manwareing. 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 forc'd to have such Command. And as for what *James King* says in behalf of

of the Prisoner, That he had his Clearance for *St. Thomas's*, is 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 Manwareing*, for breaking and boarding the said Sloop. The first Evidence, *Ignatius Pell*, through the great Affection he seem'd 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. *Manwareing*, and that he had his Share. Then comes Capt. *Manwareing*, 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 was taken out. And then *Killing* the Mate, he says *Bonnet* was on board when the Goods was 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 Tryals, 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, return'd, 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 Tryal 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 Records, 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. **M**AJOR *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.

M

Altho

Altho you were indicted but for *two* Facts, yet you know that at your Tryal 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 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 authentick, 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. 20. 15.* And the Apostle *St. Paul* expressly affirms, That *Thieves shall not inherit the Kingdom of God*, *1 Cor. 6. 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*, confirm'd by the *Law* of God, That *Who so sheddeth Man's Blood, by Man shall his Blood be shed*, *Gen. 9. 6.*

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 esteemed 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 esteemed 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 *Pleasantness*, and all her Paths are *Peace*, *Prov. 3. 17.*

But what you could not learn from God's Word, by reason of your *carelesly*, 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

see that God's Hand hath reached you, and brought you to publick 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*, Matt. 11. 28. you will esteem that as the most valuable *Knowledge*, that can shew you how you can be reconciled to that Supreme God, that you have so highly offended; and that 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, Matt. 11. 28. for he assures us that he came to seek and to save that which was lost; Luke 19. 10. Matt. 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.



APPENDIX.

The Information of *David Herriot* and *Ignatius Pell*.

The Information of David Herriot and Ignatius Pell Mariners, given to Richard Allen and Thomas Hepworth Esquires, Two of His Majesty's Justices of the Peace for Berkly County, in the Province of South Carolina, against Major Stede Bonnet, Commander of the Sloop Revenge, alias Royal James, and against Robert Tucker Quarter-Master, Edward Robinson Gunner, Thomas Carman, John-William Smith, Neal Paterfon, John Lopez, William Hewet, John Levit, Job Beely alias Bayley, William Scot, Thomas Nichols, John Ridge, Thomas Garrat a Molatto, John Daley, Zachariah Long, Matthew King, James Robbins, Rowland Sharp, Samuel Booth, William Livers alias Evis, John Brierly, William Wallis, Daniel Perry, Henry Virgin, George Ross, George Dunkin, Alexander Annand, William Eddy alias Nedy, William Morrison, John Thomas, James Mullet alias Millet, Thomas Price, Robert Boyd, Jonathan Clarke, and James Wilson, all Mariners, belonging to the said Sloop Revenge, alias the Royal James, under the Command of the said Major Stede Bonnet, the Twenty fourth Day of October, 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. Annoq; Domini 1718.

THE said *David Herriot* and *Ignatius Pell* being duly sworn on the *Holy Evangelists* of Almighty God, depose and say as follow: And *First*, this Deponent, the said *David Herriot*, says, That about the *Twenty second* Day of *March* last he sailed out from *Jamaica* as Master in a Sloop called the *Adventure*, of the Burden of *Eighty* Tons, or thereabouts, whereof *Matthew Taylor*, of the County of *Devon*, Mariner; *John Devine* of *Leyden*, in the Province of *Holland*, Merchant; and *James Roberts* of *Bristol*, Mariner, are Owners; and was bound for the Bay of *Honduras*, chartered by one Major *Daniel Axdell* to one *William Stewart*, of *Honduras* aforesaid. Says, That about the *4th* or *5th* of *April* last this Deponent came into the Bay of *Turneff*, about *ten* Leagues from the Bay of *Honduras*, and there saw a Ship and two Sloops, which this Deponent first apprehended to be Capt. *Wyar*, who came out of *Jamaica* with four other Sloops about a Week before this Deponent, and designed to come to an Anchor there. But soon after he perceiving the said Ship did not belong to the said *Wyar*, this Deponent took them for *Spaniards*, and then tacked about, and then the Ship fired a Gun at this Deponent's Sloop; and the said Sloop *Revenge*, then commanded by one *Richards*, a Pirate, slipped her Cable, and came up to this Deponent with a Black Flag hoisted, and ordered this Deponent to hoist out his Boat, and come on board them, which he did; and then the said Sloop *Revenge* sent five of their Hands in this Deponent's Boat back again to this Deponent's Sloop, and brought this Deponent's Sloop to an Anchor under the Ship's Stern.

Says, That the Ship which this Deponent imagined to belong to Mr. *Wyar*, was a Ship of *forty* Guns mounted, named the *Queen Anne's Revenge*, commanded by one *Edward Thatch*, a Pirate. And says, He then was inform'd by the Pirate Crew, that the said Major *Stede Bonnet*

Bonnet was on board the said *Thatch*; but out of Command, being some time before turn'd out of his Command by the said *Thatch* and the Pirate Crew, as he was inform'd.

And this Deponent further says, That at the time he was taken, as aforesaid, there was another Sloop in their Company, which the said Pirates called their *Prize*; but know not her Name, nor the Master's. And depofes, That at the time he was taken, there were on board the Sloop the *Royal James*, then called the *Revenge*, or the said Ship the *Queen Anne's Revenge*, the following Persons, viz. *Edward Robinson* Gunner, *Neal Paterson*, *John Lopez*, *Job Beely* alias *Bayly*, *William Scot*, *Thomas Nichols*, *Zachariah Long*, *Matthew King*, *William Livers* alias *Evis*, *Daniel Perry*, *Henry Virgin*, *William Eddy* alias *Nedy*, *James Mullet* alias *Millet*, *Thomas Price*, and *James Wilson*; but by reason of their frequent shifting from the said Ship the *Queen Anne's Revenge* to the said Sloop *Revenge*, now the *Royal James*, cannot say properly to which of them they belonged. That about the *Eighth* or *Ninth* Day of *April* aforesaid, the said *Thatch* and *Richards* weighed Anchor from the Key of *Turnest*, and came to Anchor in the Evening of the same Day at *Water-Key*, about a League or two from the Bay of *Honduras*; and the next Morning weighed Anchor, and went into *Honduras-Bay*, where there lay four Sloops, and a Ship named the *Protestant Caesar*, Capt. *Wyar* Commander, from *Jamaica* last, but belonging to *Boston*, as 'twas then reported. Says, That he knows not the Sloops Names; but three of them were commanded by *Jonathan Bernard* of *Jamaica*, Master of one of them, and Owner of three of the said four Sloops. Says, That one of the said Sloops came to descry what they were, and took said *Thatch* and *Richards* for *Spaniards*; but said *Thatch* fired a Gun, and hoisted his Black Flag. Whereupon Capt. *Wyar* and all his Men took to their Boat, and went ashore; and then *Thatch* sent one *Howard*, his Quarter-Master, and eight of his Crew, on board of *Wyar's* Ship; but knows not what they took out of her. And says, That said *Richards* was employed in securing the other four Sloops.

And this Deponent further depofes, That two or three Days after the said *Thatch* and *Richards* set fire to Capt. *Wyar's* Ship, because she belonged to *Boston*, alledging the People of *Boston* had hanged some of the Pirates, and so burnt her. Says, The said *Thatch* burnt one of the four Sloops, because she belonged to Capt. *James* of *Jamaica*; which *James*, as 'twas alledged, had said he would not employ those Sailors in his Service that had accepted of the King's Proclamation; and the other three Sloops, belonging to *Bernard*, they let go. From thence the said *Richards* and *Thatch* with this Deponent's Sloop, mann'd by some of the said Pirates, went to *Turckcill*, and from thence to the *Grand Camania*, being an Island belonging to the *Spaniards*, lying about sixty Leagues to the Westward of *Jamaica*, where they took a small Turtler. From thence they sailed towards the *Havana*, and from thence towards the *Bahama Wrecks*. From the *Bahama Wrecks* they came and lay off the Bar of *Charles-Town* in *South Carolina*, to wit, about the Month of *May* last, for the space of five or six Days; where the said *Thatch* and *Richards* took a Ship commanded by one *Robert Clark*, bound from *Charles-Town* aforesaid to *London*. Says, He has heard by the Pirates there were both Goods and Money taken out of the said *Clark's* Ship, but knows not the Particulars, this Deponent being then on board his own Sloop.

Says, That said *Thatch* and *Richards*, whilst they lay off the Bar of *Charles-Town*, took another Vessel coming out from *Charles-Town*, whose Name or Master cannot remember; and that they, the said *Thatch* and *Richards*, took two *Pinks* coming into *Charles-Town* from *England*; and heard them say they likewise took a *Brigantine* with Negroes, but knows not the Names of the two *Pinks* or *Brigantine*, or the Names of the Commanders, and knows not what they took out of them; and after detaining them some few Days, they let them go again. That said *Thatch* and *Richards* set sail from the Bar of *Charles-Town* with this Deponent's Sloop for *North Carolina*; and this Deponent asked why they detained this Deponent's Sloop? They answer'd, They hoped to meet with the *Laver de Cruse Fleet* some time or other; and that they kept her for a Fireship.

Says, That about six Days after they left the Bar of *Charles-Town*, they arrived at *Topfail-Inlet* in *North Carolina*, having then under their Command the said Ship *Queen Anne's Revenge*, the Sloop commanded by *Richards*, this Deponent's Sloop, commanded by one Capt. *Hands*, one of the said Pirate Crew, and a small empty Sloop which they found near the *Havana*. And this Deponent in the Voyage from *South Carolina* to *North* lost Company, but heard they took one *Mason*; and heard *Thatch* afterwards blame *Richards* for not burning said *Mason's* Vessel, because she belonged to *Boston*. That the next Morning after they had all got safe into *Topfail-Inlet*, except *Thatch*, the said *Thatch's* Ship *Queen Anne's Revenge* run a-ground off of the Bar of *Topfail-Inlet*, and the said *Thatch* sent his Quarter-Master to command this Deponent's Sloop to come to his Assistance; but she run a-ground likewise about Gun-shot from the said *Thatch*, before his said Sloop could come to their Assistance, and both the said *Thatch's* Ship and this Deponent's Sloop were wreck'd; and the said *Thatch* and all the other Sloop's Companies went on board the *Revenge*, afterwards called the *Royal James*, and on board the other Sloop they found empty off the *Havana*.

Says, 'Twas generally believed the said *Thatch* run his Vessel a-ground on purpose to break up the Companies, and to secure what Moneys and Effects he had got for himself and such other of them as he had most Value for. That after the said Ship and this Deponent's Sloop were so cast away, this Deponent requested the said *Thatch* to let him have a Boat, and a few Hands, to go to some inhabited Place in *North Carolina*, or to *Virginia*, there being very few and poor Inhabitants in *Topfail-Inlet*, where they were; and desired the said *Thatch* to make this Deponent some Satisfaction for his said Sloop: Both which said *Thatch* promised to do. But instead thereof, ordered this Deponent, with about sixteen more, to be put on shore on a small Sandy Hill or Bank, a League distant from the Main; on which Place there was no Inhabitant, nor Provisions. Where this Deponent and the rest remained two Nights and one Day, and expected to perish; for that said *Thatch* took away their Boat.

That said *Thatch* having taken what Number of Men he thought fit along with him, he set sail from *Topfail-Inlet* in the small *Spanish* Sloop, about eight Guns mounted, forty White Men, and sixty Negroes, and left the *Revenge* belonging to *Bonnet* there, who sent for this Deponent and Company from the said *Sandy Bank*. And then said Major *Stede Bonnet* re-assumed the Command of his Vessel. And said *Bonnet* informed this Deponent, that his Intentions was to go to *St. Thomas's*, and there take a Commission against the *Spaniards*, hearing there was a War between the *Emperor* and *Spain*; and that he would give this Deponent his Passage thither, but could not pay him any Wages: Which this Deponent gladly accepted of.

That the said Major *Bonnet* being inform'd by a Bomb-Boat that brought Apples and Cyder, that *Thatch* lay at *Ocracock-Inlet* with only eighteen or twenty Hands, he resolved to pursue him, and cruised after him for four Days: But missing him, made to *Virginia*; and standing in with the Land, they met a Pink about ten Leagues to the Southward of *Cape Henry* about July last, whose Name or Master he knows not. And said *Bonnet* ordered the Pink to send their Boat, and come on board them. And the said *Bonnet* took out of her about ten or twelve Barrels of Pork, and about four hundred Weight of Bread.

Says, That several of the said *Bonnet's* Crew went aboard the said Pink: Knows not their particular Names who went on board the Pink; but says, That at the time when they took the said Pink, there belonged to the said *Bonnet* the Mariners following, viz. *Robert Tucker*, *Edward Robinson*, *Job Beely* alias *Bayly*, *William Scot*, *Neal Paterson*, *John Lopez*, *William Livers* alias *Evis*, *James Mullet* alias *Millet*, *James Wilson*, *John-William Smith*, *Thomas Nichols*, *John Ridge*, *William Eddy* alias *Nedy*, *William Hewet*, *Daniel Perry*, *Alexander Annand*, *John Thomas*, *Matthew King*, *Zachariah Long*, *Henry Virgin*, *Samuel Booth*, *Thomas Price*, and *John Robinson*, and eight others, who afterwards run away: All which bore Arms, and all assisted to take the said Pink. But they gave instead of what they took eight or ten Cask of Rice, and one old Cable.

That about the Month of July aforesaid, the said *Bonnet*, and Crew last aforesaid, gave Chace to a Sloop, about two Leagues off of *Cape Henry* aforesaid, of about sixty Tons, Master unknown, and Sloop's Name unknown to this Deponent; and fitted out a Dory after her with five Men, who took her, and brought her to the said *Bonnet*. And the said five Men took out of her two Hogsheads of Rum, one or more Hogsheads of Molosses, and two Negroes, and brought them on board said *Bonnet*.

Says, That said *Bonnet*, and all the Mariners last aforesaid, to wit, *Robert Tucker*, *Edward Robinson*, *Job Beely* alias *Bayley*, *William Scot*, *Neal Paterson*, *John Lopez*, *William Livers* alias *Evis*, *James Mullet* alias *Millet*, *James Wilson*, *John-William Smith*, *Thomas Nichols*, *John Ridge*, *William Eddy* alias *Nedy*, *William Hewet*, *Daniel Perry*, *Alexander Annand*, *John Thomas*, *Matthew King*, *Zachariah Long*, *Henry Virgin*, *Samuel Booth*, *Thomas Price*, and *John Robinson*, were all helping and assisting to take the Sloop last aforesaid; and that eight Men of the said Crew were put on board her, and afterwards run away with her.

Says, That one *William Morrison* was taken out of the Sloop last aforesaid, and continued a Prisoner about four or five Days, and then took on with *Bonnet*, and began to take Arms with the rest at the taking of the two Snows hereafter mentioned, and not before, for that he assisted at the taking the two Snows. Says, That about the same Month of July, as they lay off of *Cape Henry*, the said *Bonnet* and Crew took two Ships bound from *Virginia* for *Glasgow*, whose Names or Masters can't remember, and took about one hundred Weight of Tobacco out of each, and then discharged them.

That about the same Month of July, the said *Bonnet* and Crew took a Sloop bound from *Virginia* to *Bermudas*, about fifty Tons, Master's Name, Sloop's, or Owners, can't remember. And the said *Bonnet* and Crew took out of her twenty Barrels of Pork, some small Quantity of loose Bacon, and gave him again two Barrels of Rice, and a Hogshead of Molosses, and sent her away. That *Robert Tucker*, *Edward Robinson*, *Job Bayley* alias *Beely*, *William Scot*, *Neal Paterson*, *John Lopez*, *William Livers* alias *Evis*, *James Mullet* alias *Millet*, *James Wilson*, *John-William Smith*, *Thomas Nichols*, *John Ridge*, *William Eddy* alias *Nedy*,
William

William Hewet, Daniel Perry, Alexander Annand, John Thomas, Matthew King, Zachariah Long, Henry Virgin, Samuel Booth, Thomas Price, and John Robinson, were then on board the said Bonnet, and bore Arms, and helped and assisted to take the said last mentioned Sloop; and that two Mariners, named Thomas Carman and George Ross, came out of the said last mention'd Bermudas Sloop voluntarily, and that they took on with Bonnet, and bore Arms afterwards amongst the rest. That sometime in the Month of July the said Bonnet and Crew took another Ship, bound from Virginia to Glasgow, can't remember her Name, or the Masters, and took nothing of Value, save only a few Combs, Pins, and Needles; and gave her instead thereof a Barrel of Pork, and two Barrels of Bread.

That about the same Month of July, the said Bonnet and Crew, that is to say, Robert Tucker, Edward Robinson, Job Beely alias Bayley, William Scot, Neal Paterson, John Lopez, William Livers alias Evis, James Mullet alias Millet, James Wilson, John-William Smith, Thomas Nichols, John Ridge, William Eddy alias Nedy, William Hewet, Daniel Perry, Alexander Annand, John Thomas, Matthew King, Zachariah Long, Henry Virgin, Samuel Booth, Thomas Price, John Robinson, Thomas Carman, and George Ross, took a Scooner as they sailed from Virginia to Philadelphia, in the Latitude of Thirty eight North, coming from North Carolina, bound to Boston, about thirty or forty Tons, Name of the Vessel or Master unknown to this Deponent, and took out of her about two dozen Calf-Skins to make Covers for Guns, and kept her about three Days; and that the said William Wallis and John Levit came out of the said Scooner voluntarily, and took on with said Bonnet and Crew, and bore Arms with the rest.

That during the said three Days the said Bonnet and Crew, that is to say, Robert Tucker, Edward Robinson, Job Beely alias Bayley, William Scot, Neal Paterson, John Lopez, William Livers alias Evis, James Mullet alias Millet, James Wilson, John-William Smith, Thomas Nichols, John Ridge, William Eddy alias Nedy, William Hewet, Daniel Perry, Alexander Annand, John Thomas, Matthew King, Zachariah Long, Henry Virgin, Samuel Booth, Thomas Price, John Robinson, Thomas Carman, George Ross, William Wallis, and Joseph Levit, took two Snows off Delaware Bay, thirty nine Degrees North-Latitude, near Philadelphia, of the Burden of about ninety Tons, each bound from Philadelphia to Bristol, Snows Names and Masters knows not. Believes there was Money and Goods taken out of the said Snows, but knows nothing of the Particulars. Detain'd them about a Day, and dismissed them. That at the same time the said Bonnet and Crew took a Sloop of the Burden of sixty Tons, bound from Philadelphia to Barbadoes, Names of Vessel or Master unknown. Knows not whether they took Goods out of her, or not; dismiss'd her with the Snows. But says, That George Dunkin, came out of said last mentioned Sloop voluntarily, at the same time when Read was taken, as hereafter mentioned, and took on with said Bonnet, and bore Arms amongst the rest at the taking of Manwareing and Dalton, hereafter mention'd. That during those three Days in the Month of July aforesaid, to wit, about the 28th, 29th, or 30th of the same Month, the said Bonnet and Crew took a Sloop, Burden of fifty or sixty Tons, commanded by Capt. Thomas Read, as they lay off of Delaware-Bay, about six or seven Leagues, bound from Philadelphia to Barbadoes, loaden with Provisions, and put four or five Hands of the said Bonnet's Crew on board her. That about the last Day of July, the said Bonnet and Crew, as they lay at the Hore-Kills in Delaware-Bay aforesaid, off Cape Inlopen, took a Sloop about the Burden of sixty Tons, commanded by Peter Manwareing, bound from Antegoa to Philadelphia, loaden chiefly with Rum, Molosses, and Sugar: The said Bonnet and Crew took Molosses out of her, and put it on board the said Scooner; but knows not the Particulars, because he lay at a distance.

That the next Day the said Bonnet and Crew sailed out of Delaware-Bay, and carried said Read's and Manwareing's Sloops along with them; and about the 12th Day of August they came into Cape Fear River, in order to repair their Sloop the Revenge alias Royal James, which was very leaky, and stayed there till about the 29th of September following, waiting till the Time of Hurrican Weather was over, being bound for St. Thomas's next.

That at the time of taking the said Sloops belonging to Read and Manwareing, there were on board the Sloop Revenge alias Royal James, or on board the said Scooner, the said Major Stede Bonnet, Robert Tucker Quarter-Master, Edward Robinson Gunner, Thomas Carman, John-William Smith, Neal Paterson, John Lopez, William Hewet, John Levit, Job Beely alias Bayley, William Scot, Thomas Nichols, John Ridge, Zachariah Long, Matthew King, James Robbins, Samuel Booth, William Livers alias Evis, William Wallis, Daniel Perry, Henry Virgin, George Ross, Alexander Annand, William Eddy alias Nedy, William Morrison, John Thomas, James Mullet alias Millet, Thomas Price, James Wilson; but that George Dunkin was only at the taking of Manwareing and Dalton.

That all the said Crew bore Arms freely and voluntarily, and were all consenting and assisting in taking the said two Sloops belonging to the said Read and Manwareing, except the said George Dunkin, who was only at the taking of Manwareing and Dalton, and then bore Arms likewise amongst the rest. And as the said last mentioned Sloops lay in Cape Fear, said Bonnet, and all or the greatest part of his Crew, were on board said Read and

and *Manwareing's* Sloops; and said *Read* and *Manwareing* were detain'd by the said *Bonnet* and his Crew in *Cape Fear River* afore said, for the space of *six* or *eight* Weeks. That there were several Parcels of Goods taken by the said *Bonnet* and his Crew both out of *Read* and *Manwareing's* Sloops, but cannot tell the Particulars. That whilst the said *Bonnet* and Crew lay in *Cape Fear River*, the said *Bonnet* and Crew took a little Shallop of about *six* Tons, belonging to one *Dalton*, and ripped her up to mend the *Revenge* alias the *Royal James*.

That about the 27th Day of *September* last, the said *Bonnet* and Crew, as they lay in *Cape Fear River*, were attacked by two Sloops, under the Command of Colonel *William Rhett*, who were fitted out by the Government of *South Carolina* to take Pirates, as he has heard; and after a Fight of *six* Hours, the said *Bonnet* and Crew surrendered themselves under certain Terms, which are now in the Pirate Prisoners Custody, to which he refers himself.

Says, That at the time of the Engagement with the Sloops under the Command of Colonel *William Rhett*, there were belonging to the said Sloop the *Royal James*, the said Major *Stede Bonnet* Commander, *Robert Tucker*, *Edward Robinson*, *Thomas Carman*, *John-William Smith*, *Neal Paterson*, *John Lopez*, *William Hewet*, *John Levit*, *Job Beely* alias *Bayley*, *William Scot*, *John Ridge*, *Zachariah Long*, *Matthew King*, *James Robbins*, *Samuel Booth*, *William Livers* alias *Evis*, *William Wallis*, *Daniel Perry*, *Henry Virgin*, *George Ross*, *George Dunkin*, *Alexander Annand*, *William Eddy* alias *Nedy*, *William Morrison*, *John Thomas*, *James Mullet* alias *Millet*, *Thomas Price*, and *James Wilson*; but says, That *Thomas Nichols* would not bear Arms at the time of the said Engagement, but went down in the Hole all the time, and was very uneasy about two Months before, and wanted to quit the *Revenge*.

And this Deponent further says, That at the time of the Engagement there were likewise on board the said *Revenge* alias *Royal James*, those five several other Persons which were not concerned in the taking any of the Vessels before mentioned, viz. *Thomas Gerrat* a Molatto, which was one of the said *Manwareing's* Mariners; *Rowland Sharp*, which came from *North Carolina* in a Perriager; *John Brierly*, which came in a Boat from *North Carolina*; *Robert Boyd*, who came with *Brierly* from *North Carolina*, and *Jonathan Clarke*, which came out of Mr. *Dalton's* Sloop; which said five Persons, viz. *Garrat*, *Sharp*, *Brierly*, *Boyd*, and *Clarke*, all bore Arms voluntarily at the time of the said Engagement. Says, The last five mentioned Persons were taken at first, but bore Arms freely afterwards in the said Engagement. And says, That *John Dalton* never bore Arms at the time of the Engagement, nor no other time; nor was the said *Dalton* concerned in any Act of Piracy whatsoever, to this Deponent's knowledge.

And this Deponent *Ignatius Pell* deposes, That all and singular the Matters and Things herein before deposed by the said *David Herriot* are true, in such manner and sort as the same are above declared to be done and transacted from the 4th or 5th of *April* last; with these additional Circumstances, That the said *Bonnet* and Crew took out of the *Pink* they met as they came from *Topfail-Inlet* an Anchor and Cable; and that said *Thatch* took out of the *Brigantine* he took off the Bar of *Charles-Town* fourteen Negroes; and that he heard *Thatch* tell the Commander of the said *Brigantine*, That he had got a Baker's Dozen.

That there were a Cable and about twenty one Hogsheads of Molosses taken by said *Bonnet* and Crew out of said *Manwareing's* Sloop while they in *Delaware-Bay*, and some Rum and other Provisions, as the said *Bonnet* and Crew wanted them. Says, The said *Bonnet* and Crew took out of the said *Read's* Sloop, while she lay in *Cape Fear River*, several Barrels of Pork and Flower, and other Provisions, but knows not the Particulars; as also said *Read's* Square-Sail, and Topfail, and his Chain-Plates.

Says, The said *Bonnet's* Crew, about three Days before they came to *Cape Fear*, shared about ten or eleven Pounds Sterling each Man, which is all the Money they shared.

Says, He heard by the Pirate Crew aboard *Thatch*, that *Thatch* took out of the Vessels that were taken off of the Bar of *South Carolina*, in Gold and Silver, to the Value of one thousand Pounds Sterling Money; and by others of them, to the Value of fifteen hundred Pounds Sterling Money: But that when *Thatch* broke up the Company, and before they came to any Share of what was taken by *Thatch*, *Thatch* took all away with him.

Sworn before us,

RICHARD ALLEIN.

THOMAS HEPWORTH.

The

The Information of Capt. *Peter Manwareing*.

October the 22d, 1718.



HE Information of *Peter Manwareing*, Commander of the Sloop *Francis*, of *Antegoa*, and *New London*, whereof are Owners *John Haddon* and himself, Burden *thirty five* Tons, or thereabouts.

That being bound from the Island of *Antegoa* to *Philadelphia*, on or about the last Day of *July* last past, he anchored at *Cape James* about Nine a-clock at Night, seeing three Sail of Vessels at Anchor within the said Cape. In about an Hour after a *Canoo* with five Hands in her came near the Sloop; and being hailed by this Informer what Boat that was, said they belong'd to Capt. *Thomas* from *St. Thomas's*. This Informer asked what the other two Vessels were? They answered, Capt. *Read* from *Barbadoes*, and a *Scooner* from *North Carolina*. Who is Commander? They answered, Capt. *Yates*. And coming to the said Sloop, came on board, and told this Informer they were their Prisoners; being well arm'd with Guns, Swords, and Pistols. And this Informer having no Arms, desired they would give them good Quarters. Yes, they replied, provided you are civil; and then enquired what he had on board, and from whence he came. This Informer replied from *Antegoa*, and laden with Rum, Molosses, Sugar, Cotton, and Indigo. They ordered this Informer, with two of his Men, to go on board the *Canoo*, in order to go on board the *Royal James*, Major *Stede Bonnet* Commander, who went by the Name of Capt. *Thomas*, leaving four Men on board: And when this Informer came on board, he delivered his Certificate to the said Major *Stede Bonnet*, who read the same, and then delivered the same again; where this Informer was confined.

The next Morning they brought this Deponent's Sloop to the rest of the Vessels, and haled on board the *Scooner*, and unladed from this said Deponent's Sloop twenty three Hogsheads of Molosses. The 1st Day of *August* at Night they sailed from thence to *Cape Fear*, where they arrived the twelfth Day; and there this Informer remained till Col. *Rhett* came up with them: And during which time the said *Bonnet* and the Pirates went from Vessel to Vessel, taking what they pleased.

The Goods which this Informer had on board his said Sloop was twenty six Hogsheads of Rum, three Teirces, and three Barrels; twenty five Hogsheads and Teirces of Molosses; three Teirces and three Barrels of Sugar; two Pockets of Cotton, and two Bags of Indigo; and out of a small Trunk of this Informer's, they took nineteen Pistoles, two Half-Moidores of Gold, fourteen Crowns, and a Silver Watch of seven Guineas Price, and one Pair of Silver Buckles of twenty five Shillings, *Boston* Money. The twenty six Hogsheads of Rum, three Teirces, and three Barrels, being of the Value of two hundred sixty three Pounds six Shillings and eight Pence, *Barbadoes* Money; twenty five Hogsheads and Teirces of Molosses, of the Value of one hundred and thirty eight Pounds thirteen Shillings and eight Pence, *Antegoa* Money; three Teirces and three Barrels of Sugar, of the Value of thirty three Pounds, *Antegoa* Money; two Pockets of Cotton, and about sixty Pound of Indigo, Value twelve Pounds *Antegoa* Money; and one new Cable, of the Value of fifty Pounds *Barbadoes* Money.

Sworn before me,
THOMAS HEPWORTH.

Peter Manwareing.

The Affidavit of Capt. Peter Manwareing.

Peter Manwareing, now of Charles-Town in the Province of South Carolina, Mariner, and Master or Commander of the Sloop *Francis*, now at Anchor in the Harbour of Charles-Town aforesaid, being duly sworn on the Holy Evangelists, maketh Oath, That he this Deponent being Commander of the said Sloop, and bound from Antegoa to Philadelphia, as he was near Cape James alias Cape Inlopen, on the last Day of July last past, he was taken by a Pirate named Major Stede Bonnet alias Capt. Edwards, alias Capt. Thomas, then Commander of a Pirate Sloop called the *Revenge* alias the *Royal James*, and put on board the Pirate Sloop. And this Deponent further saith, That on the next Day, being the 1st Day of August last, the said Bonnet sent his Boat with five Men in her arm'd, to put Dr. Reeve's Wife and Capt. Read's Son ashore at the Hore-Kills alias Port-Lewis: And the said Bonnet, at the same time of sending off his Boat, told Capt. Read's Son in this Deponent's hearing, That if any of the Inhabitants offer'd to hurt the Hair of the Head of any Person belonging to his said Bonnet's Crew, he the said Bonnet would put to death and destroy all the Prisoners he had on board, and would also go ashore and burn the whole Town.

And this Deponent further saith, That on the 2nd Day of September last, the said Bonnet sent for this Deponent from his own Sloop on board of the Pirate Sloop, and then shewed unto this Deponent a Letter which said Bonnet had wrote, and read it to this Deponent; and further told this Deponent, That in case the Vessels which then appeared (and afterwards proved to be two Sloops under the Command of Colonel William Rhett, sent by the Honourable the Governour of South Carolina against Pirates) were sent from South Carolina to fight or attack them, and he got clear off, then he the said Bonnet would send that Letter to the Governor of South Carolina.

And this Deponent further saith, That the Substance of that Letter, according to the best of his Remembrance, did contain in effect, That he the said Bonnet would burn and destroy all Vessels going in or coming out of South Carolina:

And further this Deponent saith, That he this Deponent attended the Court of Vice-Admiralty Sessions this Day as an Evidence for the King against the said Bonnet, and did then design to disclose the same to the Honourable the Bench, and to the Jury: But the said Bonnet retracting his former Plea [*Not Guilty*,] pleaded *de novo* [*Guilty*,] whereby he this Deponent was deprived of the opportunity of alledging it there, it being entirely out of this Deponent's Mind yesterday, otherwise he would then have told the same. And further this Deponent saith not at this time.

Sworn before us, this 11th of Nov.

Ann. Dom. 1718.

WILLIAM RHETT.

THOMAS HERWORTH.

Peter Manwareing.

F I N I S.



